


SCS #9010

T.F. Torrance

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L E C T O R I,

D E L I B R O.

*Ter Numerus Ternus, bis felix; Tu quoque felix,
Has Regum Leges saepe legendo Novem:
Hic, Majestati dira est exosa Tyrannis;
Justitiae hic sacrae, Vis cadit ante pedes.*

R. Ja. I.

*Proditus a Patruo, Captivus, deinde Redemptus;
Oppida, Sacra, Scholas, Justitiamque colo.*

R. Ja. II.

*Pro Patria pugnavi, Patriae dum consulo honori;
ROSBURGUM Patriae, Sanguine reddo meo.*

R. Ja. III.

*Cingula cum Nati cernes, offendere Noli
Sive Patrem, Dominum, seu Patriaeque Patrem.*

R. Ja. IV.

*Fata licet FLUIDO docuit Me; Conjuge, Regnum
Anglicenum, Scotis in Pronepote dedi.*

R. Ja. V.

*Justitiae Vindex; ut Nati, juris & aequi
Excolerent artes, Nobile condo Forum.*

MARIA REGINA.

*Tot Soboles Regum, Regnatricis Foemina; Regnum
Connubijs Orno, Roboro; Prole Beo.*

R. Ja. VI.

*Antiquo Sceptro, junxi Diademata trina;
Sub Titulis quatuor, Sextus et Unus E G O.*

R. Car. I.

*Lex, Populus, Proceres, Confessus, Mitra, Corona;
Nomina Chara Mihi, Sanguine Clara Meo.*

R. Car. II.

CAROLUS a CARLO, CHRISTO sic AUSPICE REGNO,
Ut facile agnoscat Plebs, DARE SCEPTRA DEUM.
De Scotorum Regum Insignijs,
Paræneticon.

*Nobilis ecce LEO (Quem Nemo impune Laceravit)
DEFENDIT Sceptrum, MONOCEROTE suo.
Unguibus Alter Atrox, Cornu petit Alter Atroci:
Hic ferit Iratus, Concitus Ille fremit.
LEGIBUS ausculta; Noli irritare LEONEM,
Si sapias: En Illi Mortifer ENSIS adest.*

Perlubenter fundebat

JACOBUS CUNIGAMIVS,
Signato Regio Scriba.



MAJESTY



JUSTICE



JACOBUS VI. D.G. MAG. BRIT. & REX



CAROLUS I. D.G. MAG. BRIT. & REX

THE
Law's & Acts
 of
PARLIAMENT
 Made by
 King JAMES the (I)
 and his
 ROYAL SUCCESSORS
 KINGS of
SCOTLAND



JACOBUS V. REX SCOTORUM



MARIA REG. SCOTORUM

Extracted and Collected
 from the Publick Records.



JACOBUS III. REX SCOTORUM



JACOBUS IV. REX SCOTORUM



JACOBUS I. REX SCOTORUM



JACOBUS II. REX SCOTORUM



THE
LAWS AND ACTS
OF
PARLIAMENT
MADE BY KING JAMES
THE FIRST, SECOND,
THIRD, FOURTH, FIFTH,
QUEEN *MARY*, KING *JAMES* the *Sixth*, KING
CHARLES the *First*, KING *CHARLES* the *Second*
Who now presently Reigns,
KINGS and QUEEN
OF
SCOTLAND.

Collected, and Extracted, from the Public Records of the said Kingdom, by Sir THOMAS MURRAY of Glendook, Knight, and Baronet, Clerk to His Majesty's Council, Register, and Rols, by his Majesty's special warrant.



EDINBURGH,

Printed by DAVID LINDSAY; Anno DOM. MDC. LXXXI.

CUM PRIVILEGIO.

THE ACTS OF PARLIAMENT

IN PARLIAMENT PASSED

IN THE SEVENTH YEAR OF THE REIGN OF

GEORGE THE THIRD

IN THE YEAR 1772



Printed by R. DODD, in the Strand.

T H E
C O N T E N T S
Of the
B O O K.

I.

TH E *Acts of Parliament made by King JAMES the First, Second, Third, Fourth, Fifth, Queen MART, JAMES Sixth, King CHARLES the First, The Submissions, and Surrenders of Teinds, &c. With King CHARLES the First his Decrees arbitral following thereupon, And the Acts of Parliament made by King CHARLES the Second now presently Reigning.*

II.

The Acts of the Conventions of the Kingdom of Scotland, holden in the years 1665, 1667, and 1678.

III.

The Index, or Abridgment of the Acts of Parliament.

IV.

A Chronologie of the Kings of Scotland from the beginning.

V.

The Interpretation of the terms, and difficile words used in the four Books of REGIAM MAJESTATEM, and others, in Infeiments, and practick of this Kingdom.

VI.

A Catalogue of the Books containing the old Lawes written before King JAMES the First, of good memory.



THE PRIVILEGE:

CHARLES by the Grate of God, of Scotland, England, France, and Ireland, King, Defender of the Faith, &c. FOR AS MUCH As Weely Our other Royal Letter of Gift, of the date, At Whitehall, the Ninth day of May, 1679. years, did upon the Acts of Parliament, and Council, and other grounds there in mentioned, Give and Grant, full power, and licence, To Sir Thomas Murray of Glendook, Knight, and Baronet, Clerk of Our Council, Register, and Role, his Heires, Executors, and Assignees, to cause the whole Acts, Laws, Constitutions, and Ordinances of Parliament of the Kingdom of Scotland, both Old and New, now being in force: And likewise the whole Tans, Acts, and Constitutions of the two Parliaments, and Acts of the three Conventions of Estates, holden by Us since Our happy resurrection, to be re-imprinted by whatsoever Printer within the said Kingdom of Scotland, or elswhere, it shall please him, or them, to nominate for that effect: Together with these Surrenders, and Sentences following thereupon, mentioned in the said Gift: With the Treatise entituled De Verborum Significatione, And the Chronologie of the whole Kings of Scotland, until Our present Reign, and to compleat the Index of the whole Acts of Parliament, and to cause print the same, together with the whole Acts of Parliament, concerning the Constitution, and Election of the Lords of Articles, dated 18. June, 1663. which Act is to be first insert in that Session of Parliament, and added to the Index of the printed Acts: Together also with Our Letter to the Parliament, anent Billetting, dated 4. June, 1663. and the Commission granted by the Parliament for trying the contrivance, and carrying on the Billetting, dated 26. June, 1663. With a Letter from the Parliament to Us concerning the Billetting, 28. July, 1663. With full power to the said Sir Thomas Murray, and his forefairs, after the reprinting thereof, to sell and distribute, and cause the same be sold, and distributed throughout the whole Kingdom of Scotland, to the effect they may the better come to us, to the knowledge of all the Leiges, DISCHARGING hereby all the Leiges and Subjects, that none of them upon any pretence whatsoever, presume, nor take upon hand, to imprint, sell, buy, or cause the same in whole, or in part, or Compend thereof, to be imprinted sold or bought, within the said Kingdom of Scotland or without the same, without the special consent and licence of the said Sir Thomas Murray, and his forefairs, enduring the space of Nineteen years, after the day and date of the forefairs Gift, under the pain of Escheating the same to the said Sir Thomas Murray, and his forefairs, and paying to him, or them, the sum of Five hundred pounds Scots money, to be taken up by them, to their utility, and profit, from each one of the Contravenors of this Privilege, Inhibition, Licence, and Discharge, as oft as it shall happen them, or any of them, to break and contravene the same, during the space forefairs. As the said Letter of Gift of the date forefairs in it selfe more fully bears. AND SEING That the said Sir Thomas Murray hath now agreed with David Lindsay Merchant in Edinburgh, to be Undertaker of the reprinting of the saids Laws and Acts, and others above specified, and with John Cairns Printer for re-printing thereof; And for that end hath given to them his consent and licence, conform to his Assignment made to them of the forefairs Right, and Gift, and of the power and liberty therein contained: At the Towne of Edinburgh, the 10. day of the date the forefairs last by past bears. THEREFORE, WEE not only have Ratified and Approven, and by this presents Ratifies, Approves, and Confirms, the forefairs Consent, Licence, and Agreement, made and past betwixt the said Sir Thomas Murray, and the said David Lindsay, and John Cairns Printer: BUT ALSO for their farther encouragement, and better assurance, have of new again Given and Granted, and by the Tenour hereof Given and Grants, full power and licence, to the said David Lindsay, and the said John Cairns Printer, Undertaker and Printer above-named, and their Heirs, Executors and Assignees, to cause be re-printed, and to re-print, the forefairs whole Acts, Laws, Constitutions, and Ordinances of Parliament of the said Kingdom of Scotland, both Old and New, now being in force: And likewise, the whole Laws, Acts, Constitutions, and Ordinances, of the two Parliaments, and Acts of the three Conventions of Estates, holden by Us since Our happy resurrection; Together, with the forefairs Surrenders, and Sentences following thereupon; With the forefairs Index of the whole Acts of Parliament, and to insert in the said Index, the quotations of the parallell Acts of Parliament, and to print the same in all the copies that are to be re-printed; Together with the Act of Parliament, concerning the Constitution and Election of the Lords of Articles, dated the 18. June, 1663. which Act is to be first insert in that Session of Parliament, and added to the Index of the printed Acts; Together also with Our Letter to the Parliament anent Billetting, dated 4. June, 1663. And the Commission granted by the Parliament, for trying of the contrivance, and carrying on the Act of Billetting, dated 26. June, 1663. With a Letter from the Parliament to Us, concerning the Billetting, dated 28. July, 1663. WITH full power to the said David Lindsay, and the said John Cairns Printer, Undertaker and Printer, after the re-printing of the Premises, to sell and distribute, and cause the same be sold and distributed throughout the whole Kingdom of Scotland, to the effect they may the better come to the knowledge of all the Leiges. DISCHARGING hereby all the Leiges, and Subjects, that none of them upon any pretence whatsoever, presume, nor take upon hand, to imprint, sell, buy, or cause the same in whole, or in part, or Compend thereof, to be imprinted, sold, or bought, within the said Kingdom of Scotland, or without the same, without the special consent, and licence, of the said David Lindsay Undertaker, and the said John Cairns Printer, or their forefairs, enduring the space of Nineteen years, after the day and date of these presents, under the pain of Escheating the same to the fore-named Persons Undertaker and Printer, and their forefairs, and paying to them, the sum of Five Hundred pounds Scots money, to be taken up by them, to their utility and profits, from every one of the Contravenors of this Privilege, Inhibition, Licence, and Discharge, as oft as it shall happen them or any of them, to break and contravene the same, during the space forefairs. WITH CH Letter of Gift, and Privilege granted to the fore-named Persons Undertaker, and Printer, is hereby ordained to be published, and also to be Printed, and set before the Copies of the saids Laws and Acts, and Others above specified to be Re-printed as said is, that none pretend ignorance; GIVEN At Our Court At WHITEHALL, the first day of May, 1680. And of Our Reign the 32. years.

Sealed according to warrant, under His Majesty's Privy Seal, At EDINBURGH the 31. day, of March, 1681.





T O

The Kings most Excellent MAJESTY

CHARLES THE SECOND

*By the Grace of GOD, of SCOTLAND, ENGLAND,
FRANCE, and IRELAND, KING,*

Defender of the Faith, &c.

THE SCOTS LAWS, AND ACTS

OF

PARLIAMENT,

From Seven of your Royal PREDECESSOURS

Together

With the ACTS of your Royal FATHER of blessed Memory,

And

THE LAWS, AND ACTS of PARLIAMENT

Made since your MAJESTIE'S happy Restauration.

Most humbly offereth

Your MAJESTIE'S

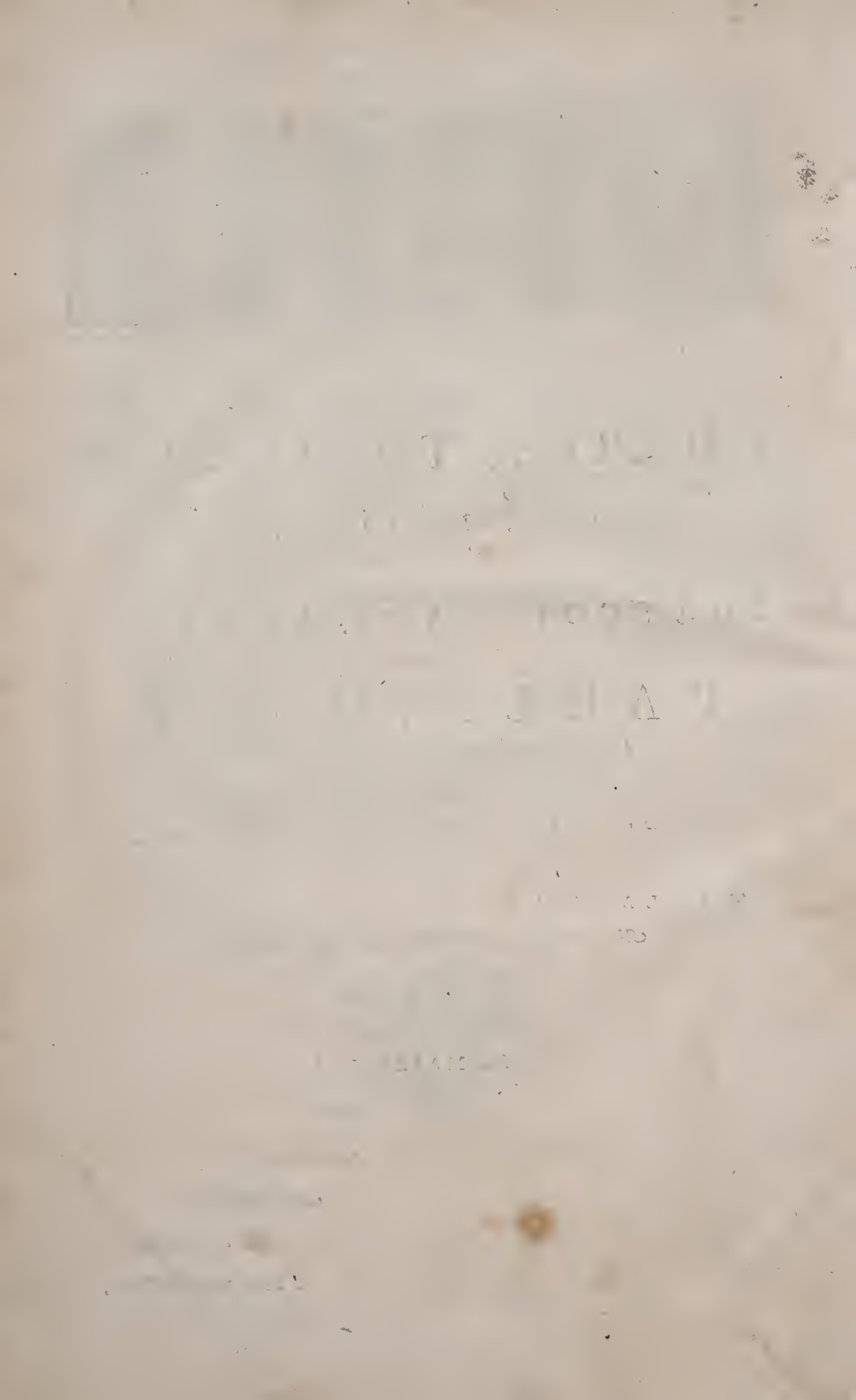
Most dutifull

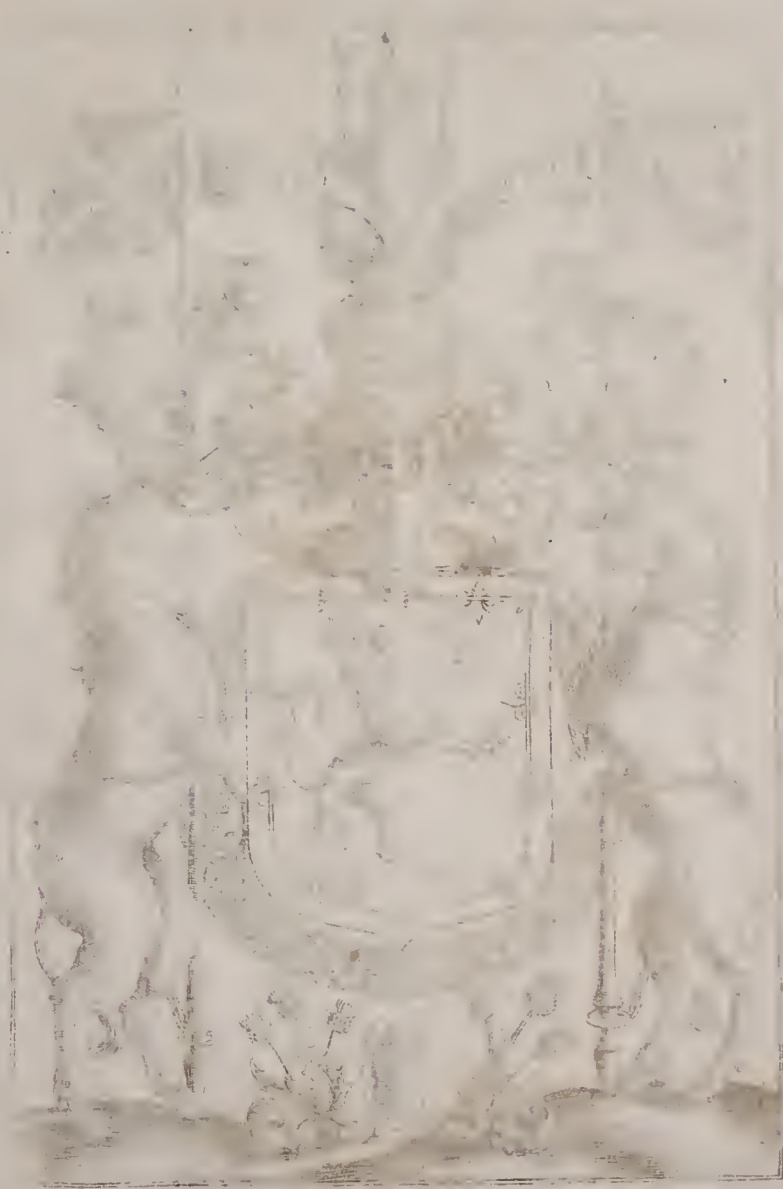
Most humble

And most obedient

Subject and Servant.

THO. MURRAY.











JACOBVS . I . REX . SCOTORVM .



T H E F I R S T
P A R L I A M E N T
O F
K I N G J A M E S T H E F I R S T,

*Halden at Perth the XXVI. Day of Maij: The zeir of God, Ane thousand four hundred
twentie four zeiris: And of his Reigne the nineteene zeir.*

1. *The freedome of the halie Kirke.*



IN THE First to the honour of God and halie Kirk; It is statute and ordained, that the halie Kirke joyis and bruike, and the Ministers of ir, their aulde Priviledges and freedomes. And that na man let them to fet their landes and teindes, under the paine that may follow, be Spiritual Law, or Temporal.

2. *Peace suld be kept within the Realme.*

ITEM, That firme & sicker peace be kept and halden throw all the Realme, and among all and findrie Lieges and subiectes, to our Sovereine Lord the King, and that na man take on hand in time to cum, to moove or make weir against uther, under all paine that may follow be courfe of commoun Law.

3. *That na man rebel against the Kingis persone.*

ITEM, It is statute and ordained, that na man openlie or notourlie rebel against the Kingis person, under the paine of forefaulting of life, land and gudes.

4. *All men suld assist the King to punissh rebelles.*

ITEM, It is statute and ordained that gif ony disobeyis, till enforce the King against notour rebelles against his persone, quhen they be required be the King, and commanded; they fall be challenged be the King, as favourers of sik rebelles; bot gif they have for them reasonable excusation.

5. *Na man suld travel with maa men, nor be may susteine.*

ITEM, It is statute that na man of what estate, degree or condition he be of, rydand or gangand in the Countrie, lead nor have maa perones with him, nor may suffice him, or till his Estaitte, and for quhom he will make readic payment: And gif onie complaint be of sik ryders or gangers; the King commandis his Officiares of the land, that quhair they happen to be, till arreist them, and put them under sicker burrowes, quhill the King be certified thereof, and send his will what fall be done of sik trespassours.

6. *Of the Ministers of Law within the Reakne, and offices given in heritage.*

ITEM, It is ordained that there be maid officiares and ministers of Law, throw all the Realme, that can, or may halde the Lawe to the Kingis commounes; and sik as hes sufficientie of their awin; quhair throw they may be punished gif they trespassie. And gif onie be infest of sik offices of before, and ar not sufficient

to minister therein in proper persone; that utheris be ordained in their steedes, for the quhilk they that hes fik offices of the King in fee, be halden to answer to him, gif they trespasse.)

7. *Sornares or companies over-byand the Kingis Lieges, suld be arreisted and satisfie the King and partie.*

ITEM, The Parliament statutis, and the King forbiddis; That na companies passe in the Countrie, to lye upon onie the Kingis Lieges: or thig or sojourn horse, outhor on-Kirk-men or husbands of the land. And gif onie complaint be maid of fik trespasours to the Schireffe of the land; that he arreist fik folk, and challenge them, and taxe the Kingis skaith upon them: And gif they be convict of fik trespasse, that they be punished, and finde Burrowes till assyith the King and the partie complainand. And gif fik persones takis ony skaith in the arreisting of them, it fall be impute to them selves. And in case that na complaint be maid to the Schireffe, the Schireffe fall inquire at ilk head court that he haldis, gif onie fik faultoures be within his Schireffedome. And gif onie beis founden, that they be punished, as is before written.

8. *Customes and burrow mailles, ar annexed to the Crown.*

ITEM, It is confented be the hail Parliament, that all the greate and small customes, and burrow-mailles of the Realme, abide and remaine with the King till his living. And gif onie persone makis onie claime till ony part of the said customes, that he schaw to the King quhat he hes for him, and the King fall make him answer with adviement of his Councel.

9. *Of landes and rentes that were our Sovereine Lord the Kingis Predecessours, and schawing of halding.*

ITEM, As anent landes and rentes, the quhilk were of before time OVR SOVERAINE LORDE the Kingis antecessours: It is seene speedful, that the King charge all and findrie Schireffes of his Realme, to gar inquire be the best, eldest and worthiest of their Baillieries, quhat landes, possessiones, or annuall-rentes pertainis to the King, or hes pertein in his antecessours times of gud memorie, *David. 2. Robert 2. & Robert 3.* his Progenitours; & in quhais hands they now be: And that ilk Schireffegar retour be inquest under his seale, and their seales that beis upon it: And gif it likis the King, he may gar summond, all and findrie his tennentes, at lauchful daie and place, to schaw their charters and evidentes, and sa be their haldinges he may perceive quhat pertainis till him.

10. *Of slaying of Salmond inforbidden time.*

ITEM, Quha sa ever be convict of slauchter of Salmonde, in time forbidden be the Lawe, he fall pay fourtie schillings for the unlaw. And at the thrid time, gif he be convict of fik trespasse, he fall tyne his life, or then bye it. And gif onie man be infest to fish in forbidden time, al fik privilegedges fall cease for three zeires to-cum. And gif onie dois the contrair, he fall tine ane hundreth shillings for the unlaw before the Justice: Upon the quhilk trespasse, the justice Clerke fall inquire, at the receiving of the indimentes, as of uther poyntes belangand his office.

11. *Of Cruves, Zaires, and Satterdaies slop.*

ITEM, That all Cruves and zaires set in fresh water, quhair the sea fillis and ebbis, the quhilk destroyis the frie of all fishes, be destroyed and put awaie for ever mair: Not againe standin ony privilegedge and freedom given in the contrarie, under the paine of ane hundreth shillings. And they that hes cruves in fresh waters, that they gar keepe the Lawes, anentes Satterdaies slop; and suffer them not to stande in forbidden time, under the said paine. And that ilk heck of the foresaidis cruves be three inche wide, as the aulde statute requiris.

12. *Mines of Gold and silver pertainis to the King.*

ITEM, Gif onie mine of gold or silver be founden in onie Lordis Landes of the Realme, and it may be proved that three halfe pennies of silver may be fined out of the pound of leade: THE Lordes of Parliament consentis, that fik mine be the Kingis, as is usuall of uther Realmes.

13. *That na Clerkes passe over the Sea, but the Kingis licence.*

ITEM, It is statute be the hail Parliament, and be the King forbidden, that na Clerke passe, nor send procuratour for him over Sea, but leaue of our Lord the King asked and obteined.

14. *That na clerkes purchase pensiones of Benefices within the Realme.*

ITEM, In likewise it is statute be the haill Parliament, and the King forbiddis, that onie Clerke of his Realme in time to cum, purches onie pension out of onie Benefice secular or Religious, under all paine that he maie tyne against his Majestie: or raise onie pension granted in time bygane in onie maner of waies, under the paines foresaid.

15. *That na man have out of the Realme gold nor silver.*

ITEM, It is statute & ordained, that na man have out of the realm gold nor silver, bot he pay fourtie pennies of ilk pund of custome to the King, under the paine of tinsel of all gold and silver that beis funden with him, and x. pundes to the King for the unlaw.

16. *Of strangers that takis money for their merchandice.*

ITEM, Quhat frangeres that sellis merchandice in the Realme, and takis money theirfoir, he fall have witness of the hoste of his innes, that he ourther wair al sik money for pennie worthes of this land, or els pay the custome foirsaid, under the paine before written.

17. *That na man play at the fute-ball.*

ITEM, It is statute, and the King forbiddis, that na man play at the fute-ball, under the paine of fistic schillings to be raised to the Lord of the land, als oft as he be tainted, or to the Schireffe of the land or his Ministers, gif the Lordes wil not punish sik trespassoures.

18. *That ilk man busk them to be Archeres.*

ITEM, That all men busk them to be Archeres, fra they betwelve zeir of age, and that in ilk ten pundis worth of Lande, their be maid bow markes, and speciallic neir to paroch Kirkes, quhairin upon halie daies men may cum, and at the least schutte thrise about, and have usage of Archerie, and quha fa usis not the said archerie, the Laird of the Land fall raise of him a wedder, and gif the Laird raisis not the said paine, the Kings Schireffe or his Ministers fall raise it to the King.

19. *Of bigging of Ruikes in trees.*

ITEM, For thy that men consideris that Ruikes biggand in Kirks Zairdes, Orchardes, or Trees, I dois greare skaith upon Cornes: It is ordained, that they that sik Trees pertainis to, lette them to big, & suffer on na wise that their birdes flie away. And quhair it be tainted that they big, and the Birdes be flowin, and the nest be funden in the Trees at *Beltane* the trees sal be foirfaulted to the King (bot gif they be redeemed fra him, throw them that they first pertained to) and hewin downe, and five schillings to the Kingis unlaw.

20. *Of Mure-burning.*

ITEM, It is ordained, that na man mak Mure-burning, after the moneth of *Marche*, quhil all Cornes be schorne, under the paine of fourtie schillings, to be raised to the Lord of the lande of the burner. And gif he hes not to pay, that he be prisoned fourtie dayis. And gif the Lord of the land raisis not sik pain, nor punishis not sik trespassoures, as is befoir said, the Justice Clerk be the inditement, fall gar sik trespassoures be corrected befoir the Justice, and punished as said is.

21. *Customs of Horse Nolt, Scheepe, had furth of the Realme, and of Herring.*

ALSWA For thy that mony thinges passis out of the Realme, withouten Custome, it is ordained and decreted that of all Nolt, Horse, and Scheepe had out of the Realme, their be payed to the King twelwe pennies for custome of ilk pund, of the price of the said guds, and of all Herring that are tane within this Realme, that is to say, of ilk thousand of fresche Herring fauld, of the Sellar one penny, and of ilk last of Herring, tane be *Scottis-men* barrelled, foure schillings of ilk last, be frangeris taken, sex schillings. And of ilk thousand red Herring, maid in the Realme, foure pennies.

22. *Customs of Mertrik skinnes, and utber Furringes.*

ITEM, It is ordained, that na man have Mertrik skinnes furth of the Realme, and gif he dois, that he pay to the King two schillings for the Custome of ilk skinne, and for ten Fowmartes skinnes called *Fithawes* ten pennies. Item of ane hundreth Cuning-skinnes twelwe pennies. Item of ilk daker of

Otter skinnes and Tod skinnes, sex pennies. Item for ilke daker of hart and hynde skinnes twelwe pennies. Item of ilk ten Daes and Raes skinnis, foure pennies.

23. *Reformation and mending of the money.*

ITEM, The Parliament hes determined and ordained, that our Lord the King gar mend his money, and gar stryke it in like wecht and finenes to the money of *England*. And this money runnand nowe, to have course quhill the King forbid it. And that the King fall garre strike new money, quhen him lykis, and thinkis it speidful and profitable for the Realme.

24. *Of Hostillaries in Burrowes and through-fares.*

ITEM, It is ordained, that in all Burrow Townes of the Realme, and through-fares, quhair commoun passages are, that their be ordained Hostillares & receipters, havand stables and chalmers. And that men find with them bread and aile, and all uther fude, alswell to horse as men, for reasonable price, after the chaipes of the countrie.

25. *Of the age and marke of Beggers, and of Idle men.*

THE King hes statute be consent of the hail Parliament ripelic advised, that na Thiggeres be thoiled to beg, nouthor to Burgh nor Land-wart, betuixt fourteene and threescore ten zeires. bot they be seene be the councelles of the Tounes, or of the Lande, that they may not winne their living uther waies. And they that salbe thoiled to beg, fall have a certaine takin on them to Land-wart of the Schirreff: And in the Burrowes, they fall have takin of the Alder-men, or of the Baillies. And all uther perfones havand na takins, nouthor of lande, nor of Burgh, salbe charged be open Proclamation, to labour and passe to Craftes, for winning of their living, under the paine of burning on the cheike, and banishing of the Countrie.

F I N I S.

T H E S E C O N D

P A R L I A M E N T

O F

KING JAMES THE FIRST,

Halden at Perth, the twelfth daie of March, the zeir of God, one thousand, foure hundreth, twentie foure zeires; And of his Kirik the nineteen zeire.

26. *Of the freedome of halie Kirk, and of Kirk-landes wrangeouslie annalied.*



N The First, to the honour of God, that the freedome of halie Kirke be kepted throw all the Realme: And gif any landes or possessions of halie Kirke be wrangeouslie annalied, they sulde be restored againe, be lauchful proceffe of Law.

27. *Reformation of Hospitales.*

ITEM, Anent Hospitales that ar founded of Almous deedes, throw the Kinges, to be uphalden to puir folke, and seik; to be visited be the Chancellor, as they have bene in the Kingis progenitoures times. And they that ar founded be Bishoppes or uther Lords Spiritual or Temporal, to be visited be the Bishop and Ordinars, quhom it effeiris to, and reduce and reforme them to the effect of their first foundation.

28 *Of Hereticques.*

ITEM, Anent Hereticques, that ilk Bishoppe sall garre inquire to the inquisition of Heresie, quhair onie sik beis founden and that they be punished as law of halie Kirk requires. And gif it misteris, that secular power be called, in support and helping of halie Kirk.

29. *The breakers of the actes of Parliament, suld be punished.*

IT is statute and ordained, that the breakers of the actes of Parliament be punished, after the forme and ordinance thereof.

30. *Leagues and bands are forbidden.*

ITEM, It is decreeted be the hail Parliament, and forbidden be our Sovereine Lorde the King, that onie leagues or bandes be maid amongst his Lieges in the Realme: And gif onie hes bene maid in time by-gane, that they be not kepten nor halden in time to cum.

31. *Of selling of Horſe.*

ITEM, It is ordained that na Horſe be fauld out of the Realme, quhill ar the least they be three zeir auld out-gane, under the paine of escheitte of them to the King.

32. *Anent Taulch.*

ITEM, It is ordained that na Taulch be had out of the Realme, under the paine of escheitte of it to the King.

33. *Steallers of greene woodde, of fruite, Cunninges, Dowes, peallers of Trees, Breakers of Orchardes; and destroyers of woodde.*

ITEM, It is ordained, that the justice Clerkes, inquire at the receiving of the inditements, of them that be night steallis greene woodde, or pealis the bark off trees, destroyand wooddes. And quha sa be convict before the justice of sik trespasse, they fall paie fourtie shillings to the King for the unlaw, and assyith the partie skaithed. And als the said Clerke sall inquire of the breaking of mennes Orchardes, steallers of frute, destroyers of Cunningaires and Dowcartes, the quhilkis fall be punished, as it is ordained of the steallers of woodde.

34. *Steallers of Woodde suld be punished in the place quhair the cryme was committed.*

IT is ordained, gif onie man findis his stollen woodde in uthir Lordes landes, he fall gar arreist baith the woodde and the steallers of it, and gar them suffer Law in his Courte, that the woodde was stollen fra, and in nane uthers.

35. *Anent the time within the quhilk Salmound suld nocht be slaine.*

IT IS Ordained be the Parliament, and forbidden be the King, that onie Salmound be slaine, fra the feaste of the Assumption of our *Ladie*, quhill the feaste of *Saint-Andrew*, in Winter, nouthur with Nettes nor Cruves, nor nane uthervaies, under the paine put upon slayers of read fish, quhilk als wa the Justice Clerke fall gar inquire.

36. *Anent stalkers, that slayis Deare, and their mainteiners.*

ITEM, It is ordained, that the Justice Clerke fall inquire of Stalkers, that slayis Deare, that is to say, Harte, Hynde, Dac, and Rae, and the halders and mainteiners of them, And alsoone as onie Stalker may be convict of slaughter of Deare, he fall paie to the King, fourtie shillings: And the halders and mainteiners of them ihall paie ten poundes.

37. *Receipteres of rebelles suld be forefaulted.*

ITEM, It is decreeted and statute, that na man wilfullie fall receipt, mainteine, or do favour to lopen and manifest Rebellaes against the Kingis Majestie, and the commoun Law, under the paine of forefaultour.

38. *How meikle gudes ane Merchand sayling shuld have.*

ITEM, It is statute and ordained, that na Merchand of the Realme passe over the Sea in merchandice, bot he have of his awin proper gudes, or at the least committed till his awin governance, three serplaites of Wooll, or the value of them in uther Merchandice, quhilk fall be kend or he passe, be an inquest of his nichtbours, under the paine of ten pound to the King.

39. *Ilke Craft shuld have ane Deakon.*

ITEM, It is ordained, that in ilke Towne of the Realme, of ilk findrie craft used therein, be chosen a wife man of that craft, and be the laife of that craft, and be consent of the Officiar of the Towne; the quhilk fall be halden Deakon or Maister-man over the laife for the time, to governe and assay all warkes, that beis maid, before the Craftes-men of that craft: Swa that the Kingis Lieges be not defrauded and skaithed in time to cum, as they have bene in time by-gane, throw untrew men of Craftes.

40. *The Custome of Woollen claith, of Salmound and English gudes.*

ITEM, It is ordained, that of ilk poundes worth of woollen Claith had out of the Realme, the King fall have of the out-haver for Custome twa shillings. And of ilk poundes worth of Salmound bocht be strangers, and had out of the Realme, threttie pennies. And of ilke poundes worth of *English* gudes, brocht in the Realme, threttie pennies.

41. *Anent men quha shuld labour the land.*

ITEM, It is ordained that ilk man of simple estaite, that shuld be of reason labourers, have outhir halfe ane Oxe in the pleuch, or else delve ilk day seven fute of length, and seven on breadth, under the paine of ane Oxe to the King.

42. *The age, marke, and paine of Beggers.*

ITEM, It is ordained that na Thigger be thoiled to begge, nouthir to Burgh nor land, betuixt fourteene and threescoir and ten zeires, bur they be seene be the Council of the Commounes of the Countrie, that they may not win their living utherwaies. And they that sa beis founden have a certaine takinne to Landwart of the Schireffes, and in Burrowes of Alder-men and Baillies, and that under the paine of burning on the cheik, and banishing off the Countrie. And that in everie Burgh outhrow the Realme, the Chalmerlaine fall inquire in his aire zeitlie, gif the Alder-men and Baillies, hes kepte the act, and the forme of the statute. And gif they have broken it, they fall be in fiftie shillings to the King. **I**TEM, The Schireffes failzieing of the keeping of the said act, to be punished in likewise.

43. *Leefing-makers tinis life and gudes.*

ITEM, It is ordained be the King and the haill Parliament, that all Leefing-makers and tellers of them, quhilk may ingender discord betuixt the King and his people, quhair ever they may be gotten, fall be challenged be them, that power hes, and tine life and gudes to the King.

44. *Of Weapon-schawinges.*

ITEM, It is ordained, that in ilk Schireffedome of the Realme, be maid Weapon-schawinges fourt times in the zeir.

45. *Anent complaintes to be decided before the Judge ordinar.*

ITEM, As anent billes of complaint, quhilkis may not be determined be the Parliament, for diverse causes belanging the commoun profite of the Realme: It is ordained that the Billes of complaint be execute and determined be the judges and Officiars of the Courtes, quhom to they perteine of Law, outhir justice, Chalmerlaine, Shireffes, Baillies of Burrowes, Barronnies, or uther Spiritual judges, gif it esseiris to them. To the quhilkis judges all and findrie, the King fall give strait commandement, alsweil within Regalities, as out-with, under all paine and charge that may follow, that alsweil to pure as to rich, but fraude or guile, they doe full law and Justice. And gif there be onie pure creature, for faulte of cunning, or expenses, that cannot, nor may not follow his cause, the King for the love of GOD, fall ordaine the Judge, before quhom the cause shuld be determined: to pur-wey and get a leill and a wife Advocate, to follow sik pure creatures causes. And gif sik causes be obtained, the wranger fall assyith baith the partie skaithed, and the Advocatis coastes and travel. And gif the Judge refusis to do the Law eavenlie, as is before said, the partie compieinand, fall have recourse to the King, quha fall see rigorouslie punished sik Judges, that it fall be exemple till all uthers.

46. *Auent remissions to be given, and assyishment of partie.*

ITEM, It is ordained be the Parliament, that quhair the King gives remissiones till onie man, with condition to assyith the partie skaithe and compleinand: That consideration be had of the *Hie-land* men, the quhilkis before the Kingis hame cumming, commounlie rest and slew ilk ane utheris; of the quhilkis there may not be maid full assyithment till utheris, bot in the *Law-landes*, quhair the skaithes done may be kend, and the trespassoures to be of pouer to make ane mendis of all or of part: That there be chosfen gude men & leill, sworne thereto, to modifie amendis after the qualitie and quantitie of the person, and of the skaithes, gif the parties cannot concorde be themselves; of the quhilkis modificatones, baith the parties fall hald them content.

F I N I S.

T H E T H R I D
P A R L I A M E N T
O F
K I N G J A M E S T H E F I R S T.

Halden at Perth the Elleventh of Marche: The zeir of God, one thousand, foure hundreth, twentie five zeires: And of his Kinrik the twentie zeir.

47. *Auent harnes to be brocht hame be Merchandes.*



ITEM, It is ordained be the King and the Parliament, that all Merchands of the Realm, passand over Sea for Merchandice, bring hame, as he maie gudly thoule, after the quantity of his merchandice, harnes and Armoures, with Speares, Schafes, Bowes and Staves. And that be done be ilk ane of them als oft, as it happenis them to passe ovet Sea in Merchandice.

48. *That all the Kingis Lieges live and be governed be the Lawes of the Realme.*

ITEM, It is ordained be the King, be consent and deliverance of the three Estaites, that all and findrie the Kingis Lieges of the Realme live and be governed under the Kingis Lawes & statutes of the Realme al-lanerlie: and under na particular Lawes, nor special Priviledge, nor be na Lawes of uther Countries nor Realmes.

49. *For the halding of money within the Realme.*

ITEM, It is ordained, for the halding of the money within the Realme, that na man have out of the Realme gold nor silver, bot he pay forty pennies of ilk pound to the King for custome, under the pain of tinsel of all gold and silver, that beis founden with him, and ten poundes to the King for the unlaw. And quhar stranger, that bringis Merchandice in the Realme to sell, and takis money theirfore, he fall have witnessing of the Hofte of his Innes, that he ware all sik money for penny worthes of this Realme, or else paie the custome foresaide to the King, under the paine before written. And for the keeping of this statute, that the Kingis Chalmerlaine depure, or himselfe, gar ordaine in ilk Toune, quhair sik strangers repairs, twa sufficient men baith to see the entrie of them of sik gudes, and to heare the reckoning of them, and to receive the Kingis Custome, & uther thinges, that belangis thereto, & to make reckoning and give compt thereof, at the Kingis Checker.

50. *That na persones that inditis men to the Justice Aire, be on their Assise.*

ITEM, It is statute, ordained, & forbidden that onie man that is officiar of onie Countrie, or anie man that inditis ane uther for onie action, be on his assise, that fall thoule the law, under the paine of ten poundes to the King.

51. *Of fore-thought felonie and Chaud-mella.*

ITEM, It is statute for the keeping of the Kingis peace, and added to the Acte and statute maid of before, that alsoone as onie complainr be maid throw onie persones to Justices, Schireffes, Baillies in Burrowes, or on land, till ony uther Officiar of the Lawe, quhairver hee bee, that it effeiris or perteinis to, fall in all gudlie haste garre fummound baith the parties before him, and inquire diligentlie but onie favoure, gif the deede was done upon fore-thought Felonie, or throw suddaine Chaud-mella: and gif it be founden forethought-felonie the partie fall be challenged incontinent of the Kingis peace breaking, be the Officiars of Lawe, quhilkis fall gar the partie hurte be fullie assythed, after the quantitie of the skaith, that he hes susteined. And thereafter the life and the gudes of the trespassoure to be in the Kingis will, to quhais prison hee fall bee had incontinent. And gif the trespassse be done of suddaine Chaud-mella, the partie skaithe fall follow, and the partie trespassand defende, after the course of the auld Lawes of the Realme.

52. *That all Prelates, Barrones and Free-halders fall compeir personallie in the Parliament.*

ITEM, It is ordained and statute, that all Prelates, Erles, Barronnes and free-halders of the King within the Realme, sen they ar halden to give presence in the Kingis Parliament, and General Council, fra thine fourth be halden to compeir in proper person, and not be a Procuratour: Bot gif the Procuratour alleage there and prove a lauchfull cause of their absence.

53. *Attornayes in the Justice Aires suld be honest persones.*

ITEM, It is statute and ordained, that na man be admitted to be Attornay in the Justice Aire, bot gif he be ane honest and sufficient person of discretion for that office, the quhilk fall be knawin be the Justice and the Barronnes then present, gif onie doubt be theirof.

54. *Of persones to be chosen to examin the buikis of Law, and reforme them.*

ITEM, It is statute and ordained, that sex wise men and discreete, of ilk ane of the three Estaites, quhilk knawis the Lawes best, fall be chosen (sen fraude and guile aucht to help na man) that fall see and examine the Buikis of Law, that is to say, *Regiam Majestatem*, and *Quoniam Attachiamenta*. And mend the Lawes, that neids mendment.

55. *Qubat exceptiones suld be admitted or repelled.*

IT is ordained, that all lauchfull exceptiones of the Law be admitted in Judgement, and all frivolous and fraudful exceptiones be repelled, and not admitted be na Judge, swa that the causes litigious and pleyes be not wrangecouslie prolonged in skaith and prejudice of the partie, and in fraude of the Law.

56. *All men suld ludge with Hostillaries.*

ITEM, In the way that Hostillaries in Burrowis and through-faires, meenis them to the King, that his lieges travelland in the Realme, quhen they cum to Burrowes and through-faires, herberies them not in hostillaries, bot with their acquaintance and friends: The King of deliverance of Council, and consent of the three Estaites forbiddis, that onie liegeman of his Realme, travelland throw the countrey on horse or one fute, fra time that the commoun hostillaries be maid, herbery or ludge them in ony uther place, bot in the Hostillaries foirsaid, bot gif it be the persones that leadis monie with them in companie, that fall have friedom to herberie with their friends: Swa that their horse and their meinze be harberied and luded in the commoun Hostillaries. And als it is ordained, that na Burges indwelland in burgh or in through-fair receive or admit ony sik travellers or strangers, bot allanerlie commoun Hostillaries, under the paine of fourty schillings, to the King for the unlaw.

57. *Of Weichtes.*

ITEM, It is ordained, that their be maid a stane for gudes sauld and bocht be weichtes, the quhilk fall wey fyfteene leill Trois pundes, and that stane to be divided in sex-tene leill *SCOTTIS* poundes, and of it there fall be ordained halfe a stane, a quarter, a halfe quarter, a pounce, halfe a pounce, and uther lesse weichtes according thereto, with the quhilk all byares and sellers of gudes within the Realme fall buy and sell-with, and with nane uther weichtes fra *WHIT-SUNDAIE* next to cum, and fra thence fourth their foresaide Weichtes fall have course.

58. *Of Water-mettes.*

ITEM, It is ordained that the Water-mettes, that now ar, fall remaine and be used throw the Realme in time to cum; and in ilk place and Towne. quhair the gudes ar sauld and metre be the water; there

be ordained, be the Alderman, and the Baillies, ane leill man sworne to mette all gudes, sellable be the Water-mette, alswell coales or uther gudes. And that the sellares, or nane of their behalfe, introumet them in the metting of sik gudes.

59. *Ferriers and Boate-men suld haue Brigges.*

ITEM, It is statute and ordained, that all Boate-men and ferryares, quhair Horse are ferried, fall haue for ilke boate a treene-bridg, quhair-with they maie receive within their Boates, travellers Horse through the Realme, un-hurte and unskaited, under the paine of fourtie schillings of ilk boate, fra *Whit-sundaie* fourth nixt to cum.

60. *Of the maner of Weaponschawinges.*

ITEM, It is ordained in the Second Parliament of OUR SOVERAINE LORDE the King, that ilke Schireffe of the Realme sould gar Weaponschawinges be maid foure times ilke zeire, in als monie places as were speedeful, within his Bailliarie; bot the maner how Weaponschawinges sulde be received was not appoynted: Herefore OUR LORDE The King, throw the hail ordinance of his Parliament, statuis, that ilke Gentle-man, havand ten pounds worth of land or mair, be sufficientie harnished and armed with Basnet, hail legge Harnes, sworde, speare, and dagger: and Gentlemen havand lesse extentes of Landes, nor na landes, fall be armed at their gudlie power, after the discretion of the Schireffes, bot all uther zeamen of the Realme, betuixt xvj. and sextie zeirs, fall be sufficientie bowed and schaffed, with sword & buckler & knife: And that all the Burgeses & indwellers within the Burrow townes of the Realme in like maner be anarmed and harnished, & make Weaponschawinges within the Burrowis of the Realme in like maner, foure times in the zeir, & that be the Aldermen and Baillies, upon the quhilk the Chaimerane and his Deputes fall knaw and execute the said things. And that all men Seculares of the Realme, be weill purvayed of the said harnes & weapones be the feast of the Nativite of our Lord *Jefus Christ* nixt to cum, under the paines followand: That is to say, of ilk Gentleman that defaultis at the first weaponschawing fourtie schillings, and at the other default fourtie schillings, and at the thrid default, ten pounds, and alsmeikle als oft-times as he defaultis after-ward: And of ilk bow-man at the first faulte ten schillings, at the other default ten schillings, and at the thrid fourtie schillings. And swa futhr als oft-times as he beis funden faultife afterward.

61. *Na man suld passe in Ireland without licence.*

ITEM, As to the passage betuixt *Scotland* and *Ireland*, it is seene speedful to the Kingis Council, that bidding be given be the King to all the Lordes, Schireffes, and all uther Officiares, upon the Frontiers of SCOTLAND, lying against IRELAND: that na Schipes, nor Gallayes, nor na man passe out of this land to IRELAND, without special leave of the Kingis Deputes, that fall be ordained to ilk Haven: And for twa causes, and principallie, sen the Kingis notoure Rebelloures are receipt in *Irisbrie* in *Ireland*, and for that cause Passengers passed fra thine, might do prejudice to this Realme; an uther cause is, that the men that are under *Irisbrie* subject to the King of *England*, might elpy the privities of this Realme, and do great skaith, as is befor written.

62. *Scottis-men suld bring na man furth of Ireland, without ane Testimonial.*

ITEM, It is sene speedful, that gif onie Schip-man of *Scotland* passis with letters of the Kingis Depute in *Ireland*, that he receive na man into his Schip to bring with him to the Realme of *Scotland*, bot gif that man have ane letter or certaintie of the Lord of that land, quhair he schippis, for quhat cause he cummis in this Realme.

63. *Anent Ireland men cummand in Scottis Schippes.*

ITEM, That quhen he cummis in onie Haven of *Scotland*, that he ryde on auket, and hald within shipbuid all men that he bringis with him, quhill he send for the Kingis Baillie, or a Depute of the Toun of the Haven, that he cummis in, that then men may examine and see of the Kingis behalfe their persones, and quhat charge they have be letter or uther way, quhiddir it be profite or prejudice to the King, or the Kingis: And gif onie prejudice of the deede be founden, they fall be arrested, and presented to the Schireffis prison, quhill the King have done his will on them.

64. *The statute anent Ireland men.*

ITEM, That it be maid manifest be the Kingis Deputes upon the Frontiers, that is not done for hatred, nor bteaking of the auld friendshippe betuixt the King of *Scotland* and his Liegis: and the gude auld friendshippe of *Irisbrie* of *Ireland*: Bot allanerlie to eschew the perrel foresaide. And gif onie man attempts in the contrarie of this, his gudes fall be escheit to the King, and his bodie at the Kingis will.

65. *Of the Session to be holden: of their power and expenses.*

ITEM, OUR SOVERAINE LORDE the King, with consent of his Parliament hes ordained, that his Chancellar, and with him certaine discrete persones of the three Estaites, to be chosen and depure be OUR SOVERAINE LORDE the King, fall sit fra thine soorth three times in the zeir, quhair the King likis to command them: Quhilk fall knaw and examine, conclude, and finalie determine all and findrie complaintes, causes and quarrelles, that may be determined before the King and his Council. The quhilkis persones fall have their expenses of the parties founden faultie, and of their unlawes: or utherwise, as is pleaisand to our SOVERAINE LORD the King.

66. *That everie man that hes nocht of his awin, fall labour for his living.*

ITEM, The King with consent of his Parliament, hes statute and ordained, that ilk Schireffe of the Realme within his Bailliarie, inquire diligentlie, gif onie idle men, that hes not to live of their awin, be received within his boundes: after the quhilk inquisition, the Schireffe fall gar arreist sik idle men, and gar keepe them in fasteness quhill it be knawin, quhairupon they live. And that the countrie fall be unskaitched of them: Thereupon the Schireffe fall receive gude and sicker burrowes. After the quhilk burrowes founden, the Schireffe fall assigne fourtie daies to sik idle men to get them Maisters, or to fasten them to lawful Craftes. And they fourtie daies beand gane, gif they be founden mair idle, the Schireffe fall arreist them againe, and sende them to the Kingis prison, ro abide and be punished at the Kingis will. And that this be done alsweil in Burrowes, as on lande throw all the Realme.

67. *Anent the extract and execution of the Actes of Parliament.*

ITEM, The King with consent of his three Estaites of the Realme hes ordained, that all statutes and ordinances of this Parliament, and of the two Parliametes precedand be registrate in the Kings Register, and given to the Schireffes: quhilkis statutes & ordinances, ilk Schireffe be holden ro publish openlie in the chiefe place of his Schirefdome, & utheris notabil places, and als to give the copies of them baith to Prelates, Barromes, and Burrowes of his Bailliarie, upon the expenses of the askers: And that ilk Schireffe gar be keeped the tenour of this Acte, under the paine of deprivation of his Office. And that ilk Schireffe give open bidding to the people of his Bailliarie, baith to Land, and to Burgh, to keepe and fulfil all statutes and ordinances maid in the saidis three Parliametes, under the paine contained in the Actes of them, swa that nage have cause till pretend, or alleage onie ignorance.

F I N I S.

T H E F O U R T H
P A R L I A M E N T

Or ASSISE of

KING JAMES THE FIRST.

Of weichtes and measures, Halden at Perth, the elleventh of Marche, the zeir of God, ane thousand, four hundreth, twentie sex zeires; And of his Kewik the twentie ane zeire.

68. *Anent the measure of the Elne.*



IN THE First they ordained and delivered, that the Elne fall contene thirtie seven inche, as is contained in the statute of King David the First, made thereupon.

69. *What the stane fall contene.*

ITEM, They ordained and statute, the stane to weygh iron, wooll, and uther Merchandice with, to contene fiftene pound *Trois*, ilk *Trois* pound to contene sextene ounce, and that stane to be divided in halfe stane, quarter, halfe quarter, pound, halfe pound, and uther smaller.

70. *Of the division and quantitie of the Boll, firlof, and water weichtes.*

ITEM, They ordained the boll to mette vifual with, to be divided in foure partes, *videlicet*, foure firlof-tes to containe a boll, and that firlof not to be maid after the firft meafure, nor after the meafure now ufed, bur in middle meafure betuixt the twa.

ITEM, The boll fall containe in breadth twentie nine inches within the buirdes, and abone twentie feven inches and a halfe, even over-thort, and in deepeneffe nineteene inches. ITEM, the firlof fall containe in breadth even over-thort fextene inches under and abone within the buirdes, the thickneffe of baith the buirdes fall containe ane inch and ane halfe, and in deepeneffe it fall containe nine inch, the halfe Firlof, and the pecke thereafter followand, as effeiris. The firlof fall containe twa gallounes and a pynte: And ilke pynte fall containe be weicht of cleare Water of *Tey*, fourtie ane ounce: That is to faie, twa poundes and nine ounce *Trois*: Swa weyis the Galloune twentie pounde and aucht ounces: Swa weyis the Firlof fourtie ane poundes, and the Boll containand foure Firlofres, weyes aucht-fcoir foure poundes. The aulde Boll firft maid be King DAVID the Firft, contained a fexterne, a fexterne contained twelve gallounes of the aulde mette: And ilke galloune weyed ten pound *Trois*, and foure ounce of diverfe Waters. Swa weyed the Boll fex-fcore three poundes, swa weyis the Boll new maid mair, then the auld boll xxxij. pound, quhilk makis twa gallounes and a halfe, and a choppen of the auld mette, and of the new mette ordained nine pyntes and three murchkinns.

71. *Auent unlaues for burning.*

ITEM, As avents fire, it is feene speedeful that in ilk Burgh, or greate Haven Towne, and through-faire that is greate, that the Aldermen, Baillies, or the Governours of the Tounes, see and gif bidding within their Tounes, that na Hempe, Lint, Stray, Haie, Hedder, nor Broome be put neare the fue, nor abone the low in fire houfes. And this be themfelfe or men under them, be ilk Moneth feene, and quha fa after forbidding maid till him, be founden faultife, fall paie ane unlaue, as faultife, in Burgh, als oft-times hee is founden faultife and unforgiven. And gif the Aldermen, Baillies or Governours, of the Tounes be negligent in the execution thereof, they fall be in fourtie schillings to the King.

72. *Sellers of Haie and fraie fuld have ane Lanterne.*

ITEM, That Sellers of Haie or Fodder in Burgh, cum not to their Haie-houfe with candle, but lanterne, under the paine of the famin unlaue, als oft as he beis founden faultife.

73. *That certaine ledders be founden ay reddie in the Burgh, for happening of fire.*

ITEM, That in ilk Burgh their be ordained of the commoun coafte, fex, feven or aucht Ledders, after the quantitie of the Burgh: twentie fute the ledder, and that they be kepten in a reddie place of the Toun, and to that ufe and nane uther, under the paine of the foresaid unlaue. And of the famin wife there be ordained three or foure Sayes to the commoun ufe, and fex or maa Cleikes of iron, to draw downe Timber and Ruiffes that ar fired.

74. *Of commoun women and buires.*

ITEM, That commoun women be put at the utmost endes of the Towne, quhair least perrel of fire is: and that na man fer them houfes in the heart of the Toun, under the paine of ane unlaue, or zit receipt them under the famin paine.

75. *Of fire, and the paines thereof.*

ITEM, Gif burning happenis in onie Toun, fra the Fyre be ftanchid, the Alderman, Baillies, and Governours of the Tounes, incontinent fall inquire quhom throw, & how the fire happened, & it be founden on purpose deed, foresaultour fall be punition to them, And gif it happenis of misgovernance, & not of fet purpose: if it be a fervand & that fervand have gudes, he fall be punished in his gudes, be the fight of the Governours of the Toun, and given to the man that thoilis the skaith, and fine banished the freedome for three zeires: And gif the fervand hes na gudes, he fall be doungin openlie at the mercat-croce, and throw the Toun, and fine banished that freedome for feven zeires.

ITEM, Gif it be a man that awe the houfe, and burnis it reklefle, or his wife, or his awin bairnes, quhidder his Nichtbours takis skaith or nane, attour the skaith and schame that he thoilis, he or they fall be banished that Toun for three zeires. And gif it be ane man that maillis the houfe, and burnis it reklefle, he fall amend the skaith after his power, and be banished the Toun for three zeires. And gif it be a ftranger or a traveller, he fall be areifted: gif he be of power, to amend the skaith and if he be not of power, he fall byde in sickerneffe at the Kings will.

ITEM, Gif the Baillies and Governours of the Toun, findis na man in wyte, bot of suddaine caufe

caife that may not be forefeene, as wilde-fire, Rattones, or fowles, or fik likeneffe, the law leavis it unpunifhed.

ITEM, Gif the Governoures of the Toune be negligent in the execution of their office, and this ordinance forefaid in onie poynt, we leave them in ten pounds to the King of unlaw.

ITEM, That na fire be fetched fra ane houfe till ane uther within the Town, bot within covered welhel or lanterne, under the paine of ane unlaw.

ITEM, Gif fire happenis in husband Tounes of Barronnies, we leave them to be punished be their Lordes, in like maner as Baillics and Governours dois in Burgh.

F I N I S.

T H E F I F T H
P A R L I A M E N T
O F
K I N G J A M E S T H E F I R S T,

*Halden at Perth, the last daie of September, the zeir of God, ane thousand foure hundreth
twentie sex zeires.*

76. *Avent the customes of Salmon and uther fish:*



ITEM, It is statute and ordained, that custome be payed to the King, allweill of indwellers within the Realme, as of fremmed men, in onie Burrowes of the Realme: And as of strangers and unfreemen, of all Salmond and fish fauld and bocht, and had outwith the Realme, out of onie Burgh of the Realme.

77. *Of Deakones of Crafts and their office.*

ITEM, The King of deliverance of Parliament hes ordained, that the Deakones of Crafts in Burrowes, stande rill the nixt Parliament, in the maner as after followis: that is to say, that the Deakon of ilk Craft, fall have na correction of the Craft, nor of na man thereof, bot allanerlie to see that the warke-men be cunning, and the warke sufficient, the quihilk he fall assay and examine everilk fiftene daies anis.

78. *Of the fees of Craftes-men, and price of their warke.*

ITEM, It is ordained, that the Aldermen and the Council of ilk Toun sworne, fall see and price the mater, and the coaste, and the travel of the warke-man, and thereafter prise the made wark, how it fall be fauld, & that price make knawin to the Kings commouns and be oppen cryed.

79. *Of the fees of wark-men.*

ITEM, It is ordained that the Council of the Toun fall see and ordaine quhat fee wark-men fall have for their handling of their Craft, that workis uther mennes warkes, as Wrichtes, Masones, & uther sik-like.

80. *Of Wrichtes and Masones.*

ITEM, For quhy, that it is complained to the King & his Council, that Wrichtes and Masones takis at ranis on hand monie warkes, quihilkis they may not, nor will not fulfill at the time they hecht, throw the quihilk the Kingis Lieges ar skaithed, and the honour and profite of the land lerted. Therefore it is ordained be the King and the Parliament, that it be cryed in ilk Toune openlie, that na warke-man take mair warke on hande, then he may gudlie fulfill after his cunning, under the paine of tinsel of the price of sa meikle warke that he takis on hande,

on hande, then he may gudlie fulfil to the King, and of the fulfilling of the warke that he takis on hande, upon his awin coaft. And als wa quhair a warke-man, outhr willfullie or unrichteouslie, lettis to fulfill the warke that he hes rane on hande, that ane uthr man of that ilk Craft, refuse not to take that on hande for reasonable fee, under the paine of punishing of him at the Kingis will, swa that he be a warke-man knawin, and hes then name uthr warke on hande.

*Of warke-men delay-
ande to
ende their
Warke.*

81. *Of sawing and labouring of the ground.*

ITEM, The said day, our Sovereine Lord the King, with consent of the haill Parliament ordained, that throw all the Realme, ilk man teilland with a pleuch of aucht Oxen, fall saw at the least ilk zeir a Firlot of quheate, halfe a Firlot of pease, & 40. beanes, under the paine of x. s. to the Baronne of the land that he dwellis in, if he sawis it nor, & as oft as he beis founden faultife. And gif the Baronne sawis nor the said corne in like maner in his Domaines, he fall paie to the King fourtie shillings: And gif the Baronne be founden negligent in the raising of the saide paine on his husbandes, there fall be raised on him fourtie shillings, als oft times as he defaultis, without remission.

82. *Anent the bigging of Castles in the North.*

ITEM, It is ordained, that ever-ilk Lord havand land bezond the *Month*, in the quhilkis landes in aulde times their was Castles, Fortaices and Manour-places, big, reparrel, and reforme their Castles & manours, & dwell in them be themselves, or ane of their friendes, for the gracious goveral of their landes be gude policie, and to expende the frute of their landes, in the Countrie, quhair the landes lyes.

F I N I S.

PARLIAMENTUM SEXTUM

Tentum Apud PERTH, Die Martis, Primo Die Mensis Julij, Anno Domini, Millefimo, Quadragesimo, Vicefimo Sexto; Et Regni Domini Nostri Regis, JACOBI, vicefimo secundo, summonitis & vocatis more solito & debito Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, & aliis regni Libere-tenentibus, qui de dicto Domino Nostro Rege tenent in capite, & de quolibet Burgo regni certis Burgenfibus, qui ad hoc sarrmoniti fuerunt, comparentibus omnibus illis qui debuerunt & voluerunt commode interesse, Absentibus quibusdam aliis, quorum quidem aliqui legitime excusati fuerunt: alii vero quasi per contumaciam se absentaverunt, quorum nomina patent in rotulis sectarum, quorum quisque adjudicabatur in amerciameto decem librarum.

83. That Judges fall be sworne to determine all causes after their cupning.



Odem Die Rex, per modum statuti, ordinavit, quod debinc omnes & singuli ad quascunque causas & querelas terminandas, in quocunque futuro Parlamento eligendi, jurabunt ad Sancta Dei Evangelia, ut omnes & singulas causas & querelas coram eis proponendas & terminandas absque favore vel odio, fraude seu colore aliquo, juxta suas scientias, fideliter & juridice terminabunt.

84. That na Clerkes nor laicks pas furth of the Realme: And of their finance.

D*IE Luna, septimo mensis Julij Anni supradicti, Rex ex consensu totius Parliamenti, statuit & ordinavit, quod omnes & singuli clerici regni sui ad partes ultramarinas, quacunque de causa navigantes, seu se transferentes, faciant cambia sua de moneta, pro eorum expensis extra regnum faciendis, cum campforibus infra regnum constitutis, vel saltem cum mercatoribus infra regnum, de quo cambio suo, & cum quo campfore vel mercatore facta fuerint, certificent Cancellarium Domini nostri Regis pro tempore existentem, & de transitu suo extra regnum. Laici vero quicunque ad partes ultra-marinas se transferens, teneatur consimiliter facere cambia sua infra regnum, ut praemittitur, super quo certificet Camerarium Scotiae per sufficientia documenta, & de causa transitus sui, sub pena viginti librarum, visibus Domini nostri Regis applicandarum.*

D

85. Anent

85. Anent Hostellaries.

ITEM, Eodem die Rex mandavit unversaliter omnibus Burgensibus de regno, quod faciant fieri Hostellaria seu hospitilia publica in Burgis, honesta & competentia more aliorum regnorum, ad recipiendum omnes & singulos hospites, tam pedestres, quam equestres per regnum laborantes, sub pena super hoc in alio Parlamenti constituta.

86. Of downe-putting of Deakones of Craftes.

DIE Veneris, videlicet undecimo mensis supradicti, quia ordinationes facte in Parliamentis precedentibus, super artificum Decanis in Burgis Regni, tendebant ad noxam & commune totius regni dispendium, Rex ex trium Regni statuum deliberatione, ipsas ordinationes revocavit, & illas totaliter annullavit, inhibendo de cetero, ne tales Decani in aliquibus Regni Burgis, inter artifices eligantur, nec etiam alias electi, ulterius exercent officia Decanorum, nec faciant suas congregaciones consuetas, quae conspurations sapere praesumuntur.

87. The forme of Proses, and the paine of the Judge nor keipand the famin.

ITEM, Eodem die ad parcendum expensis & vexationibus pauperum in curia spirituali litigantium, & ad breviamdum lites, pro expedienti fuit ordinatum in causis civilibus & probanis, quod ad instantiam laici actoris, Clericus reus citetur per suam ordinariam, vel ejus officialem ad certum diem peremptorie, apponendo causam in citatione, propter quam reus citatur ad comparandum scilicet, responsurus sub pena excommunicationis: Quo die adveniente, reus habet litem contestari. Quod si reus fatetur petitum, moneatur ad solvendum infra quindecim dies, sub pena excommunicationis: si vero denegat petitum, assignetur terminus actori, ad producendum omnes suas probationes peremptorie, juxta arbitrium Judicis: Quo die adveniente, & receptis hujusmodi probationibus, assignetur terminus reo ad producendum omnes suas exceptiones & defensiones peremptorie, juxta arbitrium Judicis: Quo adveniente receptisque exceptionibus & defensionibus assignetur terminus ad concludendum & ad sententiam diffinitivam proferendam, si liqueat: sic quod infra quadraginta dies, a tempore executione citationis sententia feratur, a qua nulla pars frivole appellet, nec Judex tales appellaciones admittat. Et si Judex infra quadraginta dies, propter defectum vel negligentiam non fecerit complementum Justitiae, vel frivolas exceptiones admittat, & de hoc coram suo ordinario convictus fuerit, sit ipse debitor principalis parti conquerenti. Et quod istud statuatur de presenti auctoritate Concilii Provincialis.

88. Of the election of the Over-man in arbitrie.

ITEM, Ordinatum est super omnibus & singulis causis, infra Regnum, nunc pendentibus sub compromisso, si inter Clericos arbitri sint electi in pari numero, per dioecesanum Episcopum, de concilio sui capituli, dispar persona, partibus non suspecta, eligatur. Si vero inter Barones vel quoscunque alios laicos, extra burgum commorantes, tunc eligatur dispar persona neutri partium suspecta per Vicecomitem, infra cujus balliam partes compromittentes commorantur, de Concilio tamen Baronum, quos Vicecomes ille commode pro tempore habere poterit, neutri partium suspectorum. Si autem inter Burgenses, seu alios habitantes infra burgos arbitri sint electi, tunc dispar persona non suspecta, per Praepositum & Concilium Burgi, infra quem partes inhabitant, eligatur. Ad negotia vero causas & lites futuras per arbitria terminandas, arbitri de cetero in dispari numero & non in pari eligantur. Arbitria autem aliter iuncta & facta, nullius sint roboris vel momenti.

89. That the cause of all Merchandes, deade out-with the Realme, be decided within.

ITEM, Eodem die Rex, ex deliberatione trium statuum in Parlamento congregatorum, decrevit, quod cause omnium Mercatorum & incolarum regni Scotiae in Zelandia, Flandria, vel alibi extra regnum desidentium, qui se causa mercandiarum suarum, peregrinationis, vel aliqua quacunque causa (dummodo causa non morandi extra Regnum) se transtulerunt, debent tractari coram suis ordinariis infra regnum, a quibus sua testamenta confirmantur, non obstante quod quaedam ex bonis hujusmodi decedentium, tempore sui obitus fuerunt in Anglia, vel in partibus transmarinis.

90. The manslayer suld be persewed, until he be put forth of the Realme, or broocht againe to the place of the slaughter.

IN The first, quhair onie man beis flaine within the Realme, alsweil within Regalitie as within Royaltie: And in Burrowes as to land, that incontinent without delay, als fast as the Schireffe beis certified thereof, outhet be the partie, or be onie uthers; he sall passe and persew the slayers ane or maa, and raise the Kingis horne on them, and raise incontinent the Countrie in his supporte, quhill he be over-tane. And gif he may be over-tane, he sall be put in sicker fastenance, quhill the Law be done on him: And that sall be done within

within fourtie daies at the farthest; and be it reid hand, it shall be done within that sun. And gif he escape out of that Schireffedome un-arrestit, the Schireffe shall write or send ane of his officiares to the Schireffe of that nixt Schireffedome, and certifie him of sik men, that hes done sik fellonie against the King, and ar fugitive fra the Law, and then shall that Schireffe persew him or them out throuch his Schireffedome, in the famin maner, as the other did before, without delay. And swa fourth fra Schireffe to Schireffe, quhill he be over-tane, or put out of the Realm. And gif he happenis to flie in Regalitie, out of the Royaltie, the Schireffe shall certifie the Lord of Regalitie, or his Stewart or Baillie, the quhill shall persew the trespassour in like maner as the Schireffe, as is foresaid. And quhair ever he happenis to be takin, that Schireffe, Stewart or Baillie of the Regalitie, shall send him to the Schireffe or his Baillie of the nixt Schireffedome, the quhill shall receive him, and send him to the nixt Schireffe, and swa fourth fra Schireffe to Schireffe, quhill he be put to the Schireffe of the Schire, quhair the deede was done, and there shall the Law be ministred to the partie, as is foresaid: And gif it be fore-thought felonie, he shall die therefore.

91. *He quha is fugitive for slauchter, shall be openlie proclaimed, and his receipters punished.*

AND Gif it happenis the man fugitive to escape throw diverse Schireffedomes, that Schireffe or Schireffes, that he hes escaped fra, shall passe to the chiefe Burgh of his Schireffedome, and there gar cry openlie and proclaim, that sik a man hes done to the King sik a felonie and trespass against his Majestie, and is fugitive fra the Law: and there forbid that na man house nor herberie him, receipt him, or give him support or helpe in onie degree, under the paine of life and gudes.

92. *Of slauchter in the Barronie.*

ITEM, Gif a man be slaine in the Barronie, the Barronne or his Officiares shall arrest him, and gif he be infest with sik freedom, he shall do the Law, as is before said, or else present him to the Schireffe or his Ministers: and escape he un-arrestit out of the Barronie, and afterward it may be knowin be ane assise, before the Justice or the Schireffe, that the Barronne might have arrested him, and outhor for sleuth or favour let him passe unarrestit: The Barronne shall pay to the King twenty pundes. And he escape in the default of the Barronne, Serjant, or Baillie of the Barronie, they beand required or warned, if they be not of power to pay twentie poundes, they shall remaine in the Kingis prison, quhill they over-take the Kingis will thereupon.

93. *Of slauchter in Burgh.*

ITEM, In like maner shall the Officiares of the Burgh doe, gif onie man be slaine within Burgh, they shall take him gif he may be over-tane, and put in suretie, quhill the Judge may be warned, that hes power to do the Law, and gif the Aldermen and Baillies hes na power to do the Law, there the Judge havand power shall receive the trespassour, and minister the Law within the time foresaid.

94. *Of slauchter in Regalitie, and officiares thereof.*

ITEM, It is statute, that gif ony Schireffe or Minister of Regalitie, that ministeris not the Law, as is before said, and that may be over-taken on him, outhor be an assise before the King or his Justice, or be witness of gud, worthy & trew men, that is to say, three or foure or five or maa, he shall be in the Kingis prison fourtie daies, and to pay the King fourtie poundes, and the croy to the next of the kin of the slaine man.

95. *Of the Lord of Regalitie, and Magistrates within Burgh negligent in their offices.*

ITEM, It is statute, that gif the Lord of Regalitie be warned, and executis not the Law, nor garris his Officiares execute it, as is before said, he shall be in like paine to the King, as is the Schireffe. And gif the Minister of the Regalitie faillis in the execution, as is before said, he shall be punished be the Lord of Regalitie, in maner as the Schireffe shall be punished be the King. And richtswa Aldermen and Baillies in Burgh, shall be punished be the Kingis Justice, gif they failzie in the execution of the Law, as is foresaid.

96. *Of inquisition of fore-thought-felonie, to be taken be an assise.*

ITEM, It is statute, that gif onie man barganis outhor in burgh or land, quhiddar that the partie pleinzie or not, that the officiares, that is to say, Alderman, Baillies, or the Serjandes in the absence of the Baillies, shall arrest baith the parties, and that famin day, gif it be before the Sun goe doune, and na halie-daie, shall give them the knowledge of ane assise, quhiddar it be fore-thought-felonie or suddainelie done. And gif it be suddainelie done, demaine them as the Law treatis of before, and gif it be fore-thought-felonie, his bodie to be put in prison, quhill he amend to the partie, be the sight of leill and trew men before the Schireffe, gif it be Royaltie: and richtswa before the Lord or his Baillies in the Regalitie, and before Alderman and Baillies in Burgh, he shall garre amendis bee maid after the quantitie of the trespass done to the partie, and demained syne as Law will.

97. *Of the Fugitive in fore-thought-fellonie, fra burgh to lande.*

BE The advise of the haill Parliament, it is statute & ordained, gif sik bargane happenis to be in Burgh, & be called fore-thought-fellonie, & the deed-doar eschape un-arrestit fra the Alderman and Officiares of the Towne, and flies the Law; but delaie the Alderman or Baillies fall write to the Schireffe or the Officiares to the Regalitie quhair he happenis to be receipt, & certifie them of his misdeede, and that he is fugitive fra the Law, and then fall they persue him as a fugitive, and send him againe quhair the deed was done, and to abyde the Law but delay, after as he hes maid default.

98. *Injurie or slauchter done be him, quha is friend to assured persons.*

ITEM, It is statute, that quhair two parties discordis, and after are put under Burrowes, ilk ane assured of uthers, and their purchase, after that anie of their friendes thinks, that thocht the principal parties be assured, hee is not assured, cummis and outhur hurtis or defoulis the partie that is contrary to his friend or slayis: And gif he slayis, he fall die therefore, and tyne all his gudes, as escheitte to the King, and gif he hurts or defoulis with fellonie assaillie and with edge or vre, he fall remaine in prison but remeid, quhill assyth be maid to the partie, and amendis to the King, or to the Lord, that it belangis to, as effeiris.

99. *The Countrie men nocht assist and the Schireffe suld be punished.*

ITEM, Gif it happenis the Schireffe, to persue fugitours with the Kingis home, as is foresaid, and the Countrie rise not in his support, they, all, or parte, hearand the Kingis horne, or beand warned be the Maires, and followis not the out-horne, and that may be over-tane upon them be ane assise before the Schireffe, ilk Gentle-man fall paye to the King unforgiven fourtie shillinges, and ilk zeaman twentie shillinges.

100. *That Maires and Serjands have wandes and Hornes.*

ITEM, Fra thine fourth, it is statute and ordained, that ilk Officiar of the Kingis, as Maire, or Kingis Serjand, and Barronne Serjand, fall not passe in the Countrie, nor Bartonne Serjand in the Barronie, but ane horne and his wand, and that fall be in this maner.

THE Kingis Officiar as is foresaid, fall have an horne, and ilk ane a read wande of three quarters of ane zairde lang at the leaste, and the Officiars of the Regalitie ane Wand of the samin length, th'ane end reade, th'other ende quhite, and ane horne quhair he passis within the Regalitie. The Barronne Serjand ane horne and a quhite wand of ane elne lang, the Serjand of the Burgh ane reade wand allanerlie, like the Kingis Officiar, and als oft as hee beis founden without his wand in the Burgh, hee fall paie aucht shillinges unforgiven to the King: and there-attoure to abide challenged before the Chalmeriaine. And gif the Kings Serjand hes not horne and wand, as is foresaid, hee fall be challenged before the Schireffe at the heade Courtes. And gif he be convict, he fall paie fourtie shillinges to the King. And richtswa the Serjand of the Regalitie fall be challenged at three heade Courtes before the Lorde of the Regalitie. And gif he be convict, he fall paie till his Lorde fourtie shillinges. And gif the Barronne Serjand defaultes, he fall be punished after the unlaw of the Barronne Courte. And that ilk Serjand be thus purwayed be xv. daies nixt after *White-sundaie* nixt to cum.

F I N I S.

IN PARLIAMENTO SEPTIMO

Vel CONCILIO GENERALI Illustrissimi Principis Domini JACOBI, Dei Gratia, Regis SCOTIÆ, rento apud PERTH, primo die Mensis Martii, Anno Domini Millesimo Quadringentesimo vicesimo septimo: *Et Regni Domini Regis vicesimo tertio, cum continuatione dierum & temporum, summouitis & vocatis more debito & solito, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, & Libere-tenentibus, qui de Domino nostro rege tenent in capite, & de quolibet Burgo certis Burgensibus, comparentibus omnibus illis qui debuerunt, voluerunt, & potuerunt commodè interesse, quibusdam vero absentibus, quorum aliqui legitime excusati fuerunt, aliis se contumaciter absentantibus, quorum nomina patent in Rotulis sectarum, quorum quilibet adjudicatus fuit in amerciameto decem librarum, ob suam contumaciam.*

101. Of them, that hes Merchandice out of the Realme uncustomed,



IE Veneris, quinto mensis Martii supradicti: The King with consent of the three Estaies, statute and ordained, that they that hes out of the Realme merchandice, not payand the custome, outhere gold or silver, gif they be present or convict, or gif they be out of the Countrie, gif the King hes cleare document thereof, that without onie doome they be banished, and uthere paines maid against them, standand nevertheles in their force, out-takand them that is in hostage for the King in England, for quahais cofstage how it fall be maid, the King fall ordaine the maner.

102. That small Barronnes and free-halders needis not to come to Parliametes:

ITEM, The King with consent of the haill Council, Generallic hes statute and ordained, that the small Barronnes and free-tenentes neid not to cum to Parliametes nor General Councils, swa that of ilk Schirefdome their be fend, chofen at the head Court of the Schirefdome, twa or maa wise men, after the largenes of the Schirefdome, out-tane the Schirefdomes of *Clakmaman* and *Kinrosse*, of the quihikis ane be fende of ilk ane of them, the quihik fall be called Commissares of the Schire, and be thir Commissares of all the Schires fall be chofen ane wife man and expert, called the commoun Speaker of the Parliament, the quihik fall propone all and findrie needis and causes, pertaining to the commounes in the Parliament or General Council, the quihikis Commissares fall have full and haill power of all the laif of the Schirefdome, under the witnessing of the Schireffis feale, with the feales of diverse Barronnes of the Schire, to heare, treat, and finally to determine all causes to be proponed in Council or Parliament: The quihikis Commissares and Speakers, fall have cofstage of them of ilk Schire, that awe compeirance in Parliament or Council, and of their rents, ilk pound fall be utheris fallow to the contribution of the said cofstes. All Bishoppes, Abbottes, Priors, Dukes, Erles, Lordes of Parliament, and Ban-rentes, the quihikis the King will be received and Summound to Council and Parliament, be his special precept.

103. The price of ilk warkmanshippe.

ITEM, It is statute and ordained, that men of craftes within Burrowes, fall have for azeit to cum, of Ieverie craft a Wardane, chofen be the Council of the Burgh: The quihik Wardane with Council of uthere discrette men unsuspected, assigned till him be the said Council, fall examine and prishe the mater and the warkman-shippe of ilk craft, and set it to a certaine price, the quihik gif onie breakis, the said Wardane fall punish the breakers in certaine paine, quhom gif he punish not, the Alderman, Baillies and Council of the Burgh, fall punish them in certaine paine: quhom gif they punish not, the King fall have a certaine paine of that Burgh. The paine of the breakers of the price fall be escheit of the samin thing, of the quihik the prishe beis broken of, to be applyed th'ane halfe to the Wardaine of that Crafte, and th'other halfe to the commoun woorke of that Burgh, quhair it beis seene maist expedient. The paine of the prishe gif he be negligent and punish not, fall be in the unlaw of the Burrow Courte, als oft as hee beis convict culpable and faultise, fall be applyed for the halfe to the commoun purse of the Toune, and for th'other halfe, quhair it beis maist expedient, to the wark of the Toune. The paine of the Alderman, Baillies and Council of the Burgh, that beis negligent in the punishing of the said Wardan, als oft as they default, fall be in ten pund to the King, and fall be raised after that they be challenged and convict be the Chalmerlaine and his deputes in the Chalmerlaine air, ane in the zeir. The quihik ordinance fall be extended to Masones, Wrichtes, Smithes, Tailzeoures, Wobstares, and all uthers in likewife generallic, quahais fees and handling fall be pryfed, as is

before said. And attoure to Landwart in Schireffedomes ilk Barronne fall garre prise in their Barronnies and punish the trespassours, as the Wardane dois in the Burrowes, and gif the Barronne dois not, the Schireffe fall punish the Barronne, and gif the Schireffe dois not, they fall bee in amercement to the King, as the Alderman, Baillies, and Council in Burrowes, and the Alderman Baillies and Council in Burrowes fall inquire ilk moneth at the least, gif the Wardenis of the crastes price weil, and punish the trespassours: and gif onie man complainis of over greate price, or of he breaking of the price, maid or, set to the Aldermen, Baillies, and Councell: that they punish the breakers of the price, and garre the partie complainand be assyithed, under the paine foresaid.

104. *Of Beggers.*

ITEM, The King hes statute, with consent of his hail Parliament and Councell, and eiked to the statutes maid in his Parliament of Beggers: that in Burrowes, the Chalmerlaine in his air ilk zeir fall inquire, gif the Aldermen and Baillies have keeped the statute: And gif they have broken it, they fall be in fourtie shillings to the King.

105. *The Woolfe and Woolfe-birdes, suld be slaine.*

ITEM, It is statute and ordained be the King, with consent of his hail Councell, that ilk Barronne with- in his Barronie in gangand time of the zeir, chafe and seeke the quhelpes of the *Woolfes*, and gar slae them, And the Barronne fall give to the man that slays the *Woolfe* in his Barronie, and bringis the *Barronne* the heade, twa shillings. And quhen the *Barronnes* ordainis to hunt and chafe the *Woolfe*, the tenentes fall rise with the *Barronne*, under the paine of ane Wedder of ilk man, not risand with the *Barronne*. And that the *Barronnes* hunt in their *Barronnies* and chafe foure times in the zeir, and als oft, as onie *Woolfe* beis feene within the *Barronie*. And that na man seeke the *Woolfe* with schot, but allanerlie in the times of hunting of them.

106. *Auent Lipper folke.*

ITEM, That na Lipper folke, nouthar man nor woman, enter not cum in an *Burgh* of the Realme, bot thrife in the oulk, that is to saie, *Moundaie*, *Wednesdaie*, and *Fridaie*, fra ten houres, to twa after noone; And quhair *Faires* and *Mereattes* tallis on thay dayis, that they leave their entrie in the *Burrowes*, and gang on the morne to get their living.

ITEM, That na Lipper folke fit to thig, nouthar in *Kirk* nor in *Kirke-zaird*, nor uther place within the *Burrowes*, bot at their awin *Hospital*, and at the *Porte* of the *Towne*, and uther places out-with the *Burrowes*.

ITEM, That the *Bishoppes*, *Officialles*, and *Deanes* inquire diligentlie in their visitation of ilk *Paroche Kirk*, gif onie he smitted with *Lipper*. And gif ony sik be foundin, that they be delivered to the *King*, gif they be secularles: And gif they be *Clerkes* to their *Bishoppes*. And that the *Burgesses* gar keepe this statute, under the paine contened in the statute of *Beggeres*. And quhat *Leprous* that keepis not this statute, that he be banished for ever off that *Burgh*, quhair he disobeyis, and in likewise to *Landwart*.

107. *Auent the passage of Clerkes out of the Realme, and of Barratrie.*

ITEM, It is statute and ordained, that na *Clerkes*, religious nor secularles, passe out of the Realme, bot gif he cum to his ordinar first, or then to the *Chancellor* of the Realme, and schaw to them gude and honest cause of his passage, and mak faith to them, that he do na *barratrie* and have his letters of licence and witnessing thereupon. And gif onie dois the contrarie, or makis *barratrie*, fra it be kend with sufficient and gude document, that he underly the statute maid against them that hes money out of the Realme. And that this statute be not allanerly extended to them, that dois *barratrie* in time to cum; bot als to them out-with the Realme now, that beis convict of *barratrie*. And als the *King* forbiddis, that onie of his *Lieges* send onie expenses till ony *barratour*, that is now out-with the Realme, or give them helpe or favour, in quhat degree that ever they atteine to, quhill they cum hame in the Realme, under the paine of breaking of the act of *Parliament*.

108. *That nane interpret the Kingis statutes wrangeouslie.*

ITEM, The *King* of deliverance of *Councell*, be maner of statute forbiddis, that na man interpret his statutes utherwaies, then the statutes bearis, and to the intent and effect, that they were maid for, and as the maker of them understoode: And quha sa dois the contrarie, fall be punished at the *Kingis* will.

109. *Wilde fowles forbidden to be taken.*

ITEM, That na *Partrick*, *plowers*, *black-cockes*, *gray-hennes*, na *mure-cockes*, nor sik fowles be tane with na maner of instruments, fra the beginning of *Lentron*, quhill *August*, under the paine of fourtie shillings. And that indictment passe thereupon be the *Justice Clerke*.

IN PARLIAMENTO OCTAVO

Vel CONCILIO GENERALI Illustrissimi Principis JACOBI, Dei Gratia Regis SCOTIÆ, Tento Apud PERTH, & inchoato, ratificato & approbato, tanquam sufficienter & debite præmunito, per tres Regni status, duodecimo die Mensis Julij, Anno Domini, Millesimo, Quadringentesimo, vicesimo octavo, cum continuatione dierum & temporum, summonitis & vocatis, debito modo & more solito, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, & omnibus libere-tenentibus, qui tenent in capite, de dicto Domino nostro Rege, & de quolibet Burgo regni certis Burgenfibus, comparentibus omnibus illis, qui debuerunt, voluerunt, & potuerunt interesse, quibusdam vero absentibus, quorum quidam fuerunt legitime excusati, aliis per contumaciam se absentantibus, quorum nomina patent in rotulis sectarum, quorum quilibet adjudicatus fuit in amerciamento decem librarum, ob ejus contumaciam.

110. Of the aith to be maid to the Queene, be the Clergie and the Barronnes.



*Q*UO Die Dominus Rex, ex deliberatione & consensu totius Concilii, statuit, quod omnes & singuli successores Prælatorum Regni quorumcunque, necnon omnes & singuli hæres futuri Comitum, Baronum, omniumque Libere tenentium Domini Regis; teneantur facere constabile juramentum Domine nostre Regine. Nec ullus Prælatum de cetero admittatur ad suam temporalitatem, aut hæres cujusvis tenentis Domini Regis ad suas tenendas, nisi prius præstet Regine illud juramentum.

111. Anent fugitours fra the King or his Lieu-tenent.

*Q*UO Die consensum fuit & statutum quod omnes & singuli fugientes a Rege, vel alio quocunque ejus locum tenente, puniantur sicut rebelles publici, & notorii.

F I N I S .

T H E N I N T H

P A R L I A M E N T

O F

K I N G J A M E S T H E F I R S T,

Halden at Perth, the sext daie of March, the zeir of God, ane thousand, foure hundreth, twentie nine zeires.

112. Of Maires of see, their offices, attachementes and election.



*I*N the First of the power of the summonder, It is statute and ordained, that a Maire of see, quhidder hee bee Maire of the Schireffedome, or of parte, sall have power to present ane sufficient person or persones, and able to the Schireffe in Courte to be Deputes under him, quihilkis sall be sworne in the plaine Courte to the saide Office, and admitted be the Schireffe, and given the wand. He sall schaw nane other power in his attachementes, nor in his summondes making, bot allanerly the precept of his over-man, the quhilk commandis him to make the summondes. And swa ay till indure and minister in the said office, quhill his power be lauchfully revoked in Court be his Ordinar. And swa in the Schireffedomes quhair there is Maires of see in a ward, and not in anie other, the Schireffe sall choose sufficient and able persones, ane or maa, after as the custome of the Schireffedome is, the quhilk sall be chosen be him, with the consent of the members of the Courte, and sworne in Courte and admitted, and minister all thinges pertenant to the said office.

113. *Of the execution of Summondes, and verification thereof.*

ITEM, It is statute, that the summonder shall summond, & make his rehearse in courte, quihidder he likis the writ or tounge, keeping the sex termes of Summondes: swa that he have sufficient witness of diverse Baronies, as is contained in the Lawe, the quihilkis shall sweare in Court, that they by stude, saw and hearde, and for witness were tane, quhair that Summoundour maid the Summoundes, in maner and forme, as is contained in that writ, and he shall have freedome to reade the Summoundes, or gar reade them gif he cannot, but onie exception.

114. *Auent exceptions and substantial beades of the Brieve.*

ITEM, It is statute and ordained, that fra thine furth their fall nane exception availle against the Kingis brieves, quihidder they be lang written or schort, swa that they halde the forme of the brieve, statute in the Law of before, congruit and not raised, nor blobbed in suspect places, that is to say, in the name and the surname of the follower, & of the defender, and the name of the land, or of the cause, upon the quihilk the brieve was purchased, and the daie.

115. *Of effonzies to be maid in Court.*

ITEM, It is statute and ordained, that there fall be nane Effonzour admitted in courte, but gif he have a power specified for that cause, for him that he effonzies, and finde Burrowes to prove his effonzie, at the next court, as the Law requiris. And nane effonzies to be admitted in court, bot the effonzies statute and written in the Law of before, or gif a pure man fall suddenlie seik, twa leill men, his Nichtboure, or his Paroch Priest shall sweare it, and that to be admitted for that daie.

116. *Auent a Borgh to be founden in court.*

ITEM, It is statute and ordained, that quhair a Borgh is founden in a Court, upon a weir of Law, that the partie defender, as to that Borgh, shall have freedome to be advised, and ask leave thereto, and shall have leave and quihidder he will be advised within Courte or without Courte, findand Borrowes of his entrie, and his answer within the houre of cause, at the consideration of the Judge and the Court.

117. *Of the doomes falsing.*

ITEM, It is statute and ordained, that quha sa will fals doome, shall not remooove out of the place he stands in, quhen the doome is given, nor zit be advised with na man, quhill the doome be againe called, and that shall be that a man may gang easely fourtie pafe, & to be considered after the consideration of the Judge and the courte, and gif it be againe called, be ane Advocate of the partie, hee beand admitted anis to speake for that partie in the Courte be name and surname, it shall not neede him to rehearse his awin name, nor the Dempstaris in the doome falsing, bot allanerlie to say, **THAT DOOME IS FALS, STINKAND, AND ROTTEN IN THE SELFE, AND THEIRTO A BORGH**, and assigne a reason, protestand for maa.

118. *He quba reconteris ane Borgh, and absentis himselfe thereafter, tynis his action.*

ITEM, It is statute and ordained, that quhair two parties appearis at the Barre, and the tane stryke a Borgh upon a weir of Law, th'other partie shall have leave to be advised, gif he will aske it, quihidder he will reconter it or not, as is foresaid: and gif he reconters the Borgh, and strenthins it with reasones, hee and his partie be removed the Court. And gif it happenis them baith, or ane, till absent them, and cum not againe to the doome giving of the decret, quha sa at the doome giving, cummis not againe, shall remaine in ane unlaw of the Court, and tynne the action, for the quhilk the Borgh was foundin, and the reconter never to be harde nor have remeid to againe say that doome.

119. *Auent the persones that shall weare claitches of Silke and Furringes.*

ITEM, It is statute, that na man shall weare claitches of Silk, nor Furrings of Martrickes, Funzies, Purry, nor greate nor richer furring, bot allanerlie Knichtes and Lordes of twa hundredth markes at the least of zeirlie rent, and their eldest Sonnes and their aires, but special leave of the King, asked and obtined. And none uther were broderie, Pearle, nor Bulzeone, bot array them at their awin list in all uther honest arraiments, as serpes, beltes, broches, and cheinzies.

120. *Auent the persones that shall be haill barnished and weill horsed.*

BE The advise of the haill Parliament it is statute and ordained, that ilk man that may dispand zeirlie twentie pund, or an hundredth pund in movable gudes, that he be weill horsed, and haill barnished, as
Gentle-

Gentlemen aucht to be: And utheris semplar of tenne pounde of rent, or fiftie pundes in gudes, have hat, gorget, and a pelane with wambraferis and reirbraffers, and glooves of plate, breast-plate, pans, and leg splents at the least, or gif him likis better.

121. *Anent the graibing of Zeamen for weire.*

ITEM, That ilk Zeaman, that is of twentie pound in gudes have a gud doublet of fense, or ane habit-geon, an iron hat, with bow, schais, sword, buckler, and knife, and the Zeaman, that is na archer, nor cannot draw a bow, shall have a gude furr Hat for his head, and a doublet of fense, with sworde and buckler, and a gude axe, or else a brogged staffe.

122. *That ever-ilk Barronne within himselfe ordaine his men to be graithed, as is before written.*

ITEM, It is statute and ordained, that ilk Barronne within himselfe shall see and ordaine his men to be bodin, as is before written. And gif he dois not this betuixr this and *Martine-mes*, the Schireffe shall raise of ilk Zeaman then not bodin, as is foresaid, a wedder: and of ilke Gentleman, twa wedders, sa that they be warned of fourtie daies warning at the first time: and at the next time of fiftene daies warning, of ilk Zeaman not bodin, twa wedders, and of ilk Gentleman four wedders: and at the thrid time of fiftene daies warning of the Zeaman three wedders, and of ilk Gentleman a Mairt, and swa furth fra fiftene daies to fiftene; quhill they be anis laughfully bodin, as effeirs.

123. *Of ilk Burgesse man havand fiftie pundes in gudes.*

ITEM, It is ordained, that ilk Burgesse havand fiftie pundes in gudes shall be hail anarmed, as a Gentleman aucht to be: And the Zeaman of lower degree, and Burgesse of twentie pundes in guds shall be bodin with hat, doublet, or habergeon, sword and buckler, bow, schais, and knife: And that hee that is na bow-man, have a gude axe and sure weapons, as is foresaid: And that the Baillies shall raise the paine hereof in Burgh, gif it beis not kepted: that is to say, of ilk harnished man four shillings at the first, aucht shillings at the next, a mark at the thrid daie, ay fourth quhill he be weil anarmed: And of ilk Zeaman twa shillings at the first, foure shillings at the next, and aucht shillings at the thrid, and swa fourth, quhill he be weil anarmed.

124. *Anent shippes that breakis in this Realm.*

ITEM, It is statute and ordained, that Schippes that breakis in this Countrie, the Schippe and the gudes shall be escheit to the King, gif they be of thay Countries, the quhillkis usis and kepis the lamen law of broken Schippes in their awin lande, and gif they be Schippes of onie land that kepis not that law, they shall have the samin favour here, as the y keepe to Schippes of this land broken within them.

125. *That Advocates and Fore-speakeres in temporal Courts shall sweare.*

THROW the consent of the hail Parliament it is statute and ordained, that Advocates and Fore-speakers in Temporal Courtes, and alswa the parties that they pleade for, gif they be present; in all causes that they pleade, in the beginning or he be heard in the cause, he shall sweare, that the cause he trowis is gud and leill, that he shall pleade. And gif the principal partie be absent, the Advocate shall sweare in the faule of him, after as is contained in thir meters.

*Illud juratur, quod lis sibi justa videtur.
Et si quaeretur verum, non inficietur.
Nil promittetur, nec falsa probatio detur.
Ut lis tardetur, dilatio nulla petetur.*

126. *Barronnes and Lordes havand landes on the West Sea, and on the North, shall have Galayes.*

ITEM, It is statute and ordained, that all Barronnes and Lordes havand landes and Lord-shippes heir the, lican in the *West*, and on the *North* parts and namelic for-anent the Iles, that they have Galayes, that is to say, ilk foure markes worth of lande ane aire. And that this till understande of them, that are not seft before of Galayes. For they that are seft before shall keepe and uphalde the Galayes, that they are seft of before, and halden to susteine be their aulde infestment: And that the saids Galayes bee maid and reparrelled be *Maij* cum a twelfe-moneth, under the paine of ane marke to be raised to the Kingis use of ilk air. And the landes and Lord-shippes, quhat ever they be, strikand endlang the coast syde, and inward in the land; sex mile fall contribute to the reparation and the sustentation of the saids Galayes.

127. *Of the nature of the briefe of inqueist and faising.*

ITEM, It is ordained, that the samin statute maid upon the proclamation of the inqueist be kept upon the briefe of faising: that is to say; gif the briefe be presented to the Schireffe or Baillies in the head court, that it be served incontinent. And gif it be presented on ane uthir daie our-with the court, that it be cryed on fifteene daies warning. And gif it be neir *Whitsunday* or *Martine-mes*, the faising shall be given; and the partie contraire shall be privileged to break faising of fee and heritage fyftee daies after, and of the conquest fourtie daies after that cause; sa that the breaker be in faising of before.

128. *All persons remainand in England, without the Kingis leave, committis treason.*

ITEM, It is statute, that gif onie of the Kingis lieges passis in *England*, and residis and remains there, against the Kings will, he shall be halden as traitoure to the King.

129. *Of sovortie asked be onie partie of others.*

ITEM, It is statute and ordained, that gif onie of the Kingis lieges hes ony doubt of the life, outhir be deed or mannancc, or violent presumption, and he ask sovortie of the partie, that the plaint is maid upon, sa that the partie plantife mak prouf of the deed, or mannancc, or of the violent presumption maid or done till him be his aith, or uthir sufficient prouf, and the Schireffe do not that effeiris till his office in that case, he shall be in fourtie pund to the King, and assyith the partie.

130. *Free-holders or their Attourneyes suld be present at the Schireffes head Courtes.*

ITEM, It is statute and ordained, upon the serving of inqueistes and Retouires againt to the Kingis Chappel, that all Free-holders dwelland within ony Schireffedomes; compeir at ilie head Courtes, in their proper persones with their seales: Bot gif it happen them to be absent upon a reasonable cause. And gif onie be absent in that case, that he sende for him a sufficient Gentle-man, his Attourney, with the seale of his Armes, and swa in Schireffe-courtes set upon fyftee daies warning. And gif it happenis that the Court be waik, and not sufficient in the Ryal within the Schireffedome, the Gentles of the Regalities shall compeir at the warning of the Schireffe, without prejudice of the Regalitie, and enforce the court. And they that ancht compeirance, and compeiris not, shall be in ane unlaw of the Court.

131. *Salmond fishing is forbidden except in Solway and Tweede.*

ITEM, It is ordained, that the statute of fishing of Salmond, maid be the King that now is, and the three Estaites, be firmelie kepted, ay foorth, quhill it be revoked be the King and the three Estaites of the Parliament, our-takand the waters of *Solway* and *Tweede*, quhillkis shall be recidie to all *Scottes-men* all times of the zeir, als lang as *Berwick* and *Roxburg* ar in the *Englisb* mennis handes.

F I N I S.

T H E T E N T H
P A R L I A M E N T
O F
K I N G J A M E S T H E F I R S T.

Halden at Perth, the fifteenth of October. 1431.

132. *Anent the selling of Salmond out of the Realme.*

THE King and the hail Parliament hes statute and ordained, that na Salmond be sold, nor bartered with ony man that hes his our of the Realme, bot for *English* money allanerlie, gold, or silver for thairne halfe, and *Gascogne* Wine, or six gude pennie-worthie for the other half.

133. *That the Governour of the Realme induring his time, might not annalyse landes, that fell to the Crowne.*



ITEM; The said daie it was decreed by the three Estates in plaine Parliament, that the Governour of the Realme, induring the time of his Governance, might not give fra the Crowne na landes; nor annaly that fell to the Crowne; throw the decease of ony Bastardes, And therefore the gift and the infeyments maid till ADAM KER of the landes of *Zetbume* was of nane availe.

F I N I S . . .

T H E E L L E V E N T H
P A R L I A M E N T
O F
K I N G J A M E S T H E F I R S T.

Halden at Striviling, the second daie of March. 1433.

134. *Anent the breaking of the Kingis protection.*



ITEM, As touching the breaking of the brieve of the Kingis Protection, it is seene speedeful be the Lordes assembled at *Striviling* at this time, that what person, that hes the Kingis Protection, and it bee broken on him, fra hee have compleinzed to the Schireffe, the Schireffe fall sumounde the partie upon fourtie daies warning, to compeir before him at the next heade Courte to ansvere to his partie, anent the breaking of the Kingis Protection. And quhiddel he appeare or not, to garre it be knawin be an assise, gif the Kingis Protection be broken. And gif it be founden, that he hes broken the Kingis Protection, he fall be in the Kingis unlaw in ten pund, and assyith the partie, as law will, notwithstanding ony law or statutes maid of before.

F I N I S .

THE TWELFTH
PARLIAMENT

OF

KING JAMES THE FIRST,

Halden at Perth the tenth daie of Januarie, the zeir of God, one thousand, foure hundred threttie foure zeirs.

135. Of the foresaultour of the Erlidome of March.



ITEM, Die Martis, videlicet undecimo die Mensis & anni prædictorum, in prædicto Parlamento præfati excellentissimi Principis, tento apud Perth, ut supra, super jure tam proprietatis quam possessionis omnium & singularum terrarum Comitatus de Marche, & Domini de Dumbar, Procuratoribus & prælocutoribus dicti excellentissimi Principis & Domini nostri Actoris ab una prosequentis, necnon procuratore D. Georgii de Dumbar militis, rei & defendentis, partibus ab altera, ipsorumque allegationibus, juribus & rationibus attentis, ad plenum consideratis & discussis, dictiisque Dom. Georgio & eius prælocutore remotis postea revocatis & reintratis, per tres status Regni in dicto Parlamento presentes & existentes, diligenti examinatione & matura deliberatione præhabitis, concorditer fuit decretum, ac per os David Dempster judicatoris Parlamenti sententialiter judicatum, quod ratione forisfacturæ Dom. Georgii de Dumbar quondam Comitis Marchiæ & Dom. de Dumbar omne jus tam proprietatis quam possessionis omnium & singularum terrarum comitatus Marchiæ, & Domini de Dumbar, aliarumque terrarum quas de dicto Dom. nostro Rege tenuit in capite, cum omnibus & singulis suis pertinentiis, fuisse, spectasse & pertinuisse, ac esse, spectare & pertinere debere, tam in possessorio, quam in petitorio ad Dominum nostrum Regem prædictum.

136. Of letters of fidelitie promised to our Ladie the Queene.

ITEM, Eodem die Mensis & anni prædictorum, omnes Domini de Parlamento, tam Ecclesiastici, quam Seculares, ac etiam Burgorum Commissarii, promiserunt dare literas suas retinentiæ & fidelitatis Domine nostre Regine.

F I N I S.

THE THIRTEENTH
PARLIAMENT
Or GENERAL COUNCELL of
KING JAMES THE FIRST,

Halden at Edinburgh, the twentie twa daie of October, the zeir of God, ane thousand,
foure hundredeth, thirtie sex zeires.

137. *Of Thieffs-bute.*



ITEM, It is statute and ordained be the King, with consent of the three Estaites, that nouthir Lord of Regalitie, Schireffe, Barronne, nor utheris, sell onie thieff, or fine with him of thieffdome done, nor to be done, under the paine to the Lords of the Regalitie, doand the contrarie, of tinfell of the Regalities, and Barronnes, Justices and Schireffes of life and gudes. Saifand that this statute fall not strike to Bordourers dwelling on the Marches, but for thieff to be done, after the making of this statute. And this statute induring the Kingis will.

138. *That assifors suld sweare.*

ITEM, It is statute and ordained, that all Judges fall garte the assifours swear in the making of their iath, quhen they are charged to assifes, that they nouthir have tane, nor fall take meede nor buddes of ony partie: And gif onie sik be given, or hechi: or onie prayer maid before the giving out of the declaration and determination of the assifours: the said assifours fall openly reveale the buddes, gifts of prayers, and the quantitie and maner thereof to the Judge in plaine Court.

139. *Of arreistment to be made be the Crowner.*

ITEM, It is ordained, that all Crowners fall arreist at all time, alsweill before the erie of the Aite, as after, all them that fall be given to him in portuous bee the Justice Clerke, and nane utheris.

140. *Trespaffours may be accused at the Kingis instance allanerly.*

ITEM, It is ordained, that all Maïres and Serjandes arreist at the Schireffis bidding, albeit that na partie follower be, all trespaffours: and that the said Schireffe follow the saïds trespaffoutes in the Kings name, gif na partie follower appears.

141. *Assurance with English-men is treason.*

ITEM, It is ordained, that na man be assured of *English-men*, nor take protections of them for landes or gudes, bot allanerly the Wardens, quhilkis fall have leave given by the King, under the paine of treason.

142. *Justice suld be done upon thieves in all haste.*

ITEM, It is ordained for mair stanching of thieff and trespaffe, that suppose a thieff byde twa Sunnes, thre or foure, or maa, after he be attached, he fall not have freedome to abide fourtie dayes, bur he fall be judged als soone, as a courtte may be set therefore.

143. *Of in-bringing of Bulzeon.*

ITEM, It is ordained, that of ilk sack of wooll, that fall passe out of *Scotlande*, and the *Scottis* Merchande gif he failis therewith, or the *Scottis* Merchande that selles it to strangers, fall finde sicker sovvertie to the Customers of the Portes, quhair the Schippes sailis, to bring hame in *Scotlande* to the Maister of the Kingis cuinzie, thre ounce of Bulzeon, and of a last of hydes as meikle, as of the three sacks of wooll. And of five *Hamburg* barrells alsmeikle, as of a sack of wooll. And of uther gudes, that awe na custome, or awe custome, after the fraucht of the Serplait: that is to say, it that payis a Serplait in fraucht, fall bring thre ounce of Bulzeon hame, under the paine of tinfel of alsmeikle Bulzeon, as they suld bring hame to be applyed to the King. And the customers of ilk Burgh fall write all maner of gudes, that enters to schip-buird for the seaching of knowledge heiroy.

144. *That nane be foundin in Tavernes after nine houres.*

ITEM, It is ordained, that na man in Burgh be foundin in Tavernes of wine, all or beir, after the straike of nine houres, and the bell, that fall be rung in, in the said Burgh. The quhilkis founden, the Alderman and Baillies fall put them in the Kingis prifon: The quhilk gif they do not, they fall pay for ilk time, that they be foundin culpabill before the Chalmerlane fyftie schillinges.

145. *Byeing and selling of English guds.*

ITEM, It is ordained, that na man under the paine of escheit bye ony *English* claithe or uther gudes, within the Kinrik of *Scotland* fra *English-men*, or without. And that na *English-man* havand conduct, bring in and sell, or change onie *English* gudes, bot gif thay gudes be specified, and leave given in his safe conduct, saifand in payment of ranfome of *English-men*.

146. *Twitching the selling of Salmond till English-men.*

ITEM, It is ordained, that na *Scottis-man* sell to *English-men*, or in *England* before hand, or utherwaies ony Salmond, bot that *English-men* bye them in *Scotland* for *English* gold, and none uther contentation. And gif the *English-men* will not bye them, the *Scottes* merchandes may fend them in *Flanders* or uther places, quhair them thinkis: swa that of na wise they nouthir sende them nor sell them in *England*, under the paine of escheit. And for the gude of the Merchandes, the King will grant conduct till all them that will cum and bye Salmond in *Scotland*.

147. *That nane bye wine fra Fleminges of the Dam.*

ITEM, It is statute and ordained, that na man of *Scotland* bye at *Flemminges* of the *Dam* in *Scotland*, onie kinde of wine, under the paine of escheit theirof.

148. *That the Law be balden, quhair the trespassse is done.*

ITEM, It is statute and ordained, that for seven zeires to cum the Kings Justice of baith the syds of the water of *Forth*, and als the Schireffes for trespassse done out-with Regalities and Burrowes, the said Justice and Schireffes fall hold the Law, quhair the trespassse was done, and nouthir defer to Burrowes nor Regalities theirin.

149. *That nane have out of Scotland Gold, Silver, nor Jewels.*

ITEM, That nane have out of *Scotland* Gold, Silver, nor Jewels cuinzeit, nor un-cuinzeit, under the paine of escheit.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES and utbers, maid be KING JAMES the First, qubilis are nocht prented,

In his first Parliament, the twentie sex of May, 1424.

O *F Finance to be maid for the Kingis costage in England.
Of the maner of Taxation to be maid within the Realme.
Ane complaint upon purchassing of Pensiones.*

Second Parliament, twelfth of March, 1424.

Anent the ordinance of Processiones.

Thrid Parliament, elleventh of March, 1425.

*Anent the schawing of Chartoures and infestimentes.
Of Prayer and Proceffion to be maid for the King and the Queene by the Clergie.
Anent measuures.
Anent sitting of Session.*

Seventh Parliament, first of March, 1427.

*Of Cruwes and waters.
The leave to Merchandes to sure their gudes.*

Tenth Parliament. 15. of October, 1431.

For resffing of rebelloures in the North.

Elleventh Parliament. 2. of March. 1433.

*Of the Brieve de aqua ductu.
Of mandementes to execute the attes of Parliament.
That the Law be balden where the trespasse is done.*

F I N I S.





IACOBVS. II REX .SCOTORVM.



T H E F I R S T
P A R L I A M E N T
O F
K I N G J A M E S T H E S E C O N D,

*Halden at Edinburgh the XX. Day of March. The Zeir of God, Ane thousand, foure hundredth,
threttie seven zeiris: And of his Reign the first zeir.*

1. Of the Coronation of our Sovereine Lord.



VO Die comparantibus tribus Regni statibus apud EDINBURGH, omnes Comites, Nobiles, & Barones, ac Libere-tenentes dicti Regni, venientes ad castrum de EDINBURGH, presatum Dominum nostrum Rogem, cum maximo applausu & apparatu, ad laudem Dei & letitiam totius populi ad Monasterium Sancta Crucis de EDINBURGH, pro Corona Regni Scotiae ibidem suscipienda solemniter produxerunt. Caetera autem praesentis Parliamenti sunt in certis actis tangentibus partes.

2. Revocation of landes, possessiones, and moveable gudes:
Alienation of the Kingis Landes.

THE Haill three Estaites of the Realme, sittand in plane Parliament, That is to say, the Clergie, Barronnes, and Commissiouners of Burrowes be ane assent, nane discrepand, weill advysed and delivered, hes revoked all alienations, alsweill of landes and of possessiones, as of moveable gudes, that were in his Fathers possession, whome God assoilzie, the time of his decease, given and maid without the advyse and consent of the three Estaites. And hes ordained, that ane inventar be maid of all the gudes in to depois belangand to the King by them, that beste knawis the gudes: And that this inventar be keiped to the Kingis age. And hes ordained be maner of statute, that na landes nor possessiones pertaining to the King, be given or granted till onic man, without the advyse and consent of the three Estaites of the Realme, unto the time of his age of xxj. zeires. And gif it happenis ony sik alienationes to be maid in prejudice or hindring of the Crowne, that it be of na value, force nor effect.

F I N I S.

H

T H E

T H E S E C O N D
P A R L I A M E N T

Or COUNCELL, of

KING JAMES THE SECOND,

*Halden at Striviling, the XIII. daie of the Moneth of March, the zeir of God, ane thousand,
four hundreth, threttie aucht zeires.*

3. *Ancient Rebelloures and unreasonablen men, being receipt and halden within Castelles.*



ITEM, It is statute and ordained, that quhair there is ony rebelloures or unrulfe-ful men within Castelles or fortalices halden or receipt, or quhair there be ony presumption violent of rebellion, or spoilling of the Countrie: it is advifed and ordained, that the Lieu-tenant raise the countrie, and passe to sik houses, and arreift their perfonen, quharfomever they be, to the Law, and take sovertie of thay perfonen, being within thay houses, that the Countrie and all the Kingis lieges be unharmed and unskairthed of the saids houses, and of them that inhabitis them, fra thine foorth. And gif onie makis difficultie to be arreifted and finde sovertie, as law will, they fall be streinzied thereto.

F I N I S.

T H E T H R I D
P A R L I A M E N T

Or COUNCELL GENERALL of

KING JAMES THE SECOND,

*Halden at Striviling, the second daie of the Moneth of August, the zeir of God, ane thousand
four hundreth, and fourtie zeires.*

4. *Kirk-men suld not be troublid in their bodies nor gudes.*



THE Frydaie the fift daie of the Moneth, and zeir before written: The haill three Estaitenane dissentand, hes ordained, that halie Kirke be kept in freedome, and na-man vexe Kirk-men in their perfonen nor gudes, under all charge, that they may in-rin against God and our Sovereine Lorde the Kingis Majeftie.

5. *Justice aires suld be halden twife in the zeir.*

ITEM, The famin daie the haill three Estaitenane hes ordained, that the Justices on the South side of the *Scottis* Sea, set their Justice aires, and hald them twife in the zeir, and alsua on the North side of the *Scottis* Sea, as auld use and custome is. And richtswa Lordes of Regalities within their Regalities, & alsua the Kingis Baillies of his Regalities. And that the King himselfe, quhill Justice be anis halden in the Realme, be in ilk Toune, quhair the aire fall be halden, or neir theirby, quhair his Cuncel thinkis it speidfull.

6. *Of remeid and punition of divers crymes.*

ITEM, The three Estaitenane hes concluded the said daie, that our Sovereine Lord the King ride throw all the Realme incontinent after their be send word to his Cuncel, quhair onie rebellion, slauchter, burning, reue,

rise, forfalt, or theft, happenis: and there to call the Schireffe of the Schire quhair the rthing beis done before him, and or the King depart our of that Schire, to set remeid of sik harmes done, or gif onie sik fall happen to be done, quhidder the default be in the Officiares, or in the doers, ro be punished be the King. The quhilk conclusion and ordinance, all the Barronnes of commoun assent and consent are oblihed rill assit, baith with their power in bodies and gudes, als of as fall be seene speedeful, be advise of the Council, for the gude and availle of the Realme, and the commoun profit.

F I N I S.

T H E F O U R T H
P A R L I A M E N T
Or G E N E R A L L C O U N C E L L of
K I N G J A M E S T H E S E C O N D.

Halden at Striviling, the fourth daie of November, the zeir of God, one thousand foure hundredeth, fourtie three zeirs.

7. *Aneut troublers of Halie Kirk: and cursed perones.*



THE Kinge and the three Estaites hes statute and ordained, that the statute of halie Kirk, that is oppressed and hurte, be keiped, belawe of halie Kirke, and actes and statutes made of before time in Generall Council and Parliament. And that general processe be maid in forme, and general cursing against all the breakers of the said freedome, and als against particular or singular perones be censure of halie Kirk. And that ilk place assist till uthers processe. And that na perones, the quhilk ar notour spuilzieours, distroublers, or infaours of halie Kirk, nor nane against quhome the Proces beis led of cursing: be received in the Kingis Castelle or Palace, or in his presence, nor admitted to Council nor Parliament, heard nor answered in the law of judgement of fee and heritage, or uthir causes, bor ever

eschewed as cursed, unto the time the said perones cum to amendis, and assyith the partie, & obtaine absolution in forme of law.

F I N I S.

T H E F I F T H
P A R L I A M E N T
O F
K I N G J A M E S T H E S E C O N D.

Halden at Edinburgh, the zeir of God, one thousand, foure hundredeth, fourtie nine zeires: And of his Reigne the threttenth zeire.

8. *The punition of the slauchter of Salmond.*



ITEM, It is ordained, that quha sa beis convict of slauchter of Salmond in time forbidden be the law, fall pay fourtie shillings, but remission the first time. And the seconde time foure poundes. And at the thrid time he fall tene his office for ever. And als wa he that garris slaie or mainteinis the slayer, or is airt or part of the deede doing, fall be demained, as the principall doers. And gif onie man be inest of freedome to sith in forbidden time, sik freedome fall cease for seven zeires to cum. And gif onie dois in the contrarie, he fall paie an un-law before the Justice, upon the quhilk trespassse, the Justice Clerke fall inquire at the receiving of the indictments, as of uthir poyntes belangand his office.

H 2

9. *The*

9. *The Schireffe shuld cause restitution to be maid of gudes spuilzied and rest: otherwise he becummis debtor therefore.*

Through the consent and advyse of the hail Parliament, it was ordained and decreited, quhair onie open and publicke riefes and spoliations outher of Kirke gudes, or uthers happenis within the Realme, that the partie spuilzied compleinzie to the Schireffe, in quhat Schireffedome the spuilziers remainis in, and that the gudes spuilzied ar receipt in. And that the Schireffe passe to the spuilziers and receipters of them, and the gudes spuilzied, and charge them to restore againe the spoliation, and arreist the spuilzioures and receipters of them, and the gudes spuilzied, to the Law. And gif the spuilzioures or receipters disobeyis the Schireffe, swa that hec may not compell them to restore againe the spoliation, the Schireffe fall blaw out on them to the Kingis horne as rebelloures, and pronouce them as sik rebelloures openlie to the Lord Lieu-tennent. And gif the Schireffes refusis to doe their office, or be negligent, or partial: then the partie spuilzied fall compleine to the Kings Lieu-tennent, of the Schireffe, and the Lieu-tennent fall demaine the Schireffe, as the spuilzeoures shuld have bene demained: and that sik execution be maid be the Officiares upon them, that again-standis and disobeyis the Kingis Acts & decreetes given under the Kingis waxe, and decreeted be the Lieu-tennent and the three Estaites. And gif sik trespassoures put to the Kingis horne, make na restitution and fulfilling of the acts, as is before said, within fiftene daies, & findis not foerty to underly the law for their disobeying, that fra thine soorth, thay persones be notourlie cryed rebelloures to the King be the Officiares. And sik men shuld be demained be the actes of fourtie daies, the auld act not againe-standing. And if ony sik trespassours, rievors or spuilziers, of ony mennis gudes put to the Kingis horne, makis not restitution within the foresaid fourtie daies of the gudes spuilzied, and bindis them not to the law, as is before written, they fall not be received be na minister of the Kings to the Law, quhill before all things they have maid full restitution of the spoliation.

10. *That the Officiares and Lordes of Regalities fall execute and fulfill this foresaid act.*

ITEM, It is ordained and decreeted, that this acte fall be execute and fulfilled be the Officiares, and Lordes of the Regalities within the Realme, with the helpe and supplie of the Lord of the Ryall, gif neede be. And gif the Officiares of Regalities fulfillis not this acte, it fall be lauchfull to the Kingis Schireffe to fulfill it within Regalities.

F I N I S.

T H E S E X T

P A R L I A M E N T

O F

KING JAMES THE SECOND,

Halden at Edinburgh, the zeir of God, ane thousand, foure hundreth, fourtie nine zeires.

11. *Of letters of caption to be given against Cursed persones.*



The first, for the mainteining of the freedome of halie Kirk, It is ordained, that fra the censure of halie Kirk be led and used upon onie person, and it be maide knawin be the Ordinar, the Kingis letters of caption fall be given, and the auld Law used as effeiris. And that the Schireffe and uthers officiares execute the Kingis letteres, and put the persones that the censure of halie Kirk is led upon, in the Kingis ward. And gif the persones be fugitive, and may not be over-tane be the Schireffe or his Officiares, and they have landes and gudes, thay landes fall be and their gudes arreistid and pryfed to the partie, like as for uther debt at certaine mercat dayes, as effeiris. And gif the saidis persones be not over-tane be the said Officiares, and they have nouthir landes nor gudes, they fall be put to the Kingis horne. And this acte till indure till the nixt Parliament.

12. *The*

12. *The Proclamation of generall peace: Of Law-burrowes: Of Ministers of Law.*

ITEM, It is ordained, that generall peace be proclaimed and keiped out-throw all the Realme, that all men may travel surely & sickerly in merchandice, & utherswaies in all places throw the land, swa that na man neede till have affurance ane of uthir, bot that the Kingis peace be affurance till all men. And quha that offendis therein, to be punished by the King or his Officiares. And that the King make sik Officiares, that can weill & may weill punish sik trespassours. And attour, gif ony person dreads ane uthir, that he passe to the Schireffe, or to the Officiares, that it esseiris to, and make that knawin. or sweare that he dreads him, and they fall take borrowes of peace, after the actes maid thereupon of before. And that just men be maid Justices, that kennis the Lawe; and that will minister evenlie, alsveill of the greate, as of the small. And richtswa of uthir officiares. And gif they be negligent to minister their office, that they be punished be the King. And that the Justice passe twife throw the countrie in the zeir, after the auld lawes.

13. *That nane rebell against the Kingis person nor his autoritie.*

ITEM, It is ordained, that nane rebell against the Kingis person, nor his autoritie: and quha sa makis sik rebellion, to be punished after the qualitie and quantitie of sik rebellion, be the advise of the three Estates. And gif it happenis ony within the Realme openly or notourly to rebell against the King, or makis weir against the Kingis Lieges against his forbidding, in that case the King to gang upon them with assistance of the hail landes, and to punish them after the quantitie of the trespassse.

14. *Of them quha seekis revenge for trespassours justified.*

AND Attoure, gif it happenis ony man till assist in red, cornfort, or counsell or maintenance to them that ar justified be the King in his present Parliament, or fall happen to be justified in time cumming, for crimes committed against the King, in the contrair of the act maid: Fra it be notout, or the trespassour be convict thereof, he fall be punished in like maner, as the principal trespassours.

15. *Trewes on the Bordoures, suld be kepted be the Wardane.*

ITEM, It is ordained, that the Wardane choose sik deputes and officiares under him, as he will stand for, for the keeping and observing of the trewes, sen hee hes the charge. And that the King gar assist to him, in the supplying of him and his officiares, gif ony walde take on hande to disobey or gaine-stand.

16. *Of punition of Officiares trespassand in their office wilfullie.*

ITEM, It is ordained, that gif ony Officiar wilfully trespassis in the ministracion of his office of the Law, that beand over-tane or proved on him, before the King or his Councell, he fall tyne his office for an zeir and day at the Kingis will, and assyth the partie, as esseiris.

17. *The byer of Landes suld keepe the tackes set before the bying.*

ITEM, It is ordained, for the safetie and favour of the puir people that labouris the ground, that they and all uthiris, that hes taken, or fall take landes in time to come fra Lordes, and hes termes and zcires thereof, that suppose the Lordes sell or annaly that land or landes: the takers fall remaine with their rackes, unto the ischew of their termes, quhais handes that ever thay landes cum to, for siklike maill, as they tooke them for.

18. *Tackes of wedset Landes, set within the just valour, suld nocht be kepted after the Redemption.*

BOT Quha sa takis, or hes tane landes in wedset, and syne setts for maill lang time after the land be quite out, for halfe maill or neir thereby, that thay rackes fall not be kepted nor halden, after the quiting out of the said land, bot gif they be set for the very maill or neir thereby.

19. *The committer of spuilzie suld make restitution: pay the expenses, and ane unilaw to the King.*

ITEM, It is statute and ordained, that onie man, that beis spuilzied, and cummis before the King, and his Councell, and compleinzies of spoliation, & the spuilzie may be proved, there the partie present or summons lauchfullie, & not compeirand: or appeirand, the spuilzie beand proved, the Schireffe of the Schire fall be commanded be the King to mak him, that is spuilzied, bee restotet but detaie. And gif the pleinzour of the spuilzie have na prooffe reddie before the King, the King fall writ to the Schireffe, at his instance, to set him a peremptour day of fiftene daies at the fardest, to the quhilk he fall warne the parties to cum. At the quhilk day quhidder they cum or not, the spuilzie beand proved, the Schireffe fall make him

that is spulzied, but delay to be restored, as is before said, togidder with the expenses, the quhilk is the partie follower lauchfullie makis, and the Kingis unlaw as effeiris.

20. *That the Justice, Chalmerlane, Crowners, and all uther Officiares ryde in competent and easy number.*

ITEM, It is ordained, that justices, Chalmerlane, Crowners, and uther Officiares, that makis course throw the land, ryde but in competent and easy number, to eschew grievance and hurting of the people, the quhilk number of auld time was statute and modified, and that the Crowners cease of the taking of the renne pennies, for the wrang custome of them, that fundis them redde borrowes.

21. *Of the away putting of Sornares, seinzied foolis and vagaboundes.*

ITEM, It is statute and ordained, for the away putting of Sornares, ouer-lyars, and maisterfull beggetts, with horse, houndes, or uther guddes, that all officiares, baith Schiriffes, Barronnes, Aldermen, Baillies, alswed within the Burgh, as ourwith, take ane inquisition at ilk courte, that they hold of the fore-said things: And gif ony sik be founden, that their horse, houndes, or uther gudes be eicheit to the King, and their person put in the Kinges waired, quhill the King have said his will to them. And alswa that the said Schireffe, Baillies, and Officiares inquire at ilk court, gif there be onie, that makis them fuiles, and are hairdes, or uthers sik like rinnares about. And gif onie sik be founden, that they be put in the Kingis waired, or in his irones for their trespasses, als lang as they have ony guddes of their awin to live upon, and fra they have not to live upon that their eares be nailed to the trone, or till ane uther tree, and their eare cutted off, and banished the cuntrie. And gif thereafter they be funden againe, that they be hanged.

22. *Of byares of victual, and keiperes thereof to ane dearth.*

ITEM, It is ordained for the eschewing of dearth within the Land, that Schireffes, Baillies, and uther Officiares, baith to burgh and to land, take and inquire at ilk courte that they hold, quhat persons within their boundes byis victual and haldis it till a dearth. And gif it beis founden, that the Schiriffe and officiares make it knawin at ilk mercat croce to the King, quhat persons they ar, and that they be bot as ockerrares repute. And that they be punished and demained as ockerrares suld be. And the victual that they have, be escheitit to the King.

23. *It is lesun to all the Kingis Lieges to bye and sell victual. Of auld stackes.*

ALSWA, That na Burgesses nor na uther persones, that byis ony corne or victual to sell againe, hald victual in Burgh nor out-with, mair then will susteine him and his meinzie to new corne: under the paine of escheit of the victual to the Kingis use, bot that that victual be presented to mercattes, and sauld as the price gois. And attour, that the Kingis Lieges in all places throwout the Realme, have power to bye & sell victual at their liking, baith on the North halfe and South halfe of Forth, ilk ane till uthers, but onie letting or impediment. And that na man hald old stackes in his zaird langer then Zule, under the paine of escheit thereof to the King.

24. *Sundrie poyntes of treason.*

ITEM, It is statute and ordained, that gif onie man, as God forbid, committe or do treason against the Kingis person, or his Majestie, or tris in feire of weir against him, or layis handes upon his person violentlie, quhat age the King be of, zounge or auld, or receiptis ony that hes committed treason, or that supplies them in helpe, redde or counsell, or that stufis the houses of them that are convict of treason, and haldis them against the King, or that stufis houses of their awin in furthering of the Kingis rebelles, or that assaizies Castles or places quhair the Kingis person fall happen to be, without the consent of the three Estaites fall be punished as traitoures.

25. *That the Regalities being in the Kingis hande, fall be justified be the Kingis Justice.*

ITEM, It is ordained, that all Regalities, that are in the Kingis handes, or fall be in time to cum, be halden as Royalty & justified be the Kingis Justice, quhill they remaine in the Kingis handes, and the free-halders of the said Regalities fall compeir at the Justice aires, and their Suters within the Schireffedomes, that they are in, and to the Kinges Parliamentes and General! Councilles, as the free-halders of the Royaltie dois.

26. *For eschewing of maisterfull thieft and reise.*

ITEM, For eschewing of greare and maisterfull thieft and reise, it is ordained, that the Justice do law out throw the Realme, and quhair he may not hald Justice of maisterfull men, he fall verifie and certifie the King thereof: then the King fall provide with his secreit Council in all haist remeid theirof.

27. *The Justice Clerke shal not reveil the dittay: nor alter the Rolles.*

ITEM, It is ordained, that the Justice Clerke reveil na mannis action to na person, or translate onis action utherswaies, then it was given him, bot for the better to the King: or change names ane for ane uthir, or put out onie of the Rolles without commandement of the King, or of the Councell, under the paine of trespell of his Office, his honour, and his gudes to be at the Kinges will.

28. *Money shal not be carried away: False Money: Na money shal be striken without the Kingis licence.*

ITEM, As anentis the money, it is referred to the Actes maid of before, be the soure and twentie per-sones chosen thereto, baith for the same bringing of the Builzeon be the Merchandes, and of the new fraik to be maid, and the course thereof be the money that now runnis. And that their be maid at all portes of the Realme strait searchers to restraine the having out of the money, and richt swa upon the Bordowres of the Marches. And that all falsie strikers of gold, silver, or of falsie groates, & pennies be searched, & writen for, & brought to the King to be punished, as Law will. And that nane tak on hand to sryke in time to cum, bot they that hes or fall have command of the King under his greate seale.

29. *Anent the Summounding of onie persons of contumacie, and paine thereof.*

ITEM, It is ordained, that gif onie persone garris sumbound ane uthir before the King and his Councell for onie cause; and the partie sumbound be *contumax*, he fall be condemned at the first daie in the expenses of the partie followand, and in twentie schillinges to the King for his amerciamnt. And be he absent and *contumax* at the second summoundes, he fall be condemned be the Judge in the expenses of the partie follower, and in fourtie schillinges for the Kinges unlaw. And be he *contumax* at the thrid day, at the quihilk he fall be sumbound to cum: the quihilk summoundes fall mak intimation, that quihidder he compeir or not, the Judge will proceed as Law will in the cause, and then gif he be sumbound thirte and compeiris not, he fall be condemned in the parties expenses, and in four pundes for his unlaw to the King. And then fall the Judge proceed in the cause and doe Justice. And gif the cause be on fee and heritage, the partie sumbound, as is foresaid, fall be condemned for his contumacie, and the partie follower fall be put in possession of the said fee and heritage, and byde therein, aye and quihill his partie affyith fulllelie all the expenses, in the quihilk he was condemned, and to the King all his unlaues: The quihilk done, he fall be heard in the principall cause mooved against him; not againstanding the decreit of possession before given: bot gif he bide fa lang; that prescription lauchfullie be runnin. And gif the cause be of mooveable gudes, the partie follower fall be put in possession of the other parties gudes, to the quantitie of the thing or the gudes, in the quihilkis the other partie beis judged, to remaine with the partie follower for a zeir and a day, And gif the partie condemned within the zeir and day, cummis and affyithis fulllelie all the other parties expenses judged to the partie follower, and all the Kingis unlaues, as is before said, and findis cautione to stand and abide the partie at the Law, then fall he recover againe the possession of his gudes, and be heard and have Law in the cause principal. And gif the partie condemned have landes or gudes: then fall his landes and gudes be recognised in the Kingis handes. And gif he hes na landes nor gudes, then fall he be out-lawed and put to the Kingis hornie. And this ordinance to continue to the nixt Parliament. And that all Lordes havand Regalities, fall judge all them of their Regalities, after the acte before written. And that ilk anie of the three summoundes be of fiftene daies warning at the least. And that the letters of summoundes passe under the quihite waxe, and the summoundes of the Lordes of Regalities, to passe under their sealles, or their signettes.

F I N I S

T H E S E V E N T H
P A R L I A M E N T
Or C O U N C E L L G E N E R A L L, of
K I N G J A M E S T H E S E C O N D.

Halden at Perth, the fourth daie of Maij, the zeir of God, one thousand, foure hundreth, and fiftie zeirs, and of his Reigne the fourteenth zeire.

30. *That na man of this Realme bring hame poyson, under the paine of treason.*



THE Lordes of the three Estaites gathered and assembled in the Friere Kirk, & commonand upon divers matters be-langand the common gude of the Realme, it was be the King and als the Lords of the three Estaites, assentand and consentand, ordaind: & be the maner of aye leftand statute determined and forbidden, that na kinde of man nor woman of the Realme of *Scotland* for Silver, nor Gold, nor nane uther merchandice, be na maner of way, sould bye, nor inbring na kind of poyson in the Realme, for onie maner of use, under the paine of treason. And gif onie person of the Realme of *Scotland* in onie time to cum bring in onie maner of poyson, throw the quhilk onie Christian-man or woman may take bodelie harme, and that may be kend or they convict theirof, that person or persones, sa declared and convict, fall tyne and forefault to the King lyfe, land, and gudes.

31. *That na stranger bring hame poyson.*

ITEM, Gif ony stranger, ane or maa, man or woman, of ony uther Realme, cum in this Realme of *Scotland*, and in-bring be ony maner of way poyson, throw the quhilk onie Christian-man or woman may take bodely skaith, and that may be kende, or they convict thereof, they fall underly the samin paines, as is before written of them of this Realme, and na conduct nor remission to helpe them in that case.

F I N I S.

T H E A U C H T
P A R L I A M E N T
Of our S O V E R A I N E L O R D,
K I N G J A M E S T H E S E C O N D.

By the Grace of God, King of SCOTTES, Halden at Striviling, the twentie fiftth daie of the Moneth of October, the zeir of God, one thousand, foure hundreth, fiftie one zeire.

32. *The advisement of the three Estaites, touching the matter of money.*



ITEM, In the first, that they thinke it expedient for diverse causes, that they have considered, and counfellis that there be stricken in this Realme new money, conforme eaven in weight to the money of *England*, with the quhilk this Realme hes part of commoning. And that there be stricken of the ounce of burnt silver, or Bulzeon of that finnes, aucht groates, and of the samin matter and weight, as effeiris, halfe groate, pennie, halfe-pennie, and farding.

ITEM, That the samin new groate to be stricken, have course for aucht pennies the halfe groate: for foure pennies, the pennie: for twa pennies the halfe pennie: for ane pennie and the farding, for a half pennie.

I T E M,

ITEM, That the *Englisb* groates, of the quhilkis aught groates haldis ane ounce, have course rightswa for aught pennies the peece. And the half groate *Englisb*, conformed to the said groate in weight, have course for foure pennies. And that na *Englisb* pennie have course, bot at the will of the receiver.

ITEM, Fra the new groate be stricken and proclaimed, and a special daie set for the course of it, then the new groate that now runnis for sax pennies, fall descend to foure pennies, and the halfe groat to twa pennies.

ITEM, That the Demy, the groate and the half groate, that now runnis, have their course, that they now have, unto the time of the Proclamation, and the course of the said new money.

ITEM, That there be stricken a new penny of Gold called a *Lyon*, with the prent of the *Lyon* on the ane side, and the image of Saint *Andrew* on the other side, with a side coate even to his sute, halding the famin weight of the halfe *Englisb* Noble. And that the said *Lyon* be not taken in payment, bot gif it hold the full weight of the said half *Englisb* Noble. And that the said new *Lyon*, fra the daie that it be new cryed, have course, and fall runne for sex shillings aught pennies of the said money: and the half *Lyon* of weight fra the daie it be cryed, and of finnes thereafter, have course for three shillings foure pennies. ITEM, after the course of the said Proclamation, the Demy that now runnis for nine shillings, fall run then for sex shillings aught pennies, and the halfe penny for three shillings foure pennies.

ITEM, The Royall of *France*, fall have course for sex shillings aught pennies, and the *Sakute* havand the weight of the said new *Lyon*, fall have course then als for sex shillings aught pennies. And the Crown of *France* havand a crowned *Floure-de-luce* on ilk side of the Schield, that runnis now in *France* for courseable payment, and the *Dolphin* Crowne ilk ane of them havand course for sex shillings aught pennies. And the *Ryders of Flanders* havand course for sex shillings aught pennies. And the *Englisb* Noble called the *Pace*, fall have course then for threttene shillings foure pennies. And the halfe Noble thereof, for sexe shillings aught pennies: and sa the farding for three shillings foure pennies: and the *Flemisb* Noble that time havand course, for twelve shillings aught pennies. And all uther kinde of gold havand na course, bot as the byar and seller can accord.

ITEM, The pennies that were stricken by the Kingis Cuinzeoures, that is to say, *Robert Gray*, *John of Dabrynpill* father himself, *Alexander Tod*, and *John Sperby*, fall have course as they now have, unto the time of the said new fraik. And of thia pennies, fall be tane bot twelve pennies in a pound. And all uther kindes of pennies stricken by *Henry Goldsmith*, and be all uther false cuinzieoures, outhir in *Invernes*, *Dysfart*, or *Forsfere*, or ony uther place, fall have na course fra this daie forth, nor be received for payment.

ITEM, Fra the new groate have course for aught pennies, that the foresaid pennies stricken be the said Kingis cuinzieoures have na langer course, nor be received in payment.

ITEM, That this new cuinzie be stricken even furth-with; groate, halfe groate, and penny, unto the said new groate runne for aught pennies: the said new groate for twelve pennies: the halfe groate for sex pennies: and the penny for three pennies.

ITEM, That the *Lyon*, and halfe *Lyon* be stricken eaven sa furth-with and have course to the said time, the *Lyon* for ten shillings: And the halfe *Lyon* for five shillings.

ITEM, That provision be maid for the Gravoures of the irones, And that now incontinent traisty sworne-men passe forth, and receive all the irones of the Kingis strykers baith of Gold and silver, togidder with the letters of graving fra the Gravoutes, and before the King and his Council they be destroyed, and the new irones that fall be maid, fall be given within the cuinzie place.

33. *Maister of the Cuinzie.*

ITEM, That the Maister of the money fall answer for all gold and silver, that fall be stricken under him, quhill the Wardane have tane assay thereof, and put it in his buist. And that na man fall take the said money, fra it be buried and clypped, bot at his awin lyking. And the said Maister fall have power to choofe all servandes under him to strike, and to punisb them, gif they trespassse. And that the prenters and strickers were na Gold-smithes, and utheris might be gorten.

34. *That na man have out of the Realme gold, silver, nor Bulzeon.*

ITEM; That na man have out of the Realme, gold, silver, nor Bulzeon, under the paine of escheiting thereof, the ane halfe to the King, and the outhir halfe to the taintour and raker. Neverthelesse, because that diverse men mon passe throw *England* be land, or be Sea to *France*, *Flanders*, or uther countries, and na further, upon the quhilk the King mon take searchoours of leill men.

35. *That na cattle be sauld in England, bot for reddie gold or silver.*

ITEM, That na Cattle be sauld in *England* to *Englisb-men*, bot for reddie gold or silver, under the paine of escheit of sa meikle as is sauld, to be distributed betwixt the King and the Wardane of the *Marche*.

36. *Auent the out-quieting of wed-settes.*

ITEM, That all wed-settes that are maid in the time of the money that now runnes, be payed in the time of the quieting out, of sik money, as was lent, or else the availle of it.

ITEM, debtes and obligationes, of the payment, of the quhilkis the termes are gane, ilk man that will not paic betuixt this and *Al-hallow* daie cum a twelve Moneth, sik maner of debts throw obligationes, or uther maner of way, contracted in the money, that now runnis, they fall pay it of the money, that runnis fra that daie forth. Neverthelesse, the saidis deputes intendis not to give furdre delay of the payment thereof, bor at the liking of the partie.

F I N I S.

T H E N I N T H

P A R L I A M E N T

O F

KING JAMES THE SECOND,

Halden at Edinburgh, the XXVI. daie of August, the zeir of God, ane thousand foure hundredeth, fiftie twa zeires.

37. *Of Cornes and auld stacks.*

ITEM, It is statute and ordained be our SOVERAINE LORD, & be advife of the Lords now present with him, that all maner of men, that hes come un-threschen within the Realme, fall gar it be halie threschen out, before the last daie of *Maij* nixt to cum, under the paine of escheit to the King of the corne, that happens to be un-threschen, alsweill within barnes, as out-with. And that furth-with in all gudlie haste, our Sovereine Lordis letters passe to all Schireffes of the Realme of charge for keiping of the said ordinance. And that the said Schireffes see, that the said statute be execute. And quhat Schireffe, that failzies heir-in-till, that they be discharged of the execution of their Office in time to come, induring the Kingis will, and utheris depute thereto.

38. *Girnulling of vittuallis forbidden.*

ITEM, It is ordained, that na maner of victual be halden in Girmal be onie man, bot allanerly that is ineedefull for their awin perones, & sustentation of their housholds; And finally unto the terme of *Michael-mes* nixt to cum: bot that they be presented to the mercat, under the paine of escheit,

39. *That na man hald mair vittuall, then will susteine himselfe.*

ITEM, Hereafter it is statute and ordained, that na man hald victual in Girmal to a dearth, and that na man hald victuall mair, then will serve him and his familie for ane quarter of ane zeir. And that they present all that they have mair to the mercat, within nine daies after to be sauld, under the paine of escheit thereof. For the searching of the quhilk thing, there is depute searchers in *Edinburgh & Leith*, certaine persons.

F I N I S.

T H E T E N T H
P A R L I A M E N T
O F
K I N G J A M E S T H E S E C O N D.

Halden at Edinburgh, the sixteenth daie of Julij, the zeir of God, one thousand, foure hundredeth, fiftie foure zeires.

40. *That in-bringers of victual, shuld be favorable treated.*



TEM, For in-bringing of victualles, it is ordained, that strangers that bringis in victualles, be favorably treated, and thankefullie payed for their victualles: And that there be na new custome tane of them, and that there be na mair victual tane to the Kingis parte, bot alanerly alsmeikle as will serve his houshalde: And richt-swa, gif Scottis Merchandes bringis in victual out of *England*, that they be favorable treated, as said is.

F I N I S.

T H E E L L E V E N T H
P A R L I A M E N T
O F
K I N G J A M E S T H E S E C O N D.

Halden at Edinburgh, the fourth daie of the Month of August, the zeir of God, one thousand, foure hundredeth, fiftie five zeires.

41. *The Annexation of landes to the Crowne.*



TEM, In the first, for-sameikle as the povertie of the Crowne, is oft-times the cause of the povertie of the Realme, and that manie uther inconvenients ar there throw, the quhilkis were lang to expreeme, be the advyse of the full Councill of the Parliament; It is statute and ordained, that in ilk parte of the Realme for the Kings residence, quhair it happenis him to be, there be certaine Lord-shippes and Castelles annexed to the Crowne, perpenally to remaine. The quhilk may not be given in fee and heritage awaie, nor in franck-tenement to onie person, of quhar estaite or degree that ever he be, but advyse, deliverance and decreete of the haill Parliament, and for great seeand and reasonable causes of the Realme. And albeit it happenis our Sovereine Lord that now is, or onie of his Successours Kinges of *Scotland*, till annaly or dispone upon the Lord-shippes & Castelles annexed to the Crowne, as is before said, that alienation or disposition fall be of nane availe. And it fall belauchfull to the King, beand for the time to receive thay landes, quhen ever him likis to his awin use, but onie proceffe of Law, and the takers fall refound all profitis, that they have taken up of thay landes againe to the King, for all the time that they have them, and that our Sovereine Lord, that now is, be sworn, and in like maner all his Successours Kinges of *Scotland*, into their Coronation, to the keeping of this statute, and all the poyntes thereof. Their are the Lord-shippes and Castelles annexed to the Crowne.

IN The first, the haill customes of *Scotland*, the quhilkis were in our Sovereine Lordis handes the daie of his

of his decease. And that our Sovereine Lorde that now is, content them that hes pensiones given forth of the Customes, with uther thinges: sa that the hail Customes may remaine till him. Item the Lordship of *Ettrick* forrest, with all the bounds pertaining thereto. Item, the hail Lordshippe of *Galloway*, with sik freedomes, commodities, as it hes thair daies, togidder with the Castle of *Cresfe*. Item, the Castle of *Edimburgh*. Item, the landes of *Ballincriefe* and *Gosford*, togidder with all the landes lyand about, pertaining to the King, within the Scireffedome of *Louthiane*. Item, the Castle of *Strivling*, with all and sindrie the Kings landes lyand about it. Item, the Castell of *Dumbertane*, with the landes of *Cardrosse*, *Rosneth*, with the pension of *Cadzow*. and the pension of the ferme meile of *Kirk-patrick*. Item, the hail Erledome of *Fife*, with the Palice of *Falkland*. Item, the Erledome of *Stratberne* with the pertinentes, the house and Lordshippe of *Breichan*, with the service and superioritie of *Cortoquabay*. Item, the house of *Invernes* and *Urgubard*, and the Lordshippes of them, and the Lordshippes of *Abernetby*, with the water mailles of *Invernes*, togidder with the Barronies of *Urgubard*, *Glen-urquhane*, *Boneich*, *Bonochar*, *Annach*, *Edderdaile* called *Arduannach*, *Pesty*, *Brachby*, *Stratberne* with the pertinentes. Item, the *Reid Castle* with the Lordshippe of *Rosse* pertaining thereto, And that the annexationes of thir Lordshippes and Castelles to the Crowne, make no prejvidge to our Sovereine Ladie the Quenes infestment, that now is, anent the Lordshippes and Castelles assigned till her dowrie be our Sovereine Lord and the three Estates.

42. *The office of Wardane suld nocht be heretabie: They are nocht judges in causes of treason or dittaie.*

ITEM, It is statute and ordained, that in time to come, there be na Wardanes on the Bordoures maid in fee and heretage. And that the wardanes have na power to know of the poyntes of treason, saidand the poyntes quhilkis are needfull for the conservation of the trewes. And swa that the wardane counte intromet with na thing that perreins to the dittaie of the justice aire.

43. *That all Regalities being in the Kingis handes, be annexed to the Royaltie.*

ITEM, That all Regalities that are now in the Kingis handes, be annexed to the Royalty. And that in time to cum, there be na regalities granted without deliveraunce of the Parliament.

44. *That na office be given in fee and heritage in time to cum.*

ITEM, That there be na office in time to cum given in fee and heritage, and that the offices that are given sen the decease of OUR SOVERAINE LORDE, that deade is, be revoked and annulled, exceptand the wardanery of the Marche, the quhilk our Sovereine Lorde hes given to his Sonne *Alexander Erle of Marche*, and Lord of *Amand-daile*.

ITEM, It is statute and ordained, that quhair ever offices of customes that are revoked, the quhilkis were granted till ony person, that maid coast at the King therefore: It sall be recompenst to them, the profitis uptane thereof in the mean time beand considered.

45. *Sornares suld be punished to the death.*

ITEM, Quhair ever Sornares be overtane in time to come, that they be delivered to the Kingis Schireffes and that forthwith the Kingis Justices do Law upon them, as upon a thiefe or riever.

46. *That there be twelve persones upon the secret Council of Burrowes.*

ITEM, It is statute and ordained, for the common profite of all Burrowes of the Realme, that there be acht or twelve persones, after the quantitie of the rowne, choson of secret Council, and sworne thereto: the quhilkis sall decreit all maters of wrang and unlaw within the Burgh, to the avails of five pound, or acht pound, within acht daies warning: Swa that in prejudice of the innocentes, the delayer have not the priviledge of the processe of law, bot upon acht daies warning to be decided be the saids persones.

47. *The maner of arraymentes for the Parliament.*

ITEM, As touching the habites of the Earles, Lordes of Parliament, Commissioners of Burrowes and Advocates, fall have and use at all Parliamentes and Generall Councell times: It is statute and ordained, that all Erles fall use mantilles of browne grained, open before, furred with quhite lynyn, and lyned before out-with ane hande breadth to the belt steede, with the samin furring, with little hudes of the samin claitth, and to be used upon their shoulders. And the other Lordes of Parliament to have ane mantil of reide, richtswa opened before, and lyned with silke, or furred with cristie gray griece or purray, togidder with ane hudeof the samin claitth, furred as saidis. And all Commissioners of Burrowes, ilk ane to have ane paire of Clokes of blew, fuired fute side, open on the richt shoulder, furred as effeiris, and with ane hude of the samin, as said is. And quhat Erle, Lord of Parliament, Commissioners of Burrowes, that enters in Parliament

liament or Generall Councell, but the said habite furred, fall fourth-with pay there-after ten pound to the King un-forgiven. And that in ilk Burgh quhair Parliament or Generall Councell fall be halden, there be ordained quhair the Barre uses to stand, a feate of three seges, ilk ane hiare then other, to the Commissioners to sit on, under the paine of ten pound to be rayfed of the Towne, quhair the Parliament or Generall Councell fall be halden, and the said seges un-maid, als oft as they ar halden.

ITEM, That all men that are fore-speakers for the coist, ro have habits of greene, of the fashion of a runkil, and the sleeves to be open as a Talbert. And quhilk of the Fore-speakers that wantis it in that time of the saide Parliament or Generall Councelles, the saids habitis, and afterwardes speakis for meed, fall pay five pound to the King.

F I N I S.

T H E T W E L F T H

P A R L I A M E N T

O F

K I N G J A M E S T H E S E C O N D,

Halden at Strviling, the threteeenth daie of October, the zeir of God, ane thousand, foure hundredeth, fiftie five zeires.

48. *The maner of taikening, for bailes making.*



ITEM, It is seene speedefull, that there be coist maid at the east passage, betuixt *Roxburgh* and *Berwick*. And that it be walkid at certaine fuirds, the quhilkis gif mister be, fall make taikeningis be bailes burning & fire. In the first, a baill to be maid at *Hume*, be the walkers at that fuirid, quhair it may be seene at *Hume*: And als that the famin perones may come to *Hume* in proper person, and their bailes to be maid in this maner. Ane Baile, is warning of their cumming, quhat power that ever they bee of: twa bailes togidder at anis, they are-cumming in deed: four bailes, ilk ane beside uther, and all at anis as foure candelles, suithfast knowledge, that they ar of great power and meanis far, asto *Hadingtown*, *Dumbar*, *Dalkeith*, or thereby. The famin taikeningis to be watched and maid at *Eggerhope Castel*, fra they see the fire of *Hume*, that they fire richtwa. And in like maner, on *Sowtra* edge fall see the fire of *Eggerhope Castel*, & mak taikening in like maner. And then may all *Louthiane* be warnid, and in special the Castel of *Edinburgh*, and their foure fyres to be maid in like maner, that they in *Fife*, and fra *Strviling* east, and the east parte of *Louthiane*, and to *Dumbar* all may see them, and cum to the defense of the Realme. And they will not be sleuthfull themselves, for to be warnid of thir fyres, they fall wit of thir cumming over *Tweede*, and then considering that their far passage, we fall god-willing be als soone reddie as they, & all people be west *Edinburgh* to draw to *Edinburgh*, and fra *Edinburgh* east to *Hadingtown*. And all Merchandes of Burrowes to perfew the East quarter, quhair it passis, and at *Dumpendar-law* and *North-Berwick-law* Bailes to be brunt in forme before written, for warning of the seacoast. And gif onie *Scottis-man* dois onie treason, that is to say, warnis of the ryding of ane hoist, or onie *Scottis-men* to do harme in *England*, or to *Englisb-men*, and that may openly be knawen upon him, he fall have furth-with the commoun Law, & be hangid and drawen, and his gudes escheit to the King.

49. *Of perones sclandered or suspect of treason.*

ITEM, Gif onie person or perones be sclandered or suspect of treason, they fall be tane and I remaine in firmance, and their gudes under sure Borrowes, quhill the time they have thoiled ane Assyse, quhidder they be quite or soule.

50. *That nane passe in England in time of weir.*

ITEM, That na man passe into *England* without leave of the King, the Wardane, or of them he gives power to, in that part, in time of weir, under the paine of treason,

K

51. *That*

51. *That na English-man cum in Scotland without conduct.*

ITEM, Gif onie *English-man* cummis in the Kinrik of *Scotland*, to Kirk, mercat, or onie uther place, but conduct or assurance of the King, the Wardene, or them the power hes, he fall be lauchfull prisoner to quhat person, that likes to take him.

ITEM, Gif onie *Scottif-man* bring in onie *English-man*, or meites them at onie tryftis, not havand power, they fall be taken, and put in firmance their gudes taken and arriested, to the time that they be punished at the Kinges will and the Wardanes.

ITEM, That na *Scottif-man* sit upon na special assurance of onie *English-man*, but leave of the King or the Wardane, under the paine of treason.

52. *That na Scottif-man supply Berwike or Roxbrugh: Of parting of gudes taken fra the enemies.*

ITEM, That na *Scottif-man* supplie *Berwike* nor *Roxbrugh* with na victual, fewal, nor nane uther supportation, under the paine of treason. And quhen the Wardane rydis, or ony uther chiftaine, and with him great fellow-ship or small, that nane gang awaie with na maner of gudes, quhill it be thridded and parted before the chieftane, as use and custome is of the *Marches*, under the paine of treason, and to be hanged and drawen, and his gudes escheit.

53. *That na man rieve na maner of gudes nor prisoner.*

ITEM, That na man rieve ane uther na maner of gudes, nouthur prisoner nor uther, quilkis they are in possession of, in *English* eird, or in *Scottis*, under the paine of death.

54. *That nane raise a fray in the hoiste wilfully.*

ITEM, Gif ony man raisis a fray in the hoiste in wilfull maner, withouttin cause, fall be accused of treason.

ITEM, It is statute, that quhair sa ever any raides are maid in *England*, that thir said statutes be delivered to the head-men. And that they openly gar them be maid knawin till all them, that passis with them, that nane of them may have essonzie or excusation of negligence.

55. *Of Garnifones to be layd upon the Bordoures.*

ITEM, As touching the laying of Garnifones upon the *Bordoures*: It is adviced and ordained be our Sovereine Lord and three Estaites, that there be layed in Garnifones, that is to say, twa hundred speares, twa hundred bowes, upon the east and middle *Marches*. And upon the west *Marches* to be layde ane hundred speares, and ane hundred bowes. And for the making and finding of their expenses, there fall be fourth-with written letters to all the Schireffes to send in write to our Sovereine Lord the names of all and sundrie the Lordes, Barronnes, and free-halders, als well dwelland within the boundes of Regalities, as Royalties, and the availe of ilk man, their landes, rents, possessiones, and the availe of their mooveable gudes, als near as can be esteemed. And thereafter the Lords that fall sit, after the cumming of the said writtes fra the Schireffes, fall advise how many ilk Lorde and Free-halders fall finde, quhen and quhair. And they that are neare hand the *Bordoures*, are ordained to have gud housholders and weil abulzied men, as effectis. And to be reddie at their principal place, and to passe with the Wardanes, quhen and quhair they fall be charged.

F I N I S.

THE THRETTTEENTH
PARLIAMENT

Or GENERALL COUNCELL, of

KING JAMES THE SECOND.

Halden at Edinburgh, the nineteenth daie of October, the zeir of God, ane thousand, foure hundreth, fiftie sex zeires.

56. *That all men be reddie for defence of the Realme: and in qubat maner.*



ITEM, It is ordained, that all maner of men, that hes landes or gudes, bee reddie horsed and geared, and after the facultie of his landes and gudes, for the defence of the Realme, at the commandement of the Kingis Letters bee bailis or outhornes. And quha fa beis nor, he will be punished in his person and gudes. And that all maner of men betwixt sextie and sexteene, be reddie on their best advise to come to the *Bordoures* and defend the land, quhen onie wittering cummis of the incumming of a greate *English* hoast. And that na puir man, nor un-bodin be charged to come to anie raides in *England*. And that ilk man, that his gudes extendis to twentie markes, be bodin at the least with a jack, with sleeves to the hand, or splents, and ane pricked hat, a sword and a buckler, a bow, and a schaffe, gif he can get it: And gif he cannot, to have an axe and ane targe outhor of ledder or of firme buird, with two bandes upon the back. And throw-out all the Schires they be warned to provide for sik thinges, and to make their weapon-schawinges before the Schireffes, Baillies or Stewartes of the Regalitie on the morning after the Law-daies after *Zule*. And quha that cummis nor bodin, as effeiris, after his facultie, to be punished in his gudes. And swa fourth their weapon-thawinges to be maid and continued fra thretrie daies to thretrie daies.

57. *The rule of the Pestilence.*

ITEM, As to the thrid article belangand the Pestilence and governance of it: The Clergie thinkis, that there sould no man to land nor to Burgh, that hes gudes to serve himselfe and his meinzie, be put out of his owne house, les then he will not remaine, nor will nor be closed up in his owne house. And gif he disobeyis his Nichtboures, in that case, he fall be compelled to passe out of the towne. And gif there were onie persones, that had na gudes to finde themselfe, put fourth of ony town; they of the towne sulde finde them, and not let them passe awaie fra the place, that they were depute to remaine, to file the country about them. And gif ony sik put out of the towne wauld steale awaie, they of that towne that put him out, sould garre follow him and bring him againe, and compell him to remaine, and punish him for his awaie passing. And that no man burne an others house, bot gif it micht be done but hindering or skaith of his Nichtboures.

58. *The money and the gold cryed bigher.*

ITEM, As to the article belangand money: It is statute, that the ordinance in the Parliament maid of before, anent the in-bringing of Bulzeon be better punished and keiped, then it hes bene in time by-gane. And that there be mony of uther Countries cryed till have course in the Realme, sik as the *Henry* Nobles of Pace, to be cryed to twentie twa shillings. The *Salute*, the *Rider*, the *Crowne*, the *Dolpbm* to eleven shillings: The *Rhenish* Guilding to aucht shillings. And to the intent, that the *Demyes*, that ar keiped in hande, have course and come out-throw the Realme, and syne to remayne in the Realme, and not be had out of it: It is thoct expedient, that the *Demy* be cryed to ten shillings, And the new *Lyon* to have course for ten shillings, as it hes. And the new groate to twelve pennies: Notwithstanding that it was ordained to have courie for aucht pennies fra certaine time fourth. And the sex penny groate till have course as it hes. And that there be cuinzied of ilk pound in small pennies a shilling. And that the Wardane see, that that be done to the fynes of the mater, that is cuinzied, as he will answere therefore. And that the *English* groate, and halfe groate, and penny have course, as they had of before. And that the Lordes and Auditoures of the Checker, earnestlie purway and examine the fines baith of Gold and silver, the quhilk is presented to them upon the Checker in a buist be the Wardanes of the cuinzie. And that the cuinzioures under the paine of dead, nouthor cuinzie *Demy*, nor uther that is cryed till have course in the land, nor zit sex-penny-groates.

59. *Of Faires.*

ITEM, As touching the complainres maid by the Commissaires of Burrowes of the Realme, that puir commounes ar greatumlie injured and oppressed be the Kingis Schireffes, Constables, and their Ministers in time of Faires, takand distresses of their gudes of litle quantitie quihilk they bring on their heades or their backes, or in their armes, in like maner of Karris, Sleddes and smail tymmer: It is seen speedefull, that of sik gudes of litle quantitie or price, na distresse be tane in time to come for auld use and custome. The Schireffes sulde have, bot the best Oxe or Cowe or unriden Horfe, quihilkis are stalled and brought to sell. Item, of greate stalles of Merchandice, quihilkis cummis on horfe backes, or covered craimes, that occupis the Faires, of the quihilkis they have use to tak their distresse for the continuation of Faires, the quihilk distres aucht to be delivered againe to the courte of the Faire, gif the person hes done na default nor distroubling in the Faire.

60. *Of the downe-laying of Constable fees.*

ITEM, Quhair the Constable deputes and his Ministers in the time of the Session and Generall Council and Parliament, takis distresses for Constable fees of all maner of gudes, greate and smail, that cummis to the mereat to sell, baith merchandice and victual: It is seene speedefull, that that use be layde downe and forbidden in time to cum: Bot gif the Constables festment beir him till it, and that they be schawen to the King and the three Estaites all in the nixt Parliament or Generall Councill. And that in the meane time the Constable cease. For there can be no law founden according to that use.

F I N I S.

T H E F O U R T E N T H
P A R L I A M E N T
O F
K I N G J A M E S T H E S E C O N D.

*Halden at Edinburgh, the sext daie of the Moneth of March, the zeir of God, one thousand,
four hundreth, fiftie seven zeires.*

61. *Quhat power the Lordes of Session sall have.*

ITEM, The *saidis* Lordes of the Session sall have power to know and decide all spoliations, maid fra the daie of the Coronation of our Sovereine Lorde the King, to the *said* first daie of *Januar*, for the space of a zeir to cum. The quihilk zeire gane and out-run, all sik spoliations maid before the *said* first day of *Januar*, sall be decided and determind before the Judge ordinar of the Realme, the Lordes of Session havand na power to knaw upon them, after the *saide* zeir be out-run. The quihilkis actiones of spuilzie, consiltis in twa maners: The first is spoliation of mooveable gudes, nouth touching fee nor heritage, the quihilk indifferentlie fall be decided before the Lordes of Session. The second spoliation, that is to say, done because of landes or possessiones debaitable, or grounded on fee and heritage:

And upon that spoliation, the Lordes of Session fall procede thus: That is to say, quhen the partie spuilzied compleinzies before the Lordes of the Session on ony person; the Lordes sall call the Schireffe, and furthwith sall garre restore the ground without prejudice of ony partie, tuitchand that fee and heritage, and recognih the landes in the Kings hands. Upon the quihilk spoliations maid, unto the time they be loused be the King, and the King to make inquisition be tane be the Schiref, quha was lauchfull possessour of thay Landes. And that inquisition to retoure againe to the King, and thereafter let them to brough to that last lauchfull possessor of thay lands. And als the *saidis* Lordes sall knaw upon all spoliations of tackes and maillings. And als wa to knaw upon all obligationes, contractes, and all maner of debtes, and uthir civil actiones, the quihilkis concernis nouth touching fee nor heritage. And the parties compleinzeand to have full freedom to follow their actiones bfore the *saidis* Lordes or their ordinar Judge. And for till eschew malitious vexationes of ony partie follow-

followand or defendand before the Sessiones, the said Lordes fall fourthwith gar the expenses be payed to the partie wrangeouslie vexed be the modification of the said Lordes.

62. *The maner how the cause fall be brocht before the Lordes.*

THE Maner as the cause fall be brocht before the Lordes of the Sesssion is this. The Schireffes of the Schires, quhair the said Lordes fall sit, fall be now warned to proclaim in ilk one of thir places three Moneth of before the Sesssion, to be halden at dayes and place before writen. And gif ony persones hes ony actiones to follow, he fall warne them to passe to the Kingis Chappel, and raise Summondnes peremptour, upon fourtie daies warning, and call his partie before the Lordes of the Sesssion, the quhilkis fall minister unto them justice, as effeiris. And the summoundes to be understood upon actiones done before the proclaime of the Sesssion. The partie fall answer peremptourlie upon ihorter tunc, after as he beis summonde, swa that the time of the summoundnes extende to fiftene daies. And gif ony action pertaining to the saide Lordes knowledge, be continued in the time of the said Sesssion, in the Schire quhair the Sesssion fittis be ony persones, thay persones to be arreistid furth-with, with a Mafer, and justice to be done thereupon, as effeiris. And all uther causes perreining to the knowledge of the said Lordes, fall be utterly decided, and determined be them, but ony remeid of appellation to the King or the Parliament. And quhat person, that ever purchasis a summondnes upon the partie, and he have ony preevis to lead, thar he raise then a summondnes upon his preevis, and bring them with him to the Sesssion, as he will be served.

63. *The expenses of the Lordes.*

ITEM, As tutching the expenses of the Lords before writen, and the places that they fall sit in, and the greate gude of the Realme considered: The Lordes of the thre Estaites thinkis, that the saidis Lordes of the Sesssion of their awin benevolence, fuld beare their awin coastes, considering the thortnesse of the time of their sitting, the quhilk is bot fourtie daies, and peradventure in seven yeire not to cum again to them. And to supporte sum parte of their expenses, they fall have the Kingis unlaw of their awin court, the quhilk fall be fourtie shillings un-forgiven, to be divided betwixt them, and the Clerk of the Register be evenly portions.

64. *Weapon-shawings, Fute-ball, Golfe, and Archers.*

ITEM, It is decreeted and ordained, that the Weaponshawinges be halden be the Lordes and barronnes Spiritual and Temporal, foure times in the zeir. And that the Fute-ball and Golfe be utterly cryed downe, and not to be used. And that the bow markes be maid, at ilk Parish Kirk a pair of Buttres, and schutting be used. And that ilk man schutte sex schortes at the least, under the paine to be raised upon them, that cummis not at the least, twa pennies to be given to them, that cummis to the bowe-markes to drink. And this to be used fra *Pasche* till *Alhallow-mes* after. And be the nixt Midsummer to be redy with all their graith Without failzie. And that there be a bower and a sledge in ilk head town of the Schire. And that the town furnish him of stufte and graith, after as needs him thereto, that they may serve the countrie with. And as tutching the fute-ball and the golfe, to be punished be the Barroannis un-law, and gif he takis not the unlaw, that it be taken be the Kingis Officiares. And gif the Parochin be meikle, thar there be three or or foure, or five bowe-markes in sik places, as gainis therefore. And that all men, that is within fiftie, and past twelve zeiris, fall use schutting.

65. *Of the Deakon of Gold-smithes: and of the marking of their warke.*

ITEM, As anent the reformation of gold and silver wrocht be Gold-smithes, and to eschew the deceiving done to the Kingis lieges, there fall be ordained in ilk Burgh quhair Gold-smithes workis ane understandand and a cunning man, of gude conscience, quhilk fall be Deakone of the craft. And quhen the warke is brocht to the Gold-smithe, and it be gold, whar gold that beis brocht till him, he fall give it fourth againe in warke na war, nor eleven graines. And the said Gold-smith fall take his warke or he give it fourth, and passe to the Deakone of the craft, & gar him examine, that it be sa fine as is before writen. And the said Deakone fall set his marke and taken thereto, togidder with the said Gold-smithes. And gif faulte be founde therein after wards, the Deakone foresaid and Gold-smithes gudes fall be in escheit to the King, and their lives at the Kingis will. And the saide Deakone fall have to his fee of ilk ounce wrocht, an penny: And quhair there is no Gold-smithes, bot ane in a towne, he fall shew that warke takeden with his awin marke to the head Officiares of the towne, quhilkis fall have a marke in like maner ordained therefore, and fall be fet to the said warke. And quhat Gold-smith, that givis fourth his warke utherwaies, then is before writen, his gudes fall be confiscat to the King, and his life at the Kingis will.

66. *That na listar bye claith to sell.*

ITEM, It is seene speedefill, that lit be cryed up, and used as it was wont to be. And that na Listar be Draper, nor bye claith to sell againe, nor zir thoiled thereto, under the paine of escheit.

67. *What men suld sail in Merchandice.*

ITEM, Anent the Estait of Merchandice, and restriction of the multitude of sailers, it is seene speidful be the Estait of Clergie and the Barrones, and statute be the King, that their sail na persones, bot abill and of gude fame, and that he have at the least three serplaites of his awen guddes, or else the avale thereof committed till him. And that the Sailers in Merchandice be free-men of Burrowes, indwellares within Burgh.

68. *The habites for Lordes of Session and men of Law.*

ITEM, As anent the habites of Earles, Lordes of Parliament, Commissioners of Burrowes, and men of Law, it is seene speedful, that they be maid and used after the tenour of the act maid thereupon. And that the King make a patron of ilk habit, and all the lave to be maid thereafter.

69. *Reformation of Hospitales.*

ITEM, As anent the reformation of hospitales: It is seene speedfull, that our Sovereine Lorde charge his Chancellar, quhilk of Law ought to visite the Hospitales, founded be Kings, and they joyne to him the ordinar of ilk dioecsie, and other twa persons of good conscience to visit the said Hospitales. And quhair they can get the foundations of them, to garre them be keiped. And quhair na foundation can be gotten, to make inquisition of the cuntrie, and refer to the King to see the remeid therefor.

70. *Of costlly claitthing, and that na woman cum to the Kirk mussald.*

ITEM, That sen the Realme in ilk Estait is greatunlie pured throwe sumptuous claitthing, baith of men and women, and in special within Burrowes and commouns of Landwart: The Lordes thinkis speidful, that restriction be thereof in this manner: That na man within Burgh that livis be merchandice, bot gif hee be a person constitut in dignitie, as Alderman, Baillie, or uther gude Worthy men, that ar of the Council of the towre, and their wives; weare claitthes of silk, nor costlly scarletts in gownes, or furringes with merrickes. And that they make their wives and dauchters in like manner be abulizied, gangand and correspondant for their estait, that is to say, on their heads short curches, with little hudes, as ar used in *Flanders, England*, and uther cuntries. And as to their gowns, that na women weare Merrickes nor lettees, nor railles unfit in length, nor furred under, bot on the Halie-day. And in like manner the Barrones and uther pair Gentlemen, and their wives, that ar within fourtie pound of auld extent. And as anent the commounes, that na Laborers nor husband men weare on the warke daye, bot gray and quhite, and on the Halie-daie bot light blew, greene, redde, and their wives right swa, and courchies of their awin making, and that it exceed nor the price of xl. pennyes the elne. And that na woman cum to Kirk, nor mercat with her face mussald, or covered, that sche may not be kend, under the paine of escheit of the courchie. And as to the Clerkes, that nane weare gownes of scarlet, nor furring of merrickes, bot gif he be ane person constitut in dignitie in Cathedral or Colledge Kirk: or else, that he may spende two hundreth markes, or greate Nobiles, or Doctoures. And this to be now proclaimed, and put to execution be the first day of *Majj*, under the paine of escheit of the habit, that is to say, of the Clerkes be the ordinar Judge, and the lave be the Kinges Officiares.

ITEM, It is seene speidfull, that Justice Aires be halden, and continued zeirlic through-oute the Realme, for gude of the commounes.

71. *The King, Lordes, Prelates, Barrones, and Free-halders may set their Landes in few-ferme.*

ITEM, As anent few-ferme, the Lordes thinkis speidfull, that the King beginne and give example to the lave. And quhair Prelat, Barronne, or Free-halder, that can accord with his tennent, upon setting of few-ferme of his awin land in all or in part, our Sovereine Lord sall ratifie and apprieve the said assedation, sa that gif the tennandrie happenis to be in waird in the Kingis hands, the said tennent sall remaine with his few-ferme unremooved, payand to the King siklike ferme, induring the waird, as he did to the Lord, sa that it be set till a competent avale without prejudice to the King.

72. *That the freedomes of Regales be kept, and nane abused in prejudice of the Kinges Lawes.*

ITEM, As to the Regales; It is statute and ordained, that all priviledges and freedomes be kept, as they are founden. And gif onie havand Regal, abuse it in prejudice of the Kingis Lawes and breaking of the cuntrie, that they be punished be the King and the Law, as esseiris.

73. *An universal meassour to be maid and a standart.*

ITEM, Anent mettes and meassoures, it is seene speidfull, that sen we have bot a King and a Law univerfall throw out the Realme, we suld have bot a mette and meassour generall to serve all the Realme, that

that is to say, ane pint, a quart: quhilk was given be the ordinance of the three Estaites, Schir *John Forrester* that time beand Chalmerslane into the Burgh of *Stirling*; as for the standart, they to remaine universallie throw-out the Realme. And the firlof fall be maid thereafter, that is to say, ilk firlof fall contene eightreene pyntes of the famin measure round and in like wide under and abone, the twa burides conteinand even over in thicknes ane inch and a halfe, and the breadth over within the burids sextene and a halfe: And the halfe firlof and peck to follow in the famin kinde. And of thir said measures, that is to say, pynt, quart, and firlof, fall be maid new, three standerts: Ane to sende till *Aberdene*, ane uther to *Perth*, and the third till *Edinburg*, to remaine, and now to be proclamend there, fra the feast of *Saint Michael* next to cum. That thay measures, pynt, quart, and firlof have course, and name uthers. Swa that in the meane time, all maner of perfones, that thinks till use the said measures, may get them, beand burnt and sealed with the seales of thay feides, as they will use, and be served thereafter. And gif ony perfones after the said termes usis uther measures then thir, & there may be taint gotten thereof be the ditay, or utherwaies, they fall pay the unlaw of the Chalmerslane air double: And gif ony man be founded of auld or of newe fermes of uther measures then are abone writen, their foundation fall stand in effect, and the measure of their foundation fall be proportionate to this measure that now is, swa that the famin quantitie fall remaine with the giver and the receiver, but prejudice of ony of them.

74. *He quha takis him to his remission, fall finde caution to satisfie the partie.*

ITEM, Anent the contentation of parties compleinzeand of divers perfones, quhilkis hes remissions of the King: It is seene speedefull for ony partie, quhair of it is pleinzid, and alleagis till his remission, as for spulzie of gudes, outhir be theft or rief, the partie alleage-and till his remission fall finde sicker burrowes, to content the partie compleinzeand within fourtie daies nixt followand. And gif he dois not, he fall remain in the Kingis prison, quhill the saide fourtie dayes be runnin, and then his remission to be expyred, and of no value. And as of actiones committed in times by-gane, the partie compleinzeand, fall have recourse to the Lordes of the Session, the quhilkis fall have power to garre them be restored, after the renour of the acte of spoliatioun maid thereupon: Or gif it pleasis the partie to follow to the third aire, after the auld use and custome: And there after gif the partie be not content, his remission to be expyred and of nane availle, as is foresaid.

75. *That na Free-halder be confrenziend to the Parliament, bot he be of xxx. pounds worth of land.*

ITEM, The Lordes thinkis speedefull, that na Free-halder, that haldis of the King under the summe of twentie poundes, be confrenziend to cum to the Parliament or General Council, as for presence, bot gif he be ane Baronne, or els be specially of the Kingis Commondment warnid, outhir be officiar or be writ.

76. *The punition of negligent Officiares.*

ITEM, OUR SOVERAINE LORD, and his three Estaites ordainis and determinis, gif that ony of his Officiares or Schireffes, Maires, Baillies, Crowners, Serjandes, Provestes of Burrowes, and their Ministers baith to land and to burgh, be foundin faultie or negligent in the execution of their offices, and it may be lauchfully proved on him, or notourly kend, gif the said office perteinis to him in fee and heritage, he fall tine his Office, and the profite thereof for ane zeir and a day, and to be punished be the King in his person and gudes, after the quantitie of his trespassse. And gif his office perteinis to him not in fee and heritage, he fall tine his office for all the times he hes it, and to be punished in his person, after the quantitie of sik trespassse, at the Kingis will.

77. *That na leagues nor bandes be maid within Burrowes nor man-rent.*

ITEM, It is seene speedefull to the Lordes, that within the Burrowes throw-out the Realme, na leagues nor bandes be maid, nor zit na commotion nor rising of commounes in hindering of the commoun Law, bor at the commandment of their head Officiar. And gif ony dois in the contrarie, and knowledge and taint may be gotten thereof, their gudes that ar foundin guiltie therein, to be confiscat to the King, and their lives at the Kingis will. And that na man dwelland within burgh, be foundin in man-rent, nor ride in rowre in feare of weir with na man, bor with the King or his Officiares, or with the Lord of the Burgh, that they dwell in, or with their officiares, under the famin paine. And in like maner, that na indweller within burgh nor land, purches ony Lordshippe in oppression of his Nichboures in like maner, under the famin paine.

78. *Of them that occuppis Lordes landes against their willes.*

ITEM, Anent maisterful-men, that schapis them to occupy maisterfully Lords landes, baith Spiritual and Temporal: The Lordes thinkis speedefull, that the perfones compleinzeand upon sik maisterful-men, fall cum to the Kingis Schireffe and Baillie, and aske his ground for to be dejoyded, or to see what reason, that

partie occupyand the ground pretendis for him: And gif the Schireffe findis na reason in the occupation of the grounde, the Schireffe fall devoyde the grounde baith of him and his gudes: And charge him in the Kingis name, that he make na mair distroublance to the Lorde nor his ground in time cumming, under the paine of the Kingis Waird. And gif he dois ony thing there attour, fourth-with till arreift his person, and sende him to the Kingis Waird.

79. *The Justice to take inquisition of fornares, bairdes, feinzied fuiles, and maisterfull beggares in all Justice aires.*

ITEM, The Lords thinkis speedefull, that in all Justice aires, the Kingis Justice gar take inquisition of fornares, bairdes, maisterfull beggers, or feinzied fuiles: & ourther banisha them the cuntrie, or send them to the Kingis prison.

80. *To saw broome and make hedges.*

ITEM, Anent plantation of woodes and hedges, and sawing of broome: The Lords thinkis speedefull, that the King charge all his free-holders baith Spirituall and Temporal, that in the making of their *Whitsundayis* set, they statute and ordaine, that all their tenentes plant wooddes and trees, and make hedges, and saw broome, after the faculties of their maillings, in place convenient therefore, under sik paine as law and unlaw of the Barone or Lord fall modifie.

81. *Of sawing of quheate, peafe and beanes.*

ITEM, Anent the sawing of Quheate, Peafe, and Beanes: It is seene speedefull, that ilk man earand with a pleuch of aught Oxen, fall saw at the least ilk zeir, ane sirlot of quheate, halfe ane sirlot of peafe, and xl. beanes, under the paine of ten shillings to the Barronne of that land, that he dwellis in, als oft as he beis founden faultife. And gif the Barronne sawis not the said corne in his domaines, he fall pay to the King, ten shillings: And gif the Barronne beis founden negligent in the receiving of that paine fra his husbandes, there fall be raised on him fourtie shillings, als oft as he defaultis, without remission of the King.

82. *That na man cum to Courtes bot in sober wise.*

ITEM, It is ordained and decreered, that in all Justice aires, Schireffe Courtes, and generally all Courtes of Spiritual and Temporal, that all perfones, Free-holders, and all utheris of the Kingis lieges, fall cum hereto in sober and quiet maner. And that na man bring with him maa perfones then ar in his dailie hous-hald and familiars. And fra he be cummin to his Innes, he and they fall lay their weapons and armour fra them (gif they bring ony with them) and use na weapons for that time bot his knife. And gif ony man be feeded, and alleagis feede, or dreade of ony partie, the Schireffe fall furth-with of baith take law burrowes, and for bid them in the Kingis name to trouble the Kingis peace, under the paine of Lawe. The quhilk paine the King fall execute without remission, upon the breakers of the peace fore-said. And if the Shireffe be negligent there in, he fall be punished after the forme of the statute maide of the reformation of the faults of Officers, within the Realme.

83. *Of making of Hedges.*

ITEM, That na man make hedges of dry staikes, rice or sticketes, or zit of hewen wood, bot allanerly of lyand wood.

84. *Anent wild foules, and foules of riefte.*

ITEM, Anentis birdes and wilde foules, that gainis to eate for the sustentation of man, as Perrickes, Plovares, and sik like foules: It is ordained, that na man destroy their nestes, nor their egges, nor zit slaye wild-fowles in mouting time, quhen they may not flie. And that all men after their power destroy nestes and egges of birdes, and foules of riefte.

ITEM, Anent ruikes, crawes, and urther foules of riefte, as ernes, bisettes, gledes, mittalles, the quhilk destroyis baith cornes and wilde foules, sik as pertrickes, plovares, and utheris. And as to the ruikes and crawes biggand in orchardes, trees, and uther places: It is seene speedefull, that they that sik trees perteinis to, let them to big, and destroy them with all their power, and in na waies that their birdes flee awaie. And quhair it is tainted that they big, and their birdes flee, and the neste be founden in the trees at *Belthane*: the trees fall be faulted to the King: bot gif they be redeemed fra him be them, that they perteinid first, and five shillings to the Kingis unlaw. And that the said foules of riefte all utterly be destroyed be all maner of men, be all ingine of all maner of crafts that may be founden. For the slaughter of them fall cause great multitude of divers kind of wilde-foules for mans sustentation.

85. *The slauchter of redde fish in forbidden time, and paine thereof.*

ITEM, As anent redde fish, it is ordained, that quha sa beis convict of slauchter of redde fish in time forbidden be the law: the doer, and he that biddis it be done, fall pay ten pound for his unlaw, but remission. And at the third time, and he be convict of sik trespasse, he fall bye his life. And gif ony man be inest of freedome to fish in forbidden time, sik privileges fall cease to the nixt Parliament: and gif ony dois the contrarie, he fall pay an unlaw before the Justice: upon the quhilk trespasse, the Justice-Clerke fall inquire at the receiving of the dittay.

86. *That nane set Creilles in waters.*

ITEM, that na man in smolt time, set veschelles, creilles, weires, or ony uthir ingine to let the smolts to goe to the Sea, under the paine of ten pound to the King: And that the Schireffe of the land destroy them that are maid.

87. *To see for the destruction of Woolfes.*

ITEM, It is ordained for the destruction of Woolfes, that in ilk cuntrie quhair ony is, the Schireffe or the Baillie of that cuntry fall gadder the cuntrie folke three times in the zeir, betwixt S. *Markis* day and *Lambes*, for that is the time of the *Quhelpes*. And quhat ever he be that risis not with the Schireffe, Baillie, or Barronne within himselfe, fall pay unforgiven a wedder, as is contened in the auld act maid thereupon. And he that slayis ane Woolfe in ony time, he fall have of ilk houshalder of that Parochin that the woolfe is flaine within, a penny. And gif ony Woolfe happenis to cum in the cuntrie, that wit be gotten of: the cuntrie fall be readie, and ilk houshalder to hunt them, under the paine forefaide: And they that slayis ane Woolfe, fall bring the head to the Schireffe, Baillie, or Barronne, and he fall be debtour to the slayer for the summe forefaide. And quhatsumever hee bee that slayis ane Woolfe, and bringis the head to the Shiriffe, Lord, Baillie, or Barronne, he fall have sex pennyes.

88. *Anent the slayers of Hares and destroyers of Cunninges.*

ITEM, Anent the slayers of Hares in snaw time, and destruction of Cunninges, the three Estaites declaris, that to be a poynnt of dittay.

89. *That all the actes be copied fra the Clerk of the Register, and proclzymed.*

ITEM, The Lordes thinkis speedeful, that our Sovereine Lorde commande all his Schireffes and Commissaries of Burrowes to cum to the Clerke of the Register, and gar copy all the actes, articles, and statutes above written, and garte proclaim them openly through their Schires and Burrowes: Swa that nane of his Lieges alleage ignorance of them in time to-cum. And als that the articles and ordinances abone written, the quhilkis ar necessar till his Barronnes and Free-holders, be schawen at their *Whit Sundayes* making, or their Barrone Courtes, richt swa be taken and copied, and schawen ro their tennentes. Swa that nouthir the Free-halder nor tennentes pretermitt the observing of the said decreetes. And that the paines set thereupon be dewlie raised, that the said actes and decreetes may be observed, as effeiris. And attour, sen God of his grace hes sende our Sovereine Lorde sik progresses and prosperitie, that all his Rebelles and breakers of his Justice, ar removed out of his Realme, and na maisterfull partie remained, that may cause ony breaking in his Realme: Swa that his hieneffe be inclined in himselfe and his ministers to the quiet and common profite of the Realme, Justice and equitie to be keiped among his lieges: His three Estaites most humble exhortis and requires his hiennes, to be inclined with sik diligence to the execution of thir statutes, actes and decreetes above written, that God may be empleafed of him and all his Lieges Spiritual and Temporal: And pray till God for him, and give thanking to him, that sende them sik a Prince to their Governour and defender.

F I N I S.

L

A N E

A N E T A B L E

Of the

*PARTICULAR and uther ACTES maid be KING JAMES the Second,
quibils ar nocht printed.*

In the Councell, the threteenth day of March, the zeir of God, are thousand, four
hundreth, threttie aucht zeires.

O *F* *halding of Sessiones zeirly.*

Fourth Parliament, iv. of November. 1443.

The last part of the act maid anent the defense of the halie Kirk.
*ITEM, ane act in the Parliament, 14. of Julij, 1445. Concerning landes quibils pertained to King
James the First.*

Sext Parliament, xix. of Januar. 1449.

Of the examining of Actes of Parliament and Generall Councell, bigging of Toures and fortalices.
*The Parliament 28. of March, 1450. contening ane particular Acte touching John Lindefay of
Dunred.*

Elleventh Parliament, iv. of August. 1455.

That nane receipt James, sumetime Erle of Dowglass.
Of him quba takis ane falsē cuinzieour.
Ane Embassadour to be sent to the Paipe.

Threteenth Parliament, xix. of October. 1456.

Anent weir and defense of the Reahne.
Anent siting of Sessions.

Fourteenth Parliament, vi. of March. 1457.

*Of Sessions. The Provison for money. The last part of the acte anent Hospitalles. Anent
Beggars. Of Chahmerlane aires. Of taking of stresses be the Constable. Of leeing-makers.
Of mure-burne.*

F I N I S.



LEONARDUS DE BRUNO



IACOBVS, III, REX, SCOTORVM,



T H E F I R S T
P A R L I A M E N T
O F
K I N G J A M E S T H E T H R I D .

Halden at Edinburgh, the IX. Day of October: The Zeir of God, Ane thousand, foure hundredeth, threescore sex zeires: And of his Reigne the first zeir.

1. *For observing of the honour of haly Kirk.*



ITEM, In the first, it is statute and ordained, that the privileged and honour of haly Kirk, & Spiritual perones be observed, kept, maintained, and defended in honour and libertie, be our Sovereain Lordis authoritie, for the time of his reigne, as it hes bene in the time of his Noble Predecessoures & Progenitours of before, after the forme and statute maid there-upon.

2. *Anent the Queenis Dowrie.*

ITEM, As to the Dowrie of the Queene: it is ordained, that the thrid of the Kingis rentes of assise, that is to say, of landes and customes, be assigned till her tierce and dowrie allanerly, and no furder.

3. *That na commendes be purchased.*

ITEM, Anennis commendes, it is statute, that na commendes of newe or aulde be susteined, or suffered within the Realme, nor that commendes purchased of before be halden. And that nane of our Sovereain Lordes Lieges take upon hand to purches or take any commendes, nor to hald commendes purchased of before, outhor of Religious or Secular benefice, under the paine of tinsel of his temporalitie for his time, and under the paine of Rebellion utherwaies, then is lauchfull to the ordinar to commend for sex monethes.

4. *That na pension of benefice be taken.*

ITEM, That na pension of new or auld be purchased nor taken out-with the Realme nor within, of any Benefice Religious or Secular, without the consent of the possessor, giver and taker, under the famin paine.

5. *The paine of the breaking of the Law-burrowes.*

ITEM, As anent Law-burrowes: It is statute, that gif Law-burrowes be broken upon ony Bishop, Abbot, or Prelate of haly Kirk, Erie, Lord of Parliament: That is to say, in the hurting of their awin perones or their servandes, the burgh or burrowes of him, that findes thay burrowes, and breakis the famin, fall pay to our Sovereain Lord for amerciament, the summe of ane hundredth pounds. And gif Law-burrowes be broken upon Knight, Bartonne, Squier, or great beneficed Clerkes, the summe of fiftie pounds. And gif they be broken upon Burgeses, zeamen, or Priestes, the summe of xxx. punds, togidder with amendis to the partie, les then the Law-burrowes bring the trespassoures to the King, or the Schireffe of the Schire, within fourtie daies, or els pay the summe, as effeiris, for the person, as is before written. And the King to have the unlaues of all Law-burrowes broken, that is rane be his awin officiares, outhor to land or to burgh. And the Lordes of the Regalities and Barronies, fall have the unlaues within their landes,

quhair sik Burrowes ar taken be them, or their officiares, in sa far as they have priviledge, after the forme of the auld infestments and freedomes, as they had before. And this to indure to the nixt Parliament.

6. *That Summoundes be maid of xxi. dayes.*

ITEM, As anent Summoundes: It is statute for the ease of the Kingis Lieges, that Summoundes peremptrour be abridged to xxj. dayes of all actions customable, to cum before the King and his Councill, that the Summoundes be execute of the time foresaid.

7. *That na English-man have benefice within Scotland.*

ITEM, That na *English-man* have benefice, Secular or Religious, within the Realme of *Scotland*, after the forme of the act maid thereupon be King ROBERT the *Bruffy*.

8. *That na persons have money out of the Realme, under the paine of escheit thereof.*

ITEM, It is statute for the mater of money, and for the halding of the samin within the Realme, and ordained that na man Spiritual nor Temporal, liege to our Sovereine Lorde, have, nor send na money out of the Realme, under the paine of ten pounds untemittable to the King for amerciament, and als meikle money as he takis or sendis out of the Realme. And attour, it fall be a poynt of ditray, and Seculares to cum before the Kingis Justice depute in that part, to be limite and ordained be his Hiennesse, of fiftene dayes proclamation: And gif they be foundin culpable, they fall pay the said amerciament, togidder with the quantitie of the money that is taken out of the Realme: And Clerkes before their Ordinar and Official: and gif they be founden in likewise culpable therein, they fall pay the said amerciament, togidder with alsmeikle money, as is taken out of the Realme, saifand moderate expenses, to the avails of ane *English* Noble of ilk perfon. And that Clerkes sailling or passing out of the Realme, fall cum before their Ordinar or his Official, and mak aith, that they fall nouthir have, nor send na money out of the Realme, bot his said expenses. And that Seculares fall cum before the Kingis depute to be limit at ilk Haven, and make faith likewise. And quha that passis Spitual or Temporal out of the Realme, not givand his saide aithe, fall be in amerciament to the King of five poundes, of Clerkes, to be raised be their Ordinar, and of Seculares be his Hiennesse.

9. *Of money and black fardinges.*

ITEM, It is statute for the ease and sustentation of the Kingis lieges, and almous dede to be done to pair folk: That there be cuinzied copper money, foure to the penny, havand on th'ane part the croce of *Saint-Andrew*, and the crowne on th'other part, with subscription of *Edinburgh* on th'ane part, and ane R. with JAMES on th'other part. And that there be cuinzied three hundred poundes containand silver. And that they passe in payment for bread and aile, and uthir merchandice, and in greate Mershandice to be taken xij. d. in a pund. And that all uthir money, gold and silver have cours, as it had of before, except the new *English* groate of EDWARDS cuinzie to have course among the Kingis lieges for ten pennies, and na dearer, and the new Noble of the *Rose* for twentie five shillings. And the Lordes, that fall be limited to have strength of the Parliament in uthir causes, as is before written, have power to make sik rules and statutes of the sex-penny-groate of the *Floure deince*, as they fall think expedient for the gud of the Realme.

10. *Anent the reformation of Hospitales.*

ITEM, Anent the reformation of Hospitales, and for the keeping of the failzieid creatures: It is statute and ordained, that all the Ordinates of the Realme fall warne all them that hes Hospitales in their diocesses, and summond them till a day be the Kingis and the Ordinaris letters. To the quhilk day the Chancellor, or his depute fall cum with the Ordinar, & see the infestments and foundationes. And be the advise of the Chancellor and ordinar, to be reduced to their first foundationes, quhair-throw Gods service may be observed and miserabill perfonnes susteined, and quhair the infestmentes can not be funden, be the advise of the Ordinar and the Chancellor, the fruites of the Hospital fall be assigned to pure and miserabill perfonnes, in sa far as the fruites are of avails. And that twa gude men of conscience be warned be the Ordinar, to be with him and the Chancellor, for the reformation to be maid. And that to be done in continit, or the parting of the Ordinar and the Chancellor.

F I N I S.

T H E S E C O N D
P A R L I A M E N T
O F
K I N G J A M E S T H E T H R I D .

Halden the last daie of Januar, the zeir of God, ane thousand, foure hundreth, sextie sex zeires.

11. *That nane passe in Merchandice out of the Realme, but freemen.*



ITEM, In the first, that nane of our Sovereine Lordis leiges sail, nor passe in merchandice out of the realme, bot freemen burgesseis dwelland within Burgh, or their familiares, factoures, servandes, being with them in houshalde at meate and drinke: Saisand, that it fall be lauchfull to Prelates, Lordes, Barrones, Clerkes, to send their proper gudes with their servandes, and to bye againe thinges neidfull to their proper use.

12. *That na man of craft use merchandice.*

ITEM, It is statute and ordained, that na man of craft use merchandice be himselfe, nor sail in merchandice, nouthor be himselfe, nor his factoures, nor his servandes, bot gif he have leave, and renuncie his craft, but collour or dissimulation.

13. *That na man sail in merchandice without halfe a last of gudes.*

ITEM, That na man sail, nor passe out of the Realme in onie merchandice, bor a famous and worshipfull man, havand of his awin halfe ane last of gudes, or sameikle in steiring or governance, under the Paine of ten pounds to be rayfed to our Sovereine Lordes profite of ilk person deand the contrarie hereof.

14. *That na schip be fraucht without a Charter partie.*

ITEM, It is likewise statute and ordained, that in time to cum, there be na schip fraucht without a Charter-partie contenand thir pointes under written, that is to say, that the maister of the Schip sail find sufficient steir-man, tymmer-men, and schip-men convenient for the Schip. And that the maister finde free to the Merchauds fire, water, and salt on his coast. And gif they happens onie contention or debait betwix the maister and the merchands, that they fall underly the jurisdiction and ordinance of the Burgh, quhairto the schip is fraucht, without ony exception. And that na merchandis gudes be reiven nor spilt with unreasonable stolling, as with spakes: nor that na gudes be schorne, nor stricken up in na wise into the masters default, nor his servands: under the paine of tynel of the said fraucht, and amending of the skaith of the Merchandes. And that the maister sure na gudes upon his over-lost: The quhilk and he do, thay gudes fall pay na fraucht, nar na gudes under the over-lost to seat nor lot with thay gudes, in case thay be cassin. And that every ilk Schip, exceedand five last of gudes, fall paye to the chaiplane of the Nation a sack-fraucht, and within five last, halfe a sack-fraucht, under the paine of five poundes to be raised to our Sovereine Lorde the Kingis use, of ilk person doing in the contrarie hereof. And that na drink-silver be tane be the maister nor his doers, under the paine above written: And home-ward a Tun fraucht, to the Kirk wark of the towne, that they are fraucht to.

15. *That na schipe sail with Staple gudes, fra Simons day and Iudis, quhill Candelmes.*

ITEM, It is statute and ordained, that in time to cum there be na Schip fraucht out of the Realme with ony Staple gudes, fra the feast of *Simons* day and *Iude*, unto the feast of the Purification of our L A D Y, called *Candel-mes*, under the paine of five poundes of the usual money of *Scotland*, to be rayfed to our Sovereine Lordis use, of ilk person frauchting ony Schip in the contrair hereof.

16. *That na Merchandes fall passe to Bruges as Staple.*

ITEM, It is statute and ordained, that nane of our Sovereine Lordes lieges fall fra the feast of *S. Peter*, called *ad vincula*, sure ony schips in merchandice, or gudes to the *Sweyn*, the *Staise*, the *Dam*, or

Bruges, under the paine of tinsel of all their gudes, & banishing of their perones out of the Realme. And that all perones now havand gudes in the townes of *Bruges*, the *Dam*, or the *Shuise*, remooove and devoyde themselves and their gudes off the saidis places before the said feast of *S. Peter*. And fra thine furth that they nouthere bye nor sell, nor make merchandice in any of the places before written, under the paine foresaid.

17. *That Merchandes saill to the Rochel, Burdeaux, and France.*

ITEM, Itis statute and ordained in the said Parliament, that it fall be leifful to all Merchandes in this Realme to saill to the *Rochel, Burdeaux, France*, and *Normandy*, with sik merchandice as is convenient therefore, siklike as they did of before. And all staple gudes to remaine in staple, and pas to na mercattes. And this to be observed and kepted, under the paines foresaid.

F I N I S

T H E T H R I D

P A R L I A M E N T

O F

KING JAMES THE THRID,

Halden at Edinburgh, the twelfth daie of October, the zeire of God, one thousand, foure hundredeth, sextie seven zeires.

18. *The Proclamation of money higher up.*



ITEM, Our Sovereaine Lord the King and his three Estaites in this present Parliament, findis his Hiene and the haill body of the Realme, greatly hurt and skaited in the money of this Realme, havand lawer course, then uthere Realmes hes about us, throwe the quhilk the Quinzie of this Realme is borne out in great quantitie: For the quhilk our Sovereaine Lorde and his three Estaites in this present Parliament, hes statute and ordained, that the money of uthere Realmes: That is to say, the *English Noble*, *HENRY* and *EDWARD* with the *Rose*, the *French Crowne*, the *Salute*, the *Lew*, and the *Rydar*, fall have course in this Realme of our money, to the value and equivalence of the course that they have in *Flanders*: That is to say, *EDWARD* with the *Rose*, to threttie twa shillings of our money. Item the auld *EDWARD* to foure marks, the ounce of the famin price, as the *Rose* hes course. The *HENRY Noble* to twentie seven shillings,

sex pennies. The *French Crowne* to twelve shillings, sex pennies. The *Salute* to threttine shillings foure pennies. The *Lew* to fiftene shillings sex pennies. The *Rydar* to twentie foure shillings. The *Derry* to twelve shillings. The *Lyon* with the Crowne, to twelve shillings. Item, the auld *English* groate fall passe for sextene pennies. The *Borage* groate, as the new groate. The new groate of *EDWARD* for twelve pennies. The *Spurred* groate, as the auld *English* groate for sextene pennies. The *English* penny, three pennies. And the new *English* penny richtiwa. The groate of the crowne fall have course for fourtene pennies. Item, the halfe groate seven pennies. The groat of the *Flour-de-luce*, acht pennies. And the quhite *Scottis* penny and halfe penny to have course, as they were wont to have. And the striking of the black pennies to be ceased, that there be nane stricken in time to cum, under the paine of death. And that strait inquisition be taken be all Schreffes and Baillies of Burrowes, gif ony sik stryking be maid, and the strikers to be brocht to the King and punished, as is before written, and the bringers of sik perones to be weil rewarded therefore, as effectis.

19. *The maner of debtes and contractes paying.*

ITEM, Because our Sovereaine Lorde and his three Estaites, considfers and understandis, that his Hieneffe and the haill Realme in ilk estare is greatly hurt and skaited in the changing and hieing of the cours of the money, as is before written, baith in debts paying, and contractes, by-gane annualles, wed-fetes, and landes set for lang termes, customes, and procuracies of Prelates, and all uthere debtes lesse, then they were provided

provided in this present Parliament, be our Sovereine Lorde and his three Estaites, that baith the creditour and the debitour, the byer and seller, the borrower and the lender, the Lord and the tennent, Spirituall & Temporal, be observed to the desire of the intentes of them, that were in the time of the making of their contracts, and payment to be maid in the famin substance, that was intended the time of the making of the contracts, maid before this present Parliament: Swa that quhar variation be maid in the Parliamente of alteration of the money for the common gud of the Realme, the famin substance and value redound to the receiver, like as he suld have had the time of the making of this acte. Therefore our Sovereine Lord, and the three Estaites, statutes and ordains, that all debtores, that awe ony debtes of contracts maid of before, pay to their creditoures of the famin summes in substance, as it was intended betwixt them, before the making of this act, in sik like manner as it zeid immediatly before this act. And proportionally in poundes, schillings, of the reckoning, that it fall be in time cumming, to raise the money, like as it zeid of before. And in like maner all annual-rents, wedettes, landes ser for termes, customes, procuracies, and all uther debtes of contracts maid of before, to be payed in sik like money, as zeid immediatly before this act. Item, all contracts, byinges and sellinges in time to cum, to be maid of the money after the course as it fall have in time to cum, or eis as pleasis the parties. And atour, in all Obligaciones maid in times bygane with this clause maid, (of usuall money of *Scotland*) that it be interpreted and understood to be payed in the value and substance, as the money had course in the time of the making of this acte, and in all manner, forme and effect, as is abone written.

20. *That Ferriers make brigges.*

ITEM, It is seene expedient be the Lordes, for the utilitie and profite of the Kingis Hieneffe and his lieges, quhilk divers times passis over Ferries with their Horse, for the safetie of the famin, that at all passages of Ferris of silk side of the water, That is to saye, *Leith*, *Kinghorne*, the *Queenis Ferry*, on the uther side of the water, the *Portmraig* and the *East ferrie* to be maid brigges of buirds, or portes in ferry boates, for the ease of schipping of the said horse. And that the said brigges be maid within twentie dayes nixt following the making of this acte, under the pame of tinsel and confiscation of the boate, and not to use the office for a zeir and a day. And that the Kingis letters be written thereupon.

21. *Anent the lower price of money.*

IN Presence of our Sovereine Lord and the three Estaites in plaine Parliament; Ane worshipfull Clerk, Maister *Archibald Quibite-law*, Deane of *Dunbar*, Secretar to our Sovereine Lord, in the name & behalfe of the hail Clerkie. And in likewise an honourable man, *Richard of Kintor*, Burgesse of *Aberdene*, in the name and behalfe of the hail Commissioners of Burroves, humbly maid request and besoucht our Sovereine Lord of his Grace, thar gif it happennis of case, thar his Hieneffe in times to cum proclaimis his money to lower price and les availe, then it is now proclaimed, thar therefore subsidies & procuracies, customes and devutes, nicht be taken and payed of the money to the availe and price, as they pay. The quhilk requiest, our Sovereine Lord in presence of his said three Estaites, gratioosly and hartelie granted in all thinges foresaid.

F I N I S.

T H E F O U R T H
P A R L I A M E N T
O F
K I N G J A M E S T H E T H R I D,

Halden at Edinburgh, the twelfth daie of Januar, the zeir of God, ane thousand, soure hundredeth, sextie seven zeires.

22. *The crying up of certaine money.*



ITEM, It is statute and ordained, that fra thyne furth the *Scottis* groate of the Crowne, that pass for twelve pennies of before, fall have in time to-cum course among our Sovereine Lordis Lieges for fourteen pennies: And the half groat of the famin for seven pennies. Item, the auld *English* penny fall have course effeirand to the auld *English* groate: That is to say, for four pennies. Item, in likewise the new *English* penny of *Edwarde* till have course effeirand to the new groate of *Edwarde* for three pennies. Item, that the quhite *Scottis* penny have hail course in all payment, quhill the nixt Parliament, and then gif it neidis

neidis remeid to be set therefore, as fall be thought speedefull. Item, that in time to cum there be tane in payment of black money, bot twelve pennies in the pound, and swa descendand proportionally, as rhe fumme descendis. Item, it is ordained for the hying of rhe availe of the crowned groate, and *English* pennies to be na hurte contrair the actes maid of before anent the money, bot that act to stand in all force and effect, as it was first maid.

23. *The Chalmerlane to see for mettes and measures.*

ITEM, Anent mettes and measures: It is statute and ordained, that rhe Chalmerlane and Schireffes fall put the last acte maid thereupon till due execution in all places, as they will answere to our Sovereaine Lord.

24. *Anent money till have ane univerfall course.*

FOR As meikle as the Lordes of the three Estaites, depute till advise upon the money, considers the great murmur that is past, because of diversities of payment within the Realme, rthrow the intaking of rentes be the auld payment, and giving our againe be the samin price: Considering als that the penny-worthes ar risen with the penny, and meikle dearer then they war wont to be, that sulde hie the money till have general course to the hie price, that ilk man thar suld receive ony rentes, sulde be skaited to the fourth or the fifth parte of his rente, quhilk, is too heavie to them in all estaites, and till eschew the greate rumour hereof, and for to content rhe commounes: It is statute and ordained, that the money fra thine fourth have univerfall course throw-out the Realme. And als it is ordained, that the Actes and statutes maid upon the in-bringing of Bulzicon within the Realme, and als the keeping of money within the Realme, be observed and keiped, under richt fair and heavie paines, and richtswa uther statutes maid for the keeping of the samin, that it pas not out-with the Realme. Item, it is ordained, that unto the time it be advised be the wisest of the Realme, and them that understandis them best therein depute thereto, and at great lasour, as effeiris, to dispone the money, as fall be seene maist speedefull for the profire of the Realme, that in the meane time fra this fourth the *Scottis* money: That is to say, rhe *Demy*, the *Lyon*, the groate of the Crowne, and the groate of the *Floure-deluce*, and the small penny, and the farding fall have the samin course, that they had before the first Proclamation, maid in the Parliament, in the moneth of *October*: That is to say, the *Demy*, and the *Lyon*, ten shillings: The groate of the Crowne, twelve pennies. The *Flour-deluce*, sex pennies and a halfe penny. And for the money of uther Realms, to draw it within the Realme, they ordained it to have course: The *English* Noble of the *Rose*, and the auid *Edwarde*, keipand pace, for twentie aucht shillings. The Noble of *Henry*, twentie four shillings. The *Lew*, fourteene shillings. The *French* Crowne, eleven shillings. The *Salute* and the *Rydar* till have course, as they zeid of before. And the auld *English* groat threttene pennies. And the new *English* groate eleven pennies. The *English* penny three pennies. The spurred groate threttene pennies. And the *Scottis* pennies till have course as they had of before. And of the fardinges to take twa shillings in the pund. And attour it is ordained, that gif ony man hes maid ony Obligations or contractes, sen the laste Parliament, or lent or boucht, or sauld, sen the said time, they fall paye with siklike money and siklike value, as it had course in the time, quhen they maid their contract, borrowed, or lent, bocht or sauld. And this priviledge til indure to them, quhill the feast of *Lamb-mes* nixt to cum, and na langer for their payment, and to outred their selfe.

25. *Nolt, Scheepe and cattle suld not be sauld furth of the Realme.*

ITEM, It is statute and ordained, that na Kye nor Oxen, scheepe nor uther cattel be sauld out of the Realme, be nane of the Kingis Lieges, under the paine of escheit. And the Wardane fall have na power to give licence in the contrarie hereof.

F I N I S.

T H E F I F T H

P A R L I A M E N T

O F

K I N G J A M E S T H E T H R I D,

Halden at Edinburgh, the twentieth daie of November, the zeir of God, one thousand, foure hundredeth, sextie nine zeires.

26. *Anent the freedome of halie Kirke.*

ITEM, In the first, it is statute and ordained, that the freedome of halie Kirk be observed and keiped in all immunitie, priviledge and freedome, in likewise, as it hes bene in times of maist Noble Princes; Predicessoures and Progenitoures to our Sovereine Lorde of hail minde, quhome God assoilzie.

27. *The Judge Ordinar being partial, or refusand to do Justice, fall satisfie the party, and pay an unlaw to the King.*

ITEM, As to the article of Schireffes and uther judges Ordinar, quhilks will not execute their office, and minister Justice to the pur people: It is statute and ordained, that the partie compleinzeand in ony parte of the Realme, fall first cum till his Judge ordinar of Temporal landes, as Justices, Schireffes, Stewartes, Baillie, or Barronne, Provest or Baillies of Burrowes, and make his complaint, and aske at him administratioun of Justice. And gif he gettis justice dewlie execute and ministrat to him, he mon remaine content. And gif the judge Ordinar failzie him, and will not minister him justice, he fall cum to the King and his Council, and take letters of summondnes, and summond the partie. And in likewise his judge Ordinar, quhar ever he be of Temporal landes. And gif the judge be foundin culpable, and wald not minister justice, he fall be punished and put fra his office for a certain time, after the discretion of our Sovereine Lorde and his Council, and pay the expenes of the partie compleinzeand: And our Sovereine Lord, fall gar minister justice to the partie compleinzeand in that case. And gif the Judge Ordinar minister him partial justice, and dois him wrang in the administratioun of Justice: In likewise the partie compleinzeand fall summonde him before the King and his Council. And gif before them he be founden culpable or partial in the administratioun of Justice, be he a Schireffe, Baillie, or uther Officiar of fee, he fall be put fra his Office for three zeires. And gif he be ane Schireffe or ony uther Judge Ordinar for a time, he fall be put perpetually fra his Office, and pay the expenes of the partie, and his person to be punished at the Kingis will. And in likewise the Officiar of fee. And gif the partie compleinzeand upon the Ordinar Judge, be founden be the King and his Council in the wrang, he fall pay the expenes of the saide Judge Ordinar for his vexation, and his person punished at the Kingis will in likewise. And gif ony partie hes ony proper action against the Schireffe, or ony Judge Ordinar, it fall be lauchfull to him to cum to the King, and uther summond his partie before the King, or make an other officiar in that part, to minister Justice to him. And that ilk Judge Ordinar, Schireffe, or ony utheris, fall be halden to answer for their deputes, as themselfe. Neverthelese, it fall be lauchfull to the Kingis Hienes to take decision of ony matter thar cummis before him, at his empleasance, like as it was woont to be of before.

28. *Landes may be redeemed be the first seller, fra the first byer, or ony uther possessor.*

ITEM, As touching new inventiounes and selling of landes be Charter and faising, and taking againe of reversiones, and it happen the byer to sell the samin land againe to ane uther person: It is now scene expedient in this present Parliament, and according to law and conscience, that the first seller have recourse to the samin landes, sauld be him under reversion, to quhatsumever handes the saids landes cummis, payand the money, and schawand the reversion, and have sik priviledge and freedome against the persones, thar haldis the said landes, as he suld have against the principal first byer. And because sik reversiones may of case be unt: Our Sovereine Lord fall make the said reversiones be registred in his register, gif it be required, on their expenes: That is to say, of silk ane, ane halfe marke, the quhilke registred, fall have the samin force, as the principal reversion were schawed for the time.

29. *Of Obligations to be followed within fourtie zeir, or else prescribe.*

ITEM, As anent Obligations, that fall be followed in time cumming, except them, that ar dependant in the Law, before the making of this act: It is advised, that the partie to quhome the Obligation is maid, that hes interest therein, fall follow the said obligation, within the space of fourty zieres, and take document thereupon. And gif he dois not, it fall be prescribed, and be of nane availe, the said fourty zieres beand runnin, and unpersewed be the partie.

30. *Officiaries within burghs suld nocht be continued: The auld Counsel suld chuse the new: They twa choosis the officiares.*

ITEM, touching the election of Officiaries in Burrowes, as Aldermen, Baillies, and uther officiares, because of great contention zeirly for the chusing of the samin, throw multitude and clamour of communes, simple perones: It is thought expedient, that na Officiaries nor counsel be continued after the Kingis Lawes of burrowes, further then ane zier. And that the chusing of new Officiaries, be in this wise: That is to say, the auld council of the towne fall chuse the new council, in sik number, as accordis to the towne. And the new council and the auld in the zier foresaid, fall chuse all Officiaries pertaining to the towne: As Alderman, Bailies, Deane of *Gild*, and uther officiares. And that ilk Craft fall chuse a person of the samin craft, that sal have voir in the said election of Officiaries, for the time, in likewise zeir by zeir. And attour it is thought expedient, that na Captaine, nor Constable of the Kingis Castelles, quhat towne that ever they be in, fall beare office within the said towne, as to be Alderman, Bailie, Deane of *Gild*, The-saurar, nor nane uther officiar that may be chosen be the toune, fra the time of the nixt chusing forth.

31. *Notares suld be maid be the King, and not be the Emperour.*

ITEM, It is thought expedient, that sen our Sovereine Lorde hes full jurisdiction, and free empire within his Realme, that his bienesse may make Notares and Tabelliones, quahis instrumentes fall have full faith in all causes and contractes civil within the Realme: And in time to cum, that na Norar be maid, nor to be maid be the Emperours autoritie, have faith in contractes civil within the Realme, lesse then he be examined be the Ordinar, and approved be the Kingis bienesse. And that full faith be given to the Papal Notares in times by-gane and to cum, in all their instrumentes. And als that full faith be given to all instrumentes given of before be the imperial Notares, like as they are of availe. And attour, thar the Notares thar beis maid be our Sovereine Lorde, be examined before their Ordinares, Bishopes, and have certification of them, that they are of faith, gud fame, science and lawtie, according for the saide office.

32. *That woollen claith be met be the Rig.*

ITEM, to eschew deceit and skaith of our Sovereine Lordis lieges dailie, and at all times susteined, throw the metting of woollen claith be the selvedge: It is thought expedient, that in time cumming, all woollen claith be met be the rig, and not be the selvedge.

33. *The indorsation of the Kingis letters suld be stamped.*

ITEM, As touching the indorsing of the Kingis brieves and letters, that full faith may be given thereto: It is seene expedient in this present Parliament, that Schireffes, Baillies, or ony uther officiares, outhor of tee, or in that part, that executes the Kingis brieves or letters, set their seals or signets to them before witness, & procure gif they have nane, till all execution and indorsing of the saide brieves and letters: Swa that faith may be given thereto, and uthervaies their indorsing till have na faith.

34. *That the extorsiones of the Kingis Lieges be not tane in Faires.*

ITEM, Because there is abuson foundin in the keiping of Faires, Parliament times, and Generall Councilles: That the great Constables of Castelles, Schireffes or Baillies of Burrowes, take greate extorsiones of the Kingis pure Lieges, quihikis they call their fees, that is not aucht to them: Like as of ilk laid of flesh, fish, victualles, meill or malt, or siklike burdinges, as soules on mennis backs, and uther things borne in mennis handes, to the quhik they have no reason: It is seene expedient and statute in this present Parliament, that all sik things be fore-borne in the time to cum, and na sik extorsiones to be taken of the Kingis Lieges, under the paine of punishing of their perones, at the Kingis will, and to be put fra the execution of their office for ane zier.

35. *That poynding on Martine-mes and Whit-sunday be delayed to the thrid day. Faires on Haly-daies ar forbidden.*

ITEM, Because of keiping of Haly-daies and divine service, quihikis ar greatly broken, and namely, in the poynding for mailles and annuales, in-casting and out-casting of tennentes, quihikis causes greate dissention, and causes oft times great gadding and discord upon solenne daies of *Whit-sundaie* and *Martine-*

Martine-mes: For the eschewing of the quihik, it is thought expedient in this present Parliament, that the said poynding for mailles and annuallles, in-casting and outcasting of tenentes, be deferred to the third day after *Whit-sunday* and *Martine-mes*, without prejudice of any persones, and in likewise there be na faires halden on hally dayes, bot on the morne after.

36. *Of slaughter of fore-thought-fellony and suddantie, and fleeing to Girth.*

ITEM, Because of the eschewing of great slaughter, quihik hes bene richt commoun amongst the Kings Lieges nowe of late, baith of fore-thought-fellonie and of suddantie: And because monie persones committis slaughter upon fore-thought-fellonie, in traiste they fall be defended throwe the immunitie of halye Kirk and Girth, and passis & remainis in Sanctuaries: It is thought expedient in this present Parliament, for the slaunching of the saide slaughters in time cumming, quhair ever slaughter is committed on fore-thought-fellony, and the committer of the said slaughter passis and puttis him in Girth for the safetie of his person: The Schireffe fall cum to the Ordinar in places, quhair he is, under his jurisdiction, and in places exempt to the Lordes maisters of the Girth, and let them wit, that sik a man hes committed sik a crime on fore-thought-fellony: *Tanquam insidiator & per industriam*. For the quihik the lawe grantis not, nor leavis not sik persones to joyis the immunitie of the Kirk. And the Schireffe fall require the Ordinar to let a knowledge be taken be ane affise on fiftene daies, quhiddir it be fore-thought-fellonie or not. And if it be founden fore-thought-fellonie, to be punished after the Kingis lawes, and if it be founden suddantie, to be restored againe to the freedome and immunitie of haly Kirk and Girth. And thereupon to set gude sovertie to the Ordinar. And that sovertie beand foundin, the said Ordinar, and the maister of the Girth fall suffer the persones to be had to the said knowledge. And that the Schireffe fall put to execution the actes of King JAMES the first, maid upon slaughter and fugitours fra the Law: quihikis bearis in effect, that quhat time ony Schireffe be certified of ony slaughter, outhur by the partie or ony uther way, hee fall incontinent raise the Kingis horne, and his lieges within the boundes of his office, and passe and seek that persone, and do justice on him, after the forme of the Lawes of the Realme. And gif he be fugitive, and escapis out of the Schireffedome, he fall send ane officiar to the Schireffe, in quhais Schireffedome he enters in, and denunce and signifie to him, that sik a man hes done sik a trespassse, and fellony agaisnt the King, within the boundes of his schire, and hes escaped out of the samin, and cummin within the boundes of his office, charging him in the Kingis name, and be vertue of this acte, to raise the Kingis lieges and his horne in likewise, to persew that trespassour, quhill he be overtane, or put him out of the Schire, and in likewise send his officiar to the nixt Schireffe, in quhais Schire the said trespassour enters in, to persew him, quhill he be overtaine, or els put off the Realme. And attout, ilk Schireffe of the Schire, quhair the said fugitour is sought, and nocht overtane, fall passe to the head burgh of the said Schire, and proclaime of the Kingis name and behalfe, that sik a man hes committed sik a slaughter and fellony, and is fugitive fra the Law, and charge all the Kingis Lieges, that na man take on hande to housse, herbery, receipt, nor helpe the said trespassours be onie manner of way, under the paine of inisel of life and gudes. And that the Kingis dittay be taken hereupon in his Justice aire, and to be punished, as is abone written.

And gif ony Schireffe be foundin culpable hereupon in the execution of his office, the said Schireffe fall be punished at the Kingis will, and be removed fra his office for three zeires. And gif the Schireffe be founden diligent in the execution of his office, or ony uther person, that labouris for the taking of the said trespassours, fall be rewarded and thanked therefore be the King, as effectis.

37. *That the puir tenentes fall pay na farther, then their termes mail for their Lordis debt, be the brieve of distresse.*

ITEM, Till eschewe the great heitichip and destruction of the Kingis commons, maillers, and inhabitantes of Lordis lands, throw the force of the brief of distresse, That quhair ony summes are obteneid be vertue of the saide brieve upon the Lord, awner of the grounde, that the gudes and cattel of the puir men inhabitantes of the ground are taken and distrenziid for the Lordes debtes, quhair the mailles extendis not to the availe of the debt: It is adviced and ordained in this present Parliament, that fra hyne-furth the puir tenentes fall not be distrenziid for the Lordes debtes, further then his termes mailles extendis to. And gif the summe obteneid be the brieve of distresse exceedis the termes mail, the Officer fall at the instance of the partie, that obteneis the debt, gang to ony uther proper gudes of the debtour, and pay the remanent of his debt, if he hes fameikle within the schire. And gif he hes not fameikil lands or gudes within the schire, the creditour fall cum to the King, and bring certification of the said Schireffe, howe meikil he wantes of the summe recovered be the brief of distresse, and may not get his proper gudes within the schire. And then the King fall gif his letters to ony uther Schireffes, quhair the debtour hes ony uther gudes or mailles within the Realme, and gar them be prisid, and pay the said creditour within fiftene dayes after the forme of the Law. And quhair the debtour hes na movable gudes, but his landes, the Schireffe, before quhom the said summe is recovered be the brief of distresse, fall gar sell the land to the availe of the debt, and pay the creditour: Swa that the inhabitantes of the saides landes be not hurt, nor grieved for their Lordis debtes. Neverthelesse, it fall be leifull to the person that aucht the lande, first to redceme and the quite out the samin againe within seven zecitis, payand to the byer the money that it was fauld for, and the expenses

expenses maid on the Over-lorde for Charter, faising and infestment. And the saide redemption and lowfing to be maid within seven zeires, as said is, or not. And gif the creditour takis the termes maill be vertue of the brief of distresse, it fall not be leifful to the Lord to tak it againe. And gif there cannot be foundin a byer to the saids lands, the Schireffe of that Schire or ony uther, quhair he hes land, fall cheefe of the best and worthiest of the Schire, and least suspect to ony of the parties, to the number of thretteene persons, and apprise the said landes, and assigne to his creditour to the avail of the said summe, within sex moneths after the said summe be recovered before the Schireffe. And als the Over-lord fall receive the creditour or ony uther byer, tennent till him, payand to the Over-lord a zeires maill, as the land is fet for the time. And failzieing thereof, that he take the said land till himselfe, and under-gang the debtes.

38. *Of fish, Salmond, girfilles, trowtes, and nettes in waters.*

ITEM, For the multiplication of fish, Salmond, Girfilles and Trowtes, quhilk ar destroyed be cowpes, narrow maffes, nettes, prynes fet in rivers, that hes cours to the Sea, or fet within the flude marke of the Sea: It is advised in this present Parliament, that all sik cowpes and prynes be destroyed and put away for three zeires. And quha sa haldis them up, fall be indired, and punished be the Kingis Justice in his Justice aire, as destroyers of redde fish, after the tenour of the act of slaughter of redde fish last maid of before. And in likewise all millares, that slayis Smoltes with creilles, or ony uther maner of way, fall be punished be the Kinges Lawes, after the tenour of the said acte, maid upon the slaughter of redde fish. And that ilk Schireffe within his Schire fall destroy and cast downe the said instrumentes, cowpes, prynes, & narrow maffes, nettes, creilles, or ony uther siklike.

39. *The Parliament, Justice aires, nor Chalmerlane aires, needis not be continued fra daie to daie.*

ITEM, It is seene speedefull, that the court of Parliament, Justice aire, nor Chalmerlane aire, nor siklike courtes, that hes continuation, needis not to be continued fra day to day, bot that they be of sik strength, force and effect, as they had bene continued fra day to day, unto the time that they be dissolved: The Parliament be the King: The Justice aire be the Justice: The Chalmerlane aire be the Chalmerlane, and utheris siklike Courtes. And that nane exception proponed be ony persones be admitted in the contrarie.

40. *That the Kingis Rolles and Register be put in buikes.*

ITEM, It is thocht expedient, that the Kingis Rolles and Register be put in buikes, and have sik strength as the Rolles had of before.

41. *That na Deniers of France, Cortes nor Mailzies be tane, nor brocht hame.*

ITEM, It is statute and ordained, that there be na *Deniers of France*, *Mailzies*, *Cortes*, *Mites*, nor nane uther counterfeites of black money, be tane in payment in this Realme, bot our Sovereine Lords awin black money, stricken and prented be his Cuinzioures, under the paine of death. And that na maner of person bring into this Realme ony strang black money of uther Realmes or counterfeit the Kings money under the paine of death, as said is. And attour in time cumming, that na man take in payment, nor offer in payment ony black money, bot of our Sovereine Lordis awin cuinzie. For quha that they be founden with, fall be debtour for them.

F I N I S.

T H E S E X T

P A R L I A M E N T

O F

K I N G J A M E S T H E T H R I D,

Halden at Edinburgh, the sext daie of Maij, the zeire of God, one thousand, foure hundreth, sevenie one zeires.

42. *Anent brieves pleidable.*

ITEM, It is statute and ordained, be the Lords, having the hail power of the three Estaites committed to them, and the bodie of the Realme and Parliament, that in time to cum, quhair onie brieves pleidable happenis to be followed before quhatsumever judge, and there be exceptions, ane or maa proponed, and thereupon borrowes and recounters foundin, and doome given falsed, and againe saide be outhir of the parties, and thereafter discussed in the Parliament: Gif it happenis the doome to be discussed & determined for the partie follower, then fall the parties baith passe againe to the nixt Justice aire, and the samin brieve and processe maid of before fall be redde againe, and the partie follower make his claime, and the partie defendand fall have freedome and priviledge to take ane or maa urther exceptiones, dilatoures or peremptoures, as they follow in ordour, nixt after the first exceptions proponed, that the doome was falsed upon of before. Bot it fall not be leiffull to them to take ony exceptions, that they pretermitted and let passe by at that time, bot they fall passe ordourly forward fra exception to exception, how oft that ever the doome be falsed, unto the time that the brieve be brocht to the recognition of ane assise, gif it pleasit the partie to mak perfore theirto. And the said ordour and forme conteneid in this acte abone written, to be observed and kepted in all pointes in the proceeding of the brieve of mortancestry, purchasid be *Andrew Bisset*, against the Laird of *Ardras*, and now dependand in the Justice aire of *Cowper*.

43. *The man-slayer suld not be relaxed, except he finde caution. Negligent Schireffes.*

ITEM, Anent the stanching of slauchter, quhilke is sa common in the cuntrie, baith in Sanctuarie places, & uthers, the Lordes thinkis expedient, that the acte of the last Parliament maid thereupon be kepted, with this addition, that quhair ony slauchter is committed, and the partie committand the slauchter be put to the horne of partie, and syne thereafter cum, and binde them to the Lawe, the Schireffe fall not receive him to the Law, nor gif him dilatoures of fourtie dayes, without he bring with him sufficient burrowes, that he fall compeir peremptourly the said day, to underlie the law. And failzieng theirow, that the committer of the said slauchter be put to the Kingis horne, at the saide day peremptour, and all his gudes escheit to the King, and his burrowes to pay twentie pound to the King for the unlaw. And fra hyne furth to be demained be the Schireffes, as is conteneid in the actes maid of before in the last Parliament. And to have knowledge quhat Schireffes hes bene negligent in the execution of the said act maid upon slauchter sen the last Parliament. And that now there be limited a day to the Schireffes at the empleaseance of our Sovereaine Lorde, quhair the Schireffe fall compeir, and abide his accusation thereupon. And quha that beis foundin culpable, to be punished after the tenour of the acte of Parliament. And in the meane time that there passe letters of the Kingis in all Schires, to be proclaimed at the head Burrowes, that quhair ony parties compleinzie upon slauchter sen the saide time, that they cum to the King the saide day with their plaintes, and the King fall minister them justice without favoures.

44. *That na Clerkes purches benefices, or office of Collectarie at the courts of Rome, the quhilke was not thereat befor.*

ITEM, As to the Article of the great damage and skaith daylie done to all the Realme be Clerkes, religious and feculars, quhilks purchassis, Abbacies, and uthir benefices at the court of *Rome*, quhilks were never theirow befor, and purchassis, be means, offic of Collectorie, and takis upon them to raise heavie and great taxations of Prelates and Clerkes, and makis information of the ayale of the benefices in the court of *Rome*, mair nor the use and custome was of befor, or that ever was done in ony Kingis time bygane, and to provide for the making of unjions of benefices pertaining to Abbacies, and urther annexed and unite to Bischop-

ricks, and others in heirship and destruction of religious places, and against the common gude of the Realme: Therefore the Lordes thinkis expedient, that considering the inestimable damage and skaith in the having of innumerable riches out of the Realme there-throwe, that ilk abbacies, and other benefices, purchased be secular or religious persones, quhilkis were never at the courte of *Rome* of before, be of nane availe, but that the saidis places have free election of the famin. And that nane of our Sovereine Lordis lieges, Spiritual nor Temporal, take upon them to be Collectours to the sege of *Rome*, of na higher nor greater taxation of Bishopprikes, Abbacies, Priors, Provestries, nor other benefices, that awe taxation, bot as the use and custome of auld taxation hes bene of befor, as is conteneid in the Provincialis buik, or the auld taxation of *Baginot*. And attour, that there be na unions nor annexations maid in time to cum to Bishopprikes, Abbacies nor Priors of ony benefice: nor that na unions, nor annexations maid now of lait, sen our Sovereine Lorde tuik the Crowne, be of strength, value nor effect, nor be suffered within the Realme, bot that the said benefices, that were unite, be put againe to their first foundation, to the place, that they were at, before the time of the union. And the said unions to be repute of na force, strength nor effect in time cumming. And gif ony persones of our Sovereine Lordis lieges, Spiritual or Temporal wauld attempt, or hes attempted in the contrair of these poyntes abone writen, fall be demaied, as Traytours to our Sovereine Lord and his Successours, and never to bruk benefice, nor use worship within the Realme. Nevertheleffe, it fall be lauchfull to Lordes and Barronnes to purchase annexations and unions of ony benefice, that they can to purchase, outhir their awin Patronage or others, to be unite to Secular Colleges founded, or to be founded.

45. *The length of speares, and that Zeamen have targes.*

ITEM, It is thought expedient, that na Merchandes bring speares in this Realme out of ony uther cuntry, bot gif they conteneid sex elne of length, and of a clyt: nor that na bower within this cuntry make na speares, bot gif they conteneid the famin length. And quha that dois the contrair, that the speares be escheitred, and the persones punished at the Kingis will. Item, that ilk zeaman that cannot deal with the bow, that he have ane gude axe, and ane targe of ledder, to resist the schot of *England*, quhilk is na coist, bot the value of a hyde. And that ilk Schireffe, Stewart, Bailie, and others Officiares, make weapon-schawings within the boundes of their office, after the tenour of the acte of Parliament, sa that in default of the said weapon-schawing our Sovereine Lords Lieges be not destitute of harnes, quhen they have need. And that the Fute-ball and Golfe be abused in time cumming, and that the buttes be maid up, and schuting used, after the tenour of the acte of Parliamente maid thereupon.

46. *That nane weare silk within an hundreth poundes woorth of land.*

ITEM, It is statute and ordained in this present Parliament, that considering the greate povertie of the Realme, the greate expenses and coast maid upon the in-bringing of Silk in the Realme: That therefore na man fall weare silkes in time cumming, in doublet, gowne or cloakes, except Knichtes, Minstrelles, and Heraldes: without that the wearer of the famin may spend ane hundreth poundes woorth of land rent, under the paine of amerciamient to the King of twentie pound, als oft as they ar foundin wearand silkes, and escheiring of the famin, to be given to the Heraldes and Minstrelles, except the claithe that ar maid before this Parliament. And that the Schireffe of ilk Schire, Alderman, and Bailies of Burrowes, take inquisition thereof, and send it to the King. And that mennis wives within ane hundreth poundes, weare na silkes in lynyng, bot allanerly in collar and sleeves, under the famin paine.

47. *Anent the money, and crying downe of the allayed groate to sex pennies.*

ITEM, As tutching the mater of the money, sen the mater is greate and tutchis the hail bodie of the Realme in great nearenesse, and that the Lordes here present cannot hastily be advised to take a final determination thereof: It is statute and ordained, that the money have course as it dois now, unto the continuation of this Parliament. And the Lordes that fall have power in all uther maters for the common gude of the Realme, at that time to advise, determine and conclude upon the saide mater of the money, that now runnis. And in likewise, gif it be seene speedefull to make innovation of ony new money, outhir gold, or silver, the saidis Lordes fall have power to advise and conclude thereupon. And as anentis the new allayed groate of seven pennies: It is ordained be our Sovereine Lord, that fra thine forth it have course for sex pennies, and the halfe groate of the famin for three pennies. And the cuinzie and course thereof to be continued, quhill the continuation of the next Parliament.

48. *Wisfull and ignorant error of Assisores.*

ITEM, For the eschewing of man-sweearing of false assise and inquestes in greate hurting of our Sovereine Lordis Lieges, and specially be inquestes in heritages: It is statute and ordained, that in time cumming, quhair a partie findis him grievied be ony assise or inquestes be partial malice or ignorance of the assise or inquestes, saifand and exceptand the assise of brieves pleidabill, quhilk this statute fall not extend upon: It fall

fall be leiffull to the partie grieved to cum to our Sovereine Lorde and his Councell, and take a fummoundes of the said inquest, to compeir before them at certaine daie and place perempourly, and there produce his evidences of the ignorance or falsed of the said inquest. And gif it happenis him to proove the said falsed, the partie grieved fall be reduced to the condition, that it was in of before, or the said inquest or assise proceeded, and the determination of the said assise or inquest to be of nane availe, and the saidis perfones of the assise or inquestes, to be punished after the forme of the Kingis Lawes, in the first buik of the Majestie, *Contra temere jurantes super assisam*. And gif the partie compleinzie and be foundin in the wrang, he fall pay ane unlaw of ten pound to the King, and make all the expenses of the partie that is fummound.

49. *That Lordes, Barrownes, and Burrowes gar make Schippes, Busches, and greate Pinck-boates with nettes.*

ITEM, The Lordes thinkis expedient for the commoun gude of the Realme, and the great entres of riches, to be brocht within the Realme of urther cuntries, that certaine Lordes Spirituall and Temporall, and Burrowes gar make greate Schippes, Busches, and urther great Pinck-boates, with nettes, and all abuilzementes ganand therefore for fishing. And the execution of this mater and the forme, and the number of the samin be had, at the continuation of this Parliament.

50. *The partie that tynis his action, fall be in an unlaw of fourtie shillinges.*

ITEM, It is statute and ordained, that quhair ony partie followis ony action before the Lordes of Council in tyme to cum, the partie that beis founden in the wrang, and the sentence is given against, fall pay ane unlaw of fourtie shillinges to the Lordes, to be dispoised by the Chan cellar; and the expenses of the partie that winnis the cause, be the modification of the Lordes.

F I N I S.

T H E S E V E N T H

P A R L I A M E N T

O F

K I N G J A M E S T H E T H R I D.

Halden at Edinburgh, the ninth daie of May, the zeire of God, one thousand, foure hundreth, seventie foure zeires.

51. *Of money and bulzioon.*



ITEM, Anent the mater of money and in-bringing of bulzioon: It is statute and ordained, that the actes and statutes maid of before, anent the in-bringing of bulzioon fall be observed and kept: That is to say, of silk Serplait twa ounce of burnt silver, and of urther gudes esteirand thereto: Of the last of hides, foure ounce, and of the last of Salmond, twa ounce, and of claith and urther gudes, with this addition: That the Customers fall, or they give the cockquet to ony schip, take sovertie and Borrowes of silk a merchand, for the lame-bringing of bulzioon, as said is: And fall zeirly make compt thereof in the Checker. And gif the customers failzies in the taking of the faide sovertie, they, to be punished therefore, and deprived of their Office for ever: And quhar merehand that failzies herein, to pay ten ponde to the King: And because the mater of money is richt subtle and greate, and may not richt haffely be set: It is thought speedefull, that the three Estaites commit their power to certaine wise discreet perfones, to the number of ten, or twelve, to advise, and set the course of the money, and to devise newe money, as they think maist expedient.

52. *Of ane Tutor and his age.*

ITEM, It is statute and ordained anent the brieve of Tutorie, that it be understanding in tyme cumming, that he that is nearest Agnat, and of twentie five zeires of age, fulfilling the lave of the poyntes of the brieve,

briefe, shall be lauchfull tutour, suppose the childe that happenis to be in tutorie, have ane zounger brother or sister, Notwithstanding that the agnat is not immediat to succede to the childe, because of zounger Brother and sisters.

53. *Probation of arreismentes.*

ITEM, It is statute and ordained, anent the prieving of arreismentes be Crowners or Serjandes, on the North halfe of the water of *Forth*, that hes bene used of before, to be prieved be twitching of wandes: It is statute and ordained, that in time to cum, all prieves shall be maid be Crowners and Serjandes, be witness and perones, like as is used and done on the South halfe of *Forth*.

54. *Anent airship of mooveable gudes of Barronnes.*

ITEM, Anent the airship of mooveable gudes, that the aires of Barronnes, Gentle-men, and Freeholders shall have: It is statute and ordained, that the saidis aires shall have the best of ilk a thing, and after the statute of the Burrow Lawes, and as is conreined in the samin.

55. *Prescription of Obligations.*

ITEM, Anentis the acte maid of before of prescription of Obligaciones: It is ordained to be understandin in this wise, that all auld Obligaciones maid of before, that is elder then the daie of fourtie zeiris, nor dependant in the Law, in the time of the making of the said actes, shall be prescribed, and of na strength: and in likewise in time to cum, all Obligaciones maid, or to be maid, that beis not followed within fourtie zeires, shall prescribe, and be of nane availe.

56. *The Retour fuld containe the auld and new extent.*

ITEM, Anent the brieves of inquest to be served in time to cum: It is statute and ordained, that it be answered in the retour, quhat the land was of availe of the auld, and the very availe that it was worth, and gives the day of the serving of the said brieve.

57. *That foure of the auld Council be chosen to the new.*

ITEM, It is statute and ordained in Burrowes, notwithstanding the Actes maid of before, that there shall be of the auld Council of the zeir before, foure worthy perones chosen zeirly to the new Council, at their entrie to sit with them, for that zeir, and have power with them to doe Justice.

58. *The Over-Lord not entrand to the superioritie, tinish the samin, and satisfies the partie.*

ITEM, It is statute and ordained anent Over-lords, that in defraud and skaith of their vassalles and tennentes, differis to enter to their landes and superiorities, that in time to cum, the saidis Over-lords shall enter to their landes and superiorities, & do their diligence thereto, but fraud or guile within fourtie daies, after that they be required be their vassalles or tennentes. The quhilk gif they do not, the saidis vassalles or tennentes incontinent thereafter to be entred be the King or the Over-lorde, that the superiorities ar balden of, and hald of him, and the other Over-lorde, that fraudfully differis his entrie, to tyn the tennent for his life-time, and affith the partie of his coastes and skaithes, that shall be susteined throw him, in default of his entrie.

59. *That perones arreisited to the Justice aire, enter within barre.*

ITEM, Because in times by-gane, there was halden an use and consuetude, that perones indyted to the Justice aire, wauld cum in presence of the Justice in the Tolbuith, and hald them out-with the Barre, and wauld not enter, for the payment of ane little unlaw, quhilk is great derision and scorn of Justice, and lychtlyng of the Kingis Hieneffe: It is therefore statute and ordained, that in time cumming all perones arreisited, that may be apprehended the time of the Aire in the Tolbuith, or the Towne, quhair the Justice is, shall be taken and delivered to the Justice, to be justified for his crime and his trespassse: Swa that the arreisment be maid of before the time of the beginning of the aire and seate of Justice.

60. *The unlaw of stealing of haulkes, boundes, pertrickes and Dukes.*

ITEM, Anent the eschewing of great trouble, discord, and divers inconveniences that may cum, anente the stealing of Haulkes and Houndes: It is statute and ordained, that in time cumming, na maner of persons take ane uther mans boundes, nor haulkes, maid or wilde, out of nestes, nor egges out of nestes, within ane uther mannis ground, but licence of the Lord, under the paine of ten poundes. And in likewise that na egges be tane out of the Pertrickes, nor wilde-duik-nestes, under the paine of fourtie shillings. And this to be a poynt of dittay in time to cum.

61. *Of Daes and Raer, hunting of Deares, and taking of Cunnings.*

ITEM, That na man slaie Daes nor Raes, nor Deare in time of storme, or snaw, or slaie onie of their Kiddes, quhill they be ane zeir auld, under the paine of x. punds: And it to be a point of dittay. And in likewise that na man hunte, schutte, nor slaie Deare nor Raes in uthers closes or Parkes, or take out Cunnings out of uthers Cunningsaires, or ony foules of uthers Dowcattes, or fish out of uthers puiles or stanckes, but special licence of the awners, under the paine of dittay, and to be punished as thief.

62. *That Ferriers make brigges: and of fraucht.*

ITEM, It is statute and ordained, that in time to-cum, the Ferriers of *Kinghorne*, fall tak of fraucht bot twa pennies of the man or woman, and the burden; and of a horse sex pennies. And quhat perones that bringis horse or beastes, fall make the perones and the burdens free, sa that the horse burden and the person, that fall be, pay sex pennies. And in likewise uther beastes fall make the perones free of fraucht. And at the *Queenes-ferry* fall be taken bot ane penny of the man, alsua the horse twa pennies, and all in forme and maner abone written. And at the *Portin-craige* ane penny for the man, and the horse ane penny. And quhat Ferriers, that dois in the contrarie, fall pay fourty shillings to the King, and his person prisioned, at the will of the King. And that the Ferriers make brigges to their boares, after the forme of the acts maid of before, under the paine contained in the samin.

F I N I S.

T H E A U C H T
P A R L I A M E N T
O F
K I N G J A M E S T H E T H R I D,

Halden at Edinburgh, the twentie day of November, the zeir of God, ane thousand, four hundredeth, seventie five zeires.

63. *That all complaintes first persewe to their Judge. Ordinare.*

ITEM, As anent the administration of Justice in civil actions and complaintes throw all the Realm, it is statute and ordained, that all parties compleinzieand, fall first passe to their Judge Ordinare, & persewe Justice. And that the Ordinaires fall minister them Justice without partial meanes or sleuth. And gif the Judge failzie in his office and administration of Justice, the partie fall cum and plenzie to the King and his Council upon the Judge and in likewise on the partie. And in that case they fall have summonds, baith on the Judge and on the partie, to compeir before the King and his Council, and there have Justice and reformation, after the tenour of the act of Parliament maid of before the twentie day of November, the zeire of God, ane thousand, four hundredeth, threecor nyne zeires.

64. *Anent false assisors in criminal causes. Of ane great assise.*

ITEM, As ruitching the reformation of false assise, passand upon criminal actions before our Sovereine Lordis Justice, Schreffes, or uther Officers: It is statute and ordained, conforme to the Kings Lawes, *De pena temere jurantium super assisam*. That quhair indited persons are schawin before the assise, in the accusation of a trespassour, notour, or manifest knowledge beand of the trespassour, & it happin the persons that passis on the assise, wilfully be favours or partial meanes, to acquire the trespassour, or trespassoures, in that case it fall be leiffull to the King and his Council to call the assise, and inquire at them, gif they concord all in a voyce, or how mony said all in a voyce, and how mony said ane uther way. And they that ar suspect *De temerario juramento*, fall be accused before the King & his Justice, quhar day & place, that it pleasis his Hieneffe. And gif thay perones pleasis to graunt their fault and *temerarium perjurium*, to be punished therefore, after the forme of the aulde lawe. And gif they deny or makis excusation thereof be

N

ignorance,

ignorance, the King or his Councell shall give them ane great assise of xxv. Noble persones, and schaw to that assise the evidens or notour knowlege of the trespassse, in sa far as was schawen to the first assise. And thereafter gif it beis foundin that the first assise acquit the trespasssours be remerancie, or wilfully be favoures or partialitie: Sa mony as beis convict of that cryme, to be punished after the forme of the auld lawes, contained in the buik of *Regiam Majestatem*. Neverthelesse the persones that happenis to be accused of the trespassse, outhir to be convict, or maid quite, after the forme of the first deliverance, and the falsse assise to be punished, as said is.

65. *Anent the in-bringing of bulzioon.*

ITEM, As anent the money, because the Lordes understandis, that the pretermittin and sleuth that hes bene in the execution of the acties maid for the in-bringing of bulzioon in the Realme, and als the searching and keiping of the money fra passing furth of the Realme, hes caused the great scantnesse of it, that is now of the money throw all the Land: That therefore our Sovereine Lord, shall zit cause the acties and statutes maid of before, baith in the in-bringing of bulzioon, and keiping of the mony, be scherpely put to execution. And that the breakers thereof be punished, after the forme of the acties maid thereupon of before. And that the King now depute true and abill persones to be searchoures in time to cum, that will and may do diligence for the halding in of the money, as is statute of before. And that the merchandes shall have for ilk ounce of brunt silver, that he bringis hame to the cunziars, twelwe shillings, and the cunziour of that brunt silver, to make twelve groates of the ounce of the famin prent, that the new groate is now. And of the new finance of the new *English* groate. And that there be ane penny and ane half-penny of silver maid of the famin finance, according to the new groate, and that penny to have course for three pennies.

66. *That nouthir silver nor gold be put to the fyre.*

ITEM, Because it is weill knawen, that all cunzied money, baith silver and gold put to the fire to be maid bulzioon to uther new money, is minished, watted, and destroyed in the translatioun be the fyre, incurris great skaith in hurt of the King and all his Lieges, and suld not be suffered in time to cum: It is therefore statute and ordained, that fra hinc forth, nouthir silver nor gold that bearis prent and forme of cunzie, that it be in any wise molten or put to the fire be the Kingis cunzioures, or be Gold-smithes to ony warke, without special licence or charge of the King: bot all gold and silver that is cunzied and hes prent, be observed and halden haill to pas amangst the Kingis lieges, as he ordained it to have cours.

67. *Anent the brieve of Idiotrie and furiositie.*

ITEM, It is statute and ordained, that sen there is a brieve of our Sovereine Lordis Chapel maid and ordained for the safetie of alienation of Lordes and Barronnes landes, throw idiores and natural fules, furious and wood-men the time of their folly, the quhilkis brieves savis not the alienation, bot allanerly fra the time of the serving of the saidis brieves, and remeids it not, that is done of before, in case it be done in the time of the folly or furiositie, albiet he be als great a fule and furious before, as after: It is statute and ordained therefore in time to cum, the said brieve be reformed, and an clause put therein, to inquire of the folly and furiositie, and how lang time he was of thay conditions. And fra it be knawin be the inquest, that the persones be fules or furious, the time thereof, the alienation maid be him, after the time that the inquest findis that he was outhir fule or furious, shall be of nane availle, bot retreated, and brocht againe till him, als well as the alienation maid after the serving of the said brieve.

68. *That the money and gold be cryed up higher.*

ITEM, It is statute and ordained, for the great scantnes and want of gold that is within the Realme, throw having out of the famin, because it standis heir in a lower price, then it dois in uther cunties: It is statute and ordained, that the gold have course in time to cum in this wise. That is to say, the *Rose* Noble to xxxv. shillings. The *Henry* Noble to xxxj. shillings. The *Angell* to xxij. shillings. The *French* Crowne to xij. shillings iij. pennies. The *Demy* to xij. shillings, iij. pennies. The *Scottis* Crowne to xij. shillings. The *Salute* to xv. shillings sex pennies. The *Lew* to xvij. shillings sex pennies. The *Rydar* to fiftene shillings sex pennies. And all uther gold to passe after the fines and weicht, and at the pleasure of the giver and the taker, And that all silver money have course sik-like in time to cum, as it hes this day.

69. *Of the payment of the debtour and the creditour.*

ITEM, To remove discord amangst the Kingis Lieges, beuixt the Creditoures and the debtoures, that are awand summes: It is statute and ordained, that notwithstanding the variance of the course of the commoun gold and silver, quhar course that ever it have, the debtour shall pay his creditour the debt of the money, that suld have been payed at the termes, before the making of this act, with sik money, and of the famin price, as the money had course before this proclamation and Parliament.

70. *That na courte of Guerra be balden.*

ITEM, Because there hes bene abufion of Law in times by-gane be the Schireffes, Stewartes, Baillies and Officiars, in the halding of courts of *Guerra*, to the great heirfhip and skaith of our Sovereine Lords Lieges, and of his awin Hiennesse in his awin Justice aires, quhilkis ar spilt be the said *Guerra* courts: It is statute and ordained, that in time to cum, there be na courtes of *Guerra* halden, be na maner of persons, under the paine of punition, as for a man-flater and riever of his gudes, and ufurper upon the Kingis Lieges and his authoritie.

F I N I S.

T H E N I N T H
P A R L I A M E N T
O F
K I N G J A M E S T H E T H R I D,

Halden at Edinburgh, the fourth daie of Julij, the zeire of God, ane thousand, foure hundreth, feventie sex zeires.

71. *Of our Sovereine Lordis Revocation.*

IN The first of all alienations, infestmentes and gifts given and granted be him to quhatsumever persones that be hurt or prejudicial till his aires, or to his Crowne, of quhatsumever heritage pertaining to his Hiennes, in ony time to this day, and in special of gifts of landes, mailles, fishinges, patronages of Kirkes, giving of waird landes in blench-ferme, setting of landes, making of Regalities, and tailzies maid in his tender age, fra the righteous aires: Allswa all gites given be his Hiennesse of keiping of Castelles for langer times, then in-during his will, and in special of the Castelles that ar the keyes of the Realme, and generally all maner of alienations, as said is, or may be prejudicial till his aires, and Crowne in ony wise, or that is againt ony gude confcience.

72. *The annexation of the Erledome of Ross.*

ITEM, Our Sovereine Lord, with consent of his three Estaites of his Realme, annexis till his Crowne the Erledome of *Rosse*, with the pertinents, to remaine thereat for ever: Swa that it fall not be leiffull to his Hiennesse or his aires, nor his Successoures to make alienation of the saide Erledome, or ony part thereof, fra his Crowne in ony wise: Saifand that it fall be leiffull to him and them, to give the saide Erledome at their pleasance till ane of his, or their secunde Sonnes, lauchfully to be gotten beruixt him and the Queene.

F I N I S.

T H E T E N T H

P A R L I A M E N T

O F

K I N G J A M E S T H E T H R I D,

Halden at Edinburgh, the sext daie of August, the zeir of God, one thousand, four hundred, seventie seven zeires.

73. *In-bringing of victualles.*



ITEM, Because victualles ar richt feant within the cuntry, the maist supportation that this Realm hes, is be strangers of divers uthen nations, that brings victual: and because of divers new impositions and arreistments, that hes bene put upon them at their cumming and entres, they may not have libertie & freedome to dispone upon their awin gudes, the quhill causis divers of them to forbear to cum in this Realme, to the great and heavy skaich of all the Kingis Lieges in all Estaites: It is statute and ordained, that all strangers and merchandes cummand in the Realme with victualles and uthen leiffull merchandice be honourably received, and favorably treated: and fra they have entred their gudes in the Tolbuith, as use and custome is, that our Sovereaine Lord be served first of the best, and sine the Lordes of his Councell, after the price, that fall be maid with the merchandes, & the remanent to be sauld amangst the Kings Lieges. And that na trouble nor arreift be put upon merchandes, strangers, nor their gudes, bot that they have libertie to use and do their leiffull merchandice, as use and custome hes bene in times by-gane.

74. *Anent Cruves.*

ITEM, It is statute and ordained, that the acte maid of before, be King James the First, anent cruves set in waters, be observed & kept. The quhill beiris in effect, that all cruves set in waters, quhair the Sea fillis & ebbis, destroyis the Frye of all fishes, be put away & destroyed for ever mair: notwithstanding ony freedome or priviledge given in the contrair, under the paine of five pund of ilk cruve: And that they that hes cruves in fresh waters, that they gar keep the lawes anent *Saitter daies* sloop, and suffer them not to stand in forbidden time, under the famin paine. And that ilk heck of the said cruves be three inch wide, as the auld statute requiris, maid be King David, and that the mid streme be left free be the space of sex fure. And that it fall be a poynt of dittay, baith of them that dois the contrair, or garnis be done: and quba that beis convict thereof, to pay 5. pund, as faid is.

75. *Anent Ferriers that raisis fraucht.*

ITEM, Anent Ferriers that raisis fraucht upon the Kingis Lieges, and their gudes, mair then is ordained and statute of before be the Parliament, to be given and tane for the man and the horse and his burden: It is statute and ordained that in time to cum, that na Ferriers take mair fraucht of man, horse or gudes, bot sa meikle as is statute and ordained be the Parliament of before to be tane, under the paine of five pounde to be payed to our Sovereaine Lord, and amendis to the partie, sa oft as they trespassse. And this to be a poynt of dittay in time to cum.

76. *The unlaw of Mure-burne.*

ITEM, Anent mure-burne, that is plainly now done in all Moneths, contrair the actes and statutes maid of before, for the punition and stanching thereof: It is now statute and ordained, that the unlaw of mure-burne fall be in time to cum five pound, of them that beis convict before the Justice in the Justice air. And that na mure-burne be maid fra the last day of *March*, quhill *Michael-mes* day, under the paine foresaid.

77. *Of the bind of Salmund.*

ITEM, Because it is heavily murmured, and the Realme greatly slandered be strangers, and uthers that by is Salmund, of the minishing of the veschel and bartelles, that the Salmund is packed in: It is statute and

and ordained, that in time to cum all Salmond be packed in barrells, of the measure of *Hamburg*, after the auld assise, and na finalier barrells nor veschelles. And that na Coupper within the Realme make finalier barrells to pack fish in, then the said measure of *Hamburg*, and the auld assise. And gif ony dois the contrarie hereof in time to cum; The first feller that sellis the fish of false packinges in sik small barrells, fall fine the fish, and to be our Sovereine Lordis escheit, and the Coupper that maid the barrells, fall pay five pound to the King. And that the Kingis Customers fall be searchoures hereupon in ilk Towne. And als it fall be a poynt of dittay.

78. *Of beggers and Sornares.*

ITEM, For the stanching of maisterfull-beggars and sornares, that daillie oppressis and herryis the Kingis Lieges: It is statute and ordained, that the auld statute maid of before in our Sovereine Lordis time, King *JAMES* the First, be put to sharp execution, but favoures: That is to say, quhair ever ony commoun sornares beis over-rane in time to-cum, that they be arreisted and delivered to the Kingis Schireffes. And that they be fourth-with brocht to the Kingis Justice, to do and execute the law on them, as on a commoun thiefe and riever. And that dittay be tane thereof zeirly, and punished, as said is, in the Justice aire.

79. *Of schoing of horse in the quick be smiths.*

ITEM, Because ignorant Smithes throw ignorance or drunkenness spillis and cruickis mennis Horfe, schoing in the quick: It is statute and ordained, that quhen ever a Smith schois a mannis Horfe in the quick, that Smith fall make and pay the coast of the horse, quhill he be hail, and in the meane time finde the man ane Horfe to ryde upon, and do his labour, quhill the said horse be hail. And gif the said horse cruickis throw the said schoing, and will not hail, the Smith fall hald the said horse humfelse, and pay the price of the Horfe to the man that awe him.

80. *Quhat persones hes power to hald courtes of Purpursion.*

ANent the halding of the Court of Purpursion upon the landes of *Rach-burne*, be *Elizabeth Nesbet*, 25. March *Alexander Chirnside*, and *Patrick Home* their Baillie on the anc part, Against *Jennet Home*, the spouse of *James Douglas* on the uther part: For the alleaged wrangous, calling of the said *Jennet* to the said court, continued to the Parliament. The Lords Auditoures chosen be the three Estaites, all in ane voyce, declaris and staturis: That na vassal nor sub-vassal, nor uther tennent under the Barron, hes power or jurisdiction to hald ane court, or know on the question of Purpursion, and therefore decernis and deliveris that the said court of Purpursion, halden be the saids *Elizabeth*, *Alexander* and *Patrick*, is of nane availe, force, strength nor effect.

F I N I S.

T H E E L L E V E N T H

P A R L I A M E N T

O F

K I N G J A M E S T H E T H R I D.

Halden at Edinburgh, the second day of April, the zeir of God, ane thousand, foure hundreth, fourscore ane zeires.

81. *Of speares and their length, and Jackes.*



ITEM, It is statute and ordained, that there be na speares in time to cum maid nor sauld, that is schorter then five elne & a halfe, or else at the least five elnes before the Burre, and of greatnesse according thereto: under the paine of escheitring of all his gudes, that makis or sellis them.

ITEM, It is ordained, that all persones that fall weare jackes for the defence of their bodie, that they garre make them side to the knee, they that wantis legge harness, and they that hes leg-harness, that their Jackes be maid sa lang, as to cover the over part of their legge-harness. And that everie Axe-man, that hes nouthre speare nor bow, fall have ane Targe of Tree or Ledder, after the fashion of the example, that fall be sende to ilk Schireffe.

82. *Of perſones cummand to the hoifte.*

ITEM, It is ſtatute and ordained, that na perſones cummand to OUR SOVERAINE LORDIS Hoifte, waifte or deſtroy medow nor cornes, nor ſpuzie in any manner, of gudes in their cumming or ganging within the Realme of *Scotland*, under the paine of punition of their perſones as breakeres, of OUR SOVERAINE LORDIS Proclamation of his hoifte, and reſounding of the ſkaith that they do: And that ilk Lord and Bartronic, fall be reſponſable for the perſones, that ar under their leading, and deliver the perſones that dois ſkaith to the King or his Lieu-tenentes or Wardens, or elſe reſound and paye the ſkaith that is done themſelſe.

83. *Furniſhing of Caſtelles.*

ITEM, Our Sovereine Lord hes ordained to gar purway and ſtuſſe his Caſtelles of *Dumbar* and *Loob-maban* with victuales and artailzerie, and quhair they ar failzied in ony part, to gar them be haiftele repaired and fortified. and als his hieneſſe commandis and ehargis all the Lordes of his Realme, baith Spiritual and Temporal, that hes Caſtelles neire the *Bordoures* and on the Sea coaſte, ſik as *Saint-Andrewes*, *Aberdene*, *Temptallon*, *Hume*, *Douglas*, *Halis*, *Adring-towne*, and ſpecially the *Hermitage*, that is in maiſt danger, and ſik urther Caſtelles and ſtrengthes, that may be keiped and defended fra our enemies of *England*: That ilk Lord ſtuſſe his awin howſe, and ſtrength them with victualies, men and artailzerie, and to amend and reparrel them quhair it miſters, ſa that they be keiped and defendid, as ſaid is.

84. *Ane woman conjunct fear makand ſaith that ſcho ſall never cum againſt the Alienation thereof, ſall noch be hearde afterwarde to impugne the ſaid Alienation.*

MEMORANDUM, The ſext day of *March*, the zeir of God. 1481 zeires, *Robert Danielſton* was perſewed be a woman called *Glen*, before the Lordes of Councel, and ſcho wald have cummin againſt her aith, that ſcho maid in judgement before the Official of *Glaſgow*, and there was ſchawin ane Inſtrument under the ſeale of the ſaide Official, that ſcho conſented to the alienation of ſik landes, and ſwore that ſcho ſuld never cum in the contrair hereof, and wald have the ſaidis landes, alleageand that it was her conjunct-ſeftment, and maid revocation after her husbandis deceaſe, ſayand that he compelled her theiro. The action was delivered againſt this woman.

85. *That our Sovereine Lord preſent to benefices, all times, the ſege vacand.*

ITEM, It is ſtatute and ordained be the King and his three Eſtates, anent the priviledge of the Crowne, uſed and obſerved in all times bygane, anent the preſentation of benefices, in the time of the vacation of the ſeges of Biſhoppes, that our Sovereine Lord and his Succesſours ſall in time to cum, the time of the vacation of the ſege, have power to preſent to benefices all times, quhill the Prelate and Biſhop make his Bulles of proviſion be ſchawin to the Kingis Hieneſſe, and his Chaptour. And in caſe that our Sovereine Lord of his ſpecial Grace and favoures admit ony Prelat to his Temporalitie, before the ſchawing of his Bulles, as ſaid is: That ſik admiſſion ſall be na prejudice nor ſkaith to his Hieneſſe, anent the ſaid priviledge and richt of preſentation.

86. *Contrarie the purchaſers of benefices againſt the Kingis priviledge.*

ITEM, It is ſtatute and ordained, that the acte of Parliament maid of before for puniſhing of the perſones, that labouris and dois onie thing contrary to the ſaid priviledge, ſall be extended alſweill upon them, that takis Offices of procuracion on them, or ſupportis, or ſupplies thay perſones with money & finance, to be puniſhed as the principal doers. And attour, gif ony perſon or perſones in time to cum raiſis or purchaſis ony commiſſion of the ſege of *Rome*, to be provided of ony benefice, that beis foundin vacand, the ſege of the Biſhoppe vacand for the time: The perſones that raiſis purchaſes, or uſis ony ſik Commiſſiones, ſall be repute and halden as breakers and violatoures of our Sovereine Lordis priviledges, and transgreſſoures againſt the Act of Parliament, and incur the paine contained in the ſamin.

F I N I S.

T H E T W E L F T H
P A R L I A M E N T
O F
K I N G J A M E S T H E T H R I D.

Halden at Edinburgh, the Elleventh of December, the zeire of God, ane thousand, foure hundredeth, auchtie twa zeires: And of his Reigne, the twentie three zeir.

87. *Continuation of Warden Courtes.*



IT is statute and ordained, that in all time cumming, the Warden courts be of continuation: That is to say, That the Wardens sall have power to hald their courts, and end them the first day, or continue them as pleasis them, for three dayes, or within.

88. *Of breakers of the Kingis or Wardens saife-conduitt.*

IT is statute and ordained that in time to cum, for the honour of our Sovereine Lord, that nane of his Lieges breake his saife-conduitt: Nor his Wardens, within the boundes of their Offices, under the paine of death.

89. *Of bringers hame, and sellers of corrupt wine.*

IT is statute, that nane of our Sovereine Lordis Lieges in time to cum, bring corrupt or mixt wine within the Realme: And gif ony sik happenis to be sent hame, that na man sell nor top it, fra it be declared be the Baillies and gusters of wine, that it is mixt or corrupt, bot send it againe furth of the Realme, under the paine of death: And that na person within this Realme, take upon hand in time to cum, to mix wine or beere, under the paine of death, as said is.

F I N I S.

T H E T H R E T T E E N T H
P A R L I A M E N T
O F
K I N G J A M E S T H E T H R I D.

Halden at Edinburgh, the XXIV. of Februar, the zeir of God, ane thousand, foure hundredeth, auchtie three zeires.

90. *Of weapon-schawinges, and reddines in weir.*



IT is adviced and thocht expedient be the three Estaits of the Parliament, that our Sovereine Lordis Patent Letters, under his Privie seale be written to all Schireffes, Baillies and Officiars within his Realme, charging them be open Proclamation, and utherwaies, they warne his Lieges, within the boundes of their offices, that they weill abuiuzied for weir, be reddie upon aucht daies warning to cum to the King or his Lieu-tenants, quhair they sall be charged, for the defense of the Realme, and resisting of the enemies of England, furnished with victual and expences, for the space of twentie daies, after their cumming to the said place and terme assigned to them. And that the said Schireffe proclaim and hald weapon-schawinges within the boundes of their Office, to see that our Sovereine Lordis Lieges be bodin for weir, after the forme of the acte of Parliament, and to punish them that ar absent, and not weill abuiuzied, after forme of the said acte

acte of Parliament. And the said weapon-schawings to be halden, als oft as is contened in the acte of Parliament maid thereupon. And the said Schireffe and Baillies to warne the King, the day of the weapon-schawings, that he may sende a special servand of his awin to see, that his Lieges be weil bodin, and that the said Schireffes do their office, as effeiris therein. And quhat Schireffes or Officiates beis foundin negligent or sleuthfull in the execution of their offices, to be punished after the forme of the said Acte. And that the Schireffe put in Roll and bill, how mony speares, bowes, and axes, and sensible perones he findis within the said Schire, and bring the names of them to the assemblee of the Kingis hoist, under his seale, and uther foure seales of the Barronnes, that beis in the Schire. And that the Baillies of the Regalities and Barronnies, use and exerce their priviledge in the halding of weapon-schawinges within themselfe, after the forme of the said act of Parliament maid thereupon.

91. *Detainers of the Kingis rentes shuld be punished.*

ITEM, As touching the Kingis mailles, rentes and fermes that ar halden fra his Hieneffe, upon the quihilk his estair and houshalde shuld be susteined: The Lordes thinkis expedient, that the Kingis Maister or houshalde and Comptroller, advise and see quhair his rentes and fermes ar with-halden, and obeyis not the Kingis charges. And that the Maister of houshalde and uther Lordes of Councell, passe and distreinzie the Officiaries in thay partes, to bring their perones to the King that disobeyis his authoritie, and with-haldis his rentes.

92. *Of making of peace amangst the Kingis Lieges.*

ITEM, Anent the division, debaites and discordes that standis amang our Sovereine Lordis Lieges, Barronnes and utheris, quihilk is dangerous to be unstanchid baith of breakers of the Realme, and that they shuld gang in unitie and concord, to the resistig of our Sovereine Lordis enemies of *England*: It is thocht expedient be the saids Lords, to counsel our Sovereine Lord to make be called before him and his Councell the greate Lordes, and put them in friendship and concord, or they depart fra his presence. And to command his Justice and Lordes, that passis to his Justice aires, that they call before them uther smaller perones to make unitie and concord amang them: Sa that our Sovereine Lordis Lieges stand in peace amang them, and be obedient to our Sovereins Lords authority.

93. *Of the money: The Wardens office: of Bulzieon.*

ITEM, It is statute and ordained be our Sovereine Lord and his threa Estaites in this present Parliament, that a fine penny of gold be stricken of the wecht and finnes of the *Rose-Noble*, and a penny of silver to be equal in finnes of the auld *English* groate, and ten of them to make an ounce of silver, and to have course and passe for fourteenne pennies. And there fall be als wa ane halfe groate of the samin. And the said penny of gold to have course, and pas for threttie of the said groates. And ane uther penny of gold to be of the samin prent, and to have course for xx. of the said groates. And the thrid penny of gold to have passage for x. of the said groates. And the said penny of Golde to have sik prent and circumscription, as fall be advised be the Kingis Hieneffe. And all uther money to be conformed equally thereafter. And that our Sovereine Lord fall limit a wife man, that hes knowledge in the money to be Wardene thereof, and to examine and assaie the finnes of the said gold and silver, after the forme and rule maid in the Parliaments of before: the Wardene and the cuinzioires havand sik like fees for their laboures, as they had in our Sovereine Lordis Fathers, and Grandchirs times, and sik-like profite to cum to the Kingis Hieneffe of the cuinzie. And for the inbringing of bulzieon, the merchandes fall for the gud of the Realme, bring in of ilk Serplait of Wooll, Skin, hydys and claith, and of ilk last of Salmund, effeirand thereto, foure ounce of burnt silver. And they fall have for ilk ounce, ren of the said groates.

94. *Of Justice aires, respettes, and remissions.*

ITEM, It is thought expedient be the Lordes foresaid, that for the increase of justice and tranquillite of the Realme, that our Sovereine Lord cause his justice aires to be halden universallly in all partes of his Realme twise in the zeir, anis on the grassie, and anis on the Corne, unto the time that the Realme be brocht to gud rife. And counsellis his Hieneffe to call a parte of the Lordes and head-men of all partes of his Realme, and take dittay of them of notoure trespassours, without exception of ony person, to be taken and justified without remission, quihilk they understand wald be great cause of the common gud and weisfare of the Realme. And that na respettes be given in time to cum: For they ar mair against justice, than plane remissions ar. And that the respettes that ar given, be na prejudice to the parties, anent the persewing of their richtes, nor to ditataes, nor arreiments to the Kingis officiares, Crowner nor uther deputes. And that na remissions war given for common theft, except the first aires, as for the Borderers, that is to say, the *Mers*, *Tewiotdale*, *Jedburgh-forrest*, *Liddalisdale*, *Eskdale*, *Ewisdale*, and *Annanddale*.

95. *Of Ferriers that takis double fraucht.*

ITEM, Because there is great extorfions raifed upon our Sovereine Lords lieges, baith puir and rich, be taking of double and triple fraucht, be the Ferriers, in contrait the auld actes of Parliameur, and use and consuetude of the Realme: The Lordes of the Articles thinkis expedient, that all Ferriers within the Realme in time to cum, be charged that they raise nor tak na mair fraucht of our Sovereine Lordis lieges for man nor uther gud, bot sameikle as is statute and ordained of before to be payed, and after the auld use and consuetude. And that they be reddie to serve all men for that fraucht, sa that they be not taryed in default of the Ferriers. And that this be a poynt of dittay in time to cum: And quha that beis convict, in the first aire, fall pay the unlaw of the aire. And at the nixt time, the boate to be escheit. And at the thrid time, ro be suspended fra the using of the said office for all the daies of his life, and to be prisoned and warded at the will of our Sovereine Lord.

96. *That there be ane Deakon and searchour of Gold-smithes.*

ALSWA it is advifed and concluded be the Lordes of the Articles, that for the eschewing of the great damage and skaithes, that our Sovereine Lordis lieges susteinis be the Gold-smithes in the minishing the fines of the silver warke: That fra thine furth there be in ilk burgh of the Realme, quhair Gold-smithes ar, ane Deakon, and ane searchour of the Craft. And that ilk Gold-smithes warke be marked with his awin marke, the Deakons marke, and the marke of the Towne, of the finesse of eleven penny fine. And quhair there is ony sik warke within the said finesse, the warke to be broken, the wark-man to up-make the availe of the finesse foresaid, and the said wark-man to be punished therefore at the Kingis will. And that na Gold-smith take upon hand to be a maister, or to hald open buith of the Craft, bot gif he be admitted be the officiares of the Craft, and the hail body of the Craft. And gif ony be foundin usand Craft, haldand open buith, that ar insufficient, that the perones be caused to cease and put under a maister of Craft. And this act to be put to execution within 40. daies nixt followand the proclamation of the same.

97. *The crying downe of the new Plackes.*

OUR Sovereine Lord of his special grace, and at the request and desire of the Lords of the three Estaites in his Parliament, havand consideration of the great distres, that now proceedis amangst his lieges in default of victualles and all uther merchandice & gudes, that is put to derth, and raised and put to exceedand price, and halden and abstracted fra mercats, throw occasion of great quantitie of false counterfeit money, plackes, stricken in cuinzie of lait be fals cuinzieours, not allanerly within this realm, bot als out-with the realme sa subtille, and in sik forme of mettle, that it is impossible to discern and know the trew fra the fals: that therefore his hienes moved of pietie, and of his grace, as said is, and for safery of his people, eschewing of dearth, and mony uthers inconvenients, hes ordained to cease the course and passage of all the new plackes last cuinzied, and gar put the samin to the fire. And of the substance, that may be fined of the samin to gar make ane new penny of fine silver, like the fourteene penny groate ordained of before, quhilk is of fines to the *English* groate, and ten of them to make an ounce. And in part of relieving of his people, that they fall not tine all the summes that they have of the saidis plackes, his hienes hes caused *Thomas Tod*, and *Alexander Levingstoun* to receive, grant, and take upon them all plackes baith trew and fals, that is within his realme fra quhatsumever perones that will bring or send them to the saidis *Thomas* and *Alexander*, berwixt this and the last day of May *inclusive*, and to give therefore ij. pennies for ilk plack, that is to say, a xiv. d. groate for seven of the said plackes, or ony uther payment, that will empleis the partie receivand. And the saidis *Thomas* and *Alexander* fall find sovertie to the perones, that they receive the money fra, to make them payment, as said is, gif soverrie be desired of them. And that the latter payment fall be maid to all perons be the last day of September nixt to cum.

F I N I S.

T H E F O U R T E E N T H
P A R L I A M E N T
O F
K I N G J A M E S T H E T H R I D,

*Halden at Edinburgh, the first daie of October, the zeire of God, anethousand, foure hundreth,
anehtie seven zeires.*

98. *For in-bringing of trespassours, and defendng of them at the Barre.*



LSWA, Beacour our Sovereine Lorde, hes sa gratiousely applyed him to the counsel of his three Estaires at this time, in all thinges concerning them, and the common profite of the realme, & benignlie granted to them all their desire & requestes, that they have maid to his Majestic, all the Lordes Spiritual and Temporal, Barronnes, Free-holders, and Communities of the Estaires of the Realme, hes freelic granted, that everieilk ane of them for himselfe, fall faithfullie promise and sweare, that they fall not in time to cum, manteine, fortifie, supplie, defende, nor be Advocates, nor stande at the Barre with manifest traitoures, nor common menlayers, thieves, rieviers, nor uther trespassours, nor persones pertaining to themselfe or utheris: Saifand it fall be leifull to them in sober wise, to stande with their kinne and friendes, in the defence of them in honest actiounes: Bot that they fall at all their gudlie power, bring, or gar bring trespassours to Justice, and underly the Law, but dissimulation, quhen ever they be required or charged thereto, be OUR SOVERAINE LORD, or his Justice. And als then at all their power and knowledg, fall give their counsel, helpe, supplie, faviour, and assistance to inquire and get knowledg of the said trespassours for execution of Justice upon them, after their demerites. And that the Lordes of the Regalities, and all utheris, Spiritual and Temporal, that hes jurisdiction of Courtes, nor their Baillies fall not fell ony trespassours, nor fine with them nor fall nor for love, faviour, affection, or meid, or reward leave Justice undone. And that ilk ane of them fall make suth-fast and true relation to our Sovereine Lordis Chancellor or Justice, quhen they fall be required of the persones that dois in the contrair hereof. And quha sa beis convict and attainted of the breaking of the poynts and articles foirsaid, or ony of them, fall be punished after the forme of the Kingis Laws, and of *Regiam Majestatem*: And the statutes maid be King JAMES the First, and King JAMES the Second, our Sovereain Lords Grandfchir and Father.

99. *Of arresting of mightie and disobedient persones to the Justice aire.*

ITEM, It is thocht expedient, statute and ordained for the gud of Justice, in-bringing of trespassours to the Law, and punishing of them, that in time to cum, quhen the Crouner receivis his porteous and traistis, that there be ony persones contained in the famin, that will disobeie him, that he dare not, nor is not of power to arriest: In that case the Crouner fall passe to the Lorde & Barronne of Barronie, quhair that person or persones dwellis and inhabitis. And gif he dwellis not within a Barroie, he fall passe to the Schireffe of the Schire, and schaw his porteous, that he hes sik persones contained therein, and inquire and aske, gif that Lord, Barronne, or Schireffe will be sovertie and Borgh for thay persones or person, to enter them to the justice aire, sen they dwell within their Lordshippes, Barronnies & boundes. And gif they grant thereto, he fall deliver them the names of the persones, that they cum borrowes for, indented in writ, sealed or subscribed with their awin hands. And if they deny and refusis the sovertie or borgh, he fall ask and require the said Lord, Barron or Schireffe in the Kings name, outherto pas, or send their officers with their houhald and familiars, in sufficient number with the said Crouner, or stufte, fortifie and supplie him in the making of his arrestment, taking or keiping of the person that will not finde sovertie, quhill he be brocht to the Schireffe to be kept to the Justice Aire. And quhat Lord, Barronne, or Schireffe, that denies or refusis the doing thereof, fall pay ten pounde to the King, at the next Justice aire thereafter: Swa that it may be sufficiently proved be the Crouner, that they were required thereto, as said is.

100. *Men-layers charged upon sex daies, and nocht compeir and, suld be demunced Rebbelles.*

ITEM, It is thocht expedient, statute and ordained, that the Actes of Parliament maid of before, anent the punition of slauchter be put to execution, with this addition: that quhair ony person committis slauchter,

slaughter, and cummis not incontinent to the Schireffe to binde him to the Law, and finde sovertie therefore, after the forme of the actes of Parliament maid of before, bot beis fugitive and absentis him: The Schireffe fall then forth with, be him or his deputes, search and seeke the committer of the said slaughter at his dwelling place, if he hes ony. And if he hes nane, and cannot be personally apprehended: Then the Schireffe fall put his gudes under arreitf, and passe, or send his depute to the head Burgh of the Schire, quhair the slaughter is committed, and be open Proclamation at the mercat-croce, warne and charge the slayer, ane or maa, as they be, thar they cum to him within sex daies nixt after, and finde sovertie to compeir and underly the law at a certaine day, under the paines contained in the actes of Parliament, maid of before. The quhilkis sex dayes beand runnin, and the perones nor compeirand, and findand sovertie, as said is: Then the Schireffe incontinent, to put them to the horne, and denunce them the Kings rebelles, and take and escheit their gudes. And make warning to the nixt Schireffe, thar sik perones ar put to the horne be him, and charge him in our Sovereine Lordis name to do the famin, or els take and arreitf their perones, gif they may be apprehended, and bring them to the Law.

101. *Of the keeping of arreitf trespasssours.*

ITEM, It is thought expedient, statute and ordained, for the punition and justifying of sik trespasssours as hes bene in times by-gane, after that they were taken and arreitf be the Crowners, and in default that they could finde na borrowes, nor there was na Castell to receive and keepe them in, quhill the Justice Aire, and their throw escaipd and was put fra the Law: That therefore in time to cum, quhair onie Crowner arreitf and takis sik trespasssours, he fall bring them to the Schireffe of the Schire, quhill Schireffe fall receive them, and keepe them in suretie and firmance on OUR SOVERAINE LORDIS expences quhair it failziez of their awin gudes, quhill the nixt Justice Aire, and then presente them to the Justice. The quhill Schireffe fall have allowed to him in the Checker, for the expences, thar he makis in the keeping of thay perones, thar beis delivered to him be the Crowner, for ilk person three pennies on the day, he bring- and a testimonial to the Checker fra the Justice under his seale, of the perones, thar he bringis to the Justice aire, and how lang time, and quhat dayes he kepted them. Upon the quhill time and daies the Justice fall take certification and proote in the aire, quhat time the Crowner delivered them, and how lang the Schireffe kepted them. And gif the Schireffe refusis to receive the person or perones that fall be brocht to him be the Crowner, as said is, he fall underly the danger and unlaw of the Justice aire to the fourt court, as ane borgh suld do, for fault of entrie of a person arreitf, the Crowner prievand, thar he brocht sik perones to the Schireffe, and required him to receive them, as said is.

102. *The Crowner may nocht intromet with gudes of men convict, without the Schireffis consent.*

ITEM, It is statute and ordained, thar because the Crowners in times by-gane, throw wrang consuetude and abuson of the Lawe, after that a trespasssoure was convict before the Justice, and condemned to the death, the saidis Crowners walde incontinent passe or send to escheit the gudes pertaining to our Sovereine Lorde, of sik convict trespasssours, and at their awin hand intromet with the famin, and appropriate a part thereof to their use, baith corne and cattle, & uther gudes, thar of law or reason suld nocht perteine to their office: It is therefore thocht expedient, statute and ordained in this Parliament, thar in time to cum, na Crowner take upon hand to take ony sik gudes, or intromet therewith, quhill the Schireffe of the Schire or his deputes pas or send with them, and see all the hail gudes, and thereafter deliver to them fameikle, as they suld have of reason, and as perteinis to their office, and bring the remanent till our Sovereine Lord and his Thesaurer: And thar the Schireffe deliver to the Crowners na mair, then they aucht of Law to have. And gif they do in the contrair hereof, and intromettis and takis ony of the said gudes at their awin hand, they to be punished therefore, as for rief.

103. *The Schireffe and the Crowner suld thoill ane assise the last day of the aye.*

ITEM, It is statute and ordained, thar there be charge given to the Justice, thar he in time to cum, the last day of his aire, give ane assise to the Schireffe and Crowner, gif they have used and done their office treulie. And gif they be convict and foundin falsche therein, thar they be punished therefore, after the forme of Law and their demerites.

104. *The Schireffe, discharge and convocation, and disobeyed, may continue his court.*

ITEM, It is statute and ordained, thar the acte and statute maid of before, anent the cumming to courtes in sober wise and quiet, bur armes or convocation of our Sovereine Lordis Lieges, be put to sharpe execution in all poyntes contained in the famin, and with this addition: Thar fra the Schireffe be sickerly certified and get knowledge, thar ony parties makis convocation and gathering of armes to cum to the Court: The Schireffe fall be himselfe, his deputes or Officiars, send to thay parties, and charge them to cease, and skall their gadderings, and cum in sober and quiet wise to the court, after the forme of the said acte,

acte, the quhilk gif they do not, that he fall cease the court for that day, and incontinent cum and schaw to our Sovereine Lord, quhat persons disobeyis him. And thereafter to call thay perones, and take knowledge of their disobedience. And quha that beis foundin culpable, fall be punished be warding of their perones for ane zeir, and als to pay the expenes and damage, that the partie susteinis be deferring of Justice, throw the said disobedience.

105. *That all actions first be perfewed before their Judge Ordinar.*

ITEM, It is thocht expedient, that all civill actions, questions and pleyes, moved betuixt quharsumever parties, be determined and decided before their Judge Ordinar, as Justice, Chalmerlane, Schireffes, Barronnes, Provestes and Baillics of Burrowes, and others Officiares Judges and ministers of Law, to quhom thay actions perteinis and effeiris, to be determined and decided: Swa that na actions fall be deduced, called, nor determined before the Lordes of our Sovereine Lordis Councill, except allanerly actions perteinin in special to our Sovereine Lord, actions and complaintes maid be Kirk-men, Widowes, Orphanes, and Pupilles, actions of strangets of uther Realmes, and complaintes maid upon officiares, for fault of execution of their office, or quhair the officiares ar partie themselves. And quhen ever the complainte is maid on the Officiar for wrangeous and inordinar proceeding in ony maters, and summoundes be determined and given thereupon, the partie that hes perfewed or defended the action, fall be sumbound and called the samin day, with the Officiar for their entres, and special charge given, that the rolmentes of the court be brocht with them to that day, that it may be understandin, quhider it be richtously proceeded and determined, or not. And gif it beis foundin, that the Officiar hes proceeded wrangedusly, or unordourly: The processe fall be reduced and annulled, and he to pay the expenes of the partie, and to be punished at the will of the King, after the forme of the acte of Parliament maid in that mater of before. And gif the partie compleinzie and beis foundin in the wrang, be making of the complaint, he fall paye baith the expenes of the Officiar and the partie. And gif the partie be nor of power to pay the coastes: Then their perones fall be at the will of the King, tane and punished be warding or prisoning of their perones: Providing alwaies that this statute hurt not the proces of the falling of doomes, quhair it pleasis the partie to proceede that way. And that all summoundes, that ar now raised, or standis under continuation, dependand and undetermined, fall be decided and ended before the Lordes of Councill. And this acte and statute till indure quhill the nixt Parliament.

F I N I S.

THE ACTS AND STATUTES

That the haill Commissioners of Burrowes desiris to be ratified and apprievied in this present Parliament, and to be put to execution for the honour of our Sovereine Lordis Hieneffe, his Realme, and weil-fare of Merchandes.

106. *Of saillers, to have halfe ane last of gudes.*



ITEM, It is statute and ordained, that the actes of Parliament maid of befor upon the greate multitude of simpie, unhoneist persons Saillers foorth of all Burrowes South and North, in the parts of *Flanders, Holland, or Zeeland*, might be put till dewe execution: Sa that na man saille in the saids parts in way of merchandice, bot farnous and worshipfull men, having ilk ane of their awin halfe a laste of gudes, or havand samikle in steirage or governance, under the paine of ten pounce, to be raised to OUR SOVERAINE LORDIS use, as the said actes proportis. And als that na Merchande sail within the foresaide partes, bot gif he be a free-man of a Burgh, and indweller of the samin, under the said paine. And that searchoures might be limit here-upon, havand power to execute and search the actes, and raise the paine, and inbring the samin till our Sovereine Lordis Checker, als oft as they be foundin doand the contrair hereof. And the Commissioners thinkis expedient, that in ilk Burgh, the Proveste, Baillics, and Customers, be searchoures, and answer hereof.

107. *That Craftes-men usand merchandice, renounce their Craft.*

ITEM, It is statute and ordained, that the acte of Parliament, touching the Craftes-men usand and deal-and with merchandice, might be put to execution, sa that he that is a Craftes-man, outhor for-beare his merchandice, or else renounce his Craft, but ony dissimulation or callour, under the paine of escheir of the merchan.

merchandise, that he usis occupyand his Craft, and this escheit to be in-brocht be the said searchoures to our Sovereine Lordis use, and compt thereof to be maid in the Checker.

108. *Of chusing of officiares in Burrowes.*

ITEM, It is statute and ordained, that the acte of Parliament, maid anent the chusing of Officiares in Burrowes may be ratified and appriued, and put to execution, and in time to cum to be observed and kept: Sa that the election of Officiares might be of the beste and worthiest indwellers of the Towne, and not be partialitie nor maisterhip, quhilk is undoing of Burrowes, quhair maister-shippes and requisits cummis.

109. *Offrauchting of Schippes, and the paines thereof.*

ITEM, It is statute and ordained be the three Estaites in this present Parliament, that the acte of frauchting and lading of Schippes, might be put to execution after the tenour of the samin, and that na guides be fured be the maister upon his over-loft, nor the merchandes guides to be stricken up, nor unreasonably spaked nor rieven, under the paine of twentie pound to the Kingis use. And this ro be searched be the Officiares of the Burgh, and the head frauchtes-men of the Schip, the quhilk sall answeere therefore.

110. *The bind of salmond, and measure thereof.*

ITEM, it is statute and ordained be the three Estaites in this Parliament, that the Barrel binde of Salmond, fuld keipe and contene the assise and measure of fourteene Gallones, and not to be minished, under the paine of escheit of the Salmond, quhair it beis foundin lesse, to the Kingis use: And that the Provost, Baillies, and Customers of ilk Burgh, be searchoures heitro. And that ilk Burgh have three hupeirons, *widswet*, ane hupe irone convenient herefore, ane at ilk end of the barrel, and ane in the middelt: for the measuring of the barrel, and a burning iron to marke the samin, under the paine of escheit of the barrel unmarked.

111. *That Commissioners of Burrowes compeir togidder anis in the zeir in Innerkething.*

ITEM, It is statute and ordained be the hail three Estaites, that zeirly in time to cum, certaine Commissaires of all Burrowes, baith South and North, conveyne and gadder togidder anis ilk zeir in the Burgh of *Innerkething*, on the morne after *Saint James day*, with full commission: and there to commoun and treat upon the weil-fare of merchandise, the gude rule and statutes for the commoun profite of Burrowes. And to provide for remeid upon the skaith and injuries susteined within the Burrowes. And quhar Burgh that compeiris not the said daie be their Commissaires, to paye to the coastes of the Commissaires five pound. And zeirly to have our Sovereine Lordis Letter to destreinzie herefore, and for the inbringinig of the samin.

112. *Annexation of the Erledome of Marche, and uther landes to the Crowne.*

IT IS thought expedient be the three Estaites, to unite and annexe perpetually to the Crowne sik Lordshippes and lands, as they sall think convenient, of the landes that is cumming in the handes of our Sovereine Lord, be the fore-saltour, led upon *Alexander*, Duke of *Albany*, Erle of *Marche*, *Mar*, and *Garioch*, Lord of *Annandail and Manne*: And *Sir James of Liddal*, of *Haikerstoun*: Sa that thereafter our Sovereain Lord may be adviued how he will dispone the remanent to the rewarding of his true lieges, that hes in time by-gane done, and fall in time to cum do, his Hiennesse gude and true service. Of the quhilk annexation the tenour followis: **JAMES**, be the Grace of God, King of *Scottes*, to all and findrie his lieges, baith Clerkes and Laickes, greeting: **FOR**-Sameikle as there is nothing mair honourable to us, and our Successours, nor profitable to our subjectes inhabitants of our Realme, then to have in all the partes of our Realme, certaine dominions and possessions appropriate unto us: In the quhilk we may personally dwell and remaine, for doing of Justice to our subjectes, and punish the male-factours & transgressours of our Lawes: that therby we may governe honourablie, and quietlie preserve the Estait of our Realme, without oppressing of our Leiges: Therefore in our Parliament, halden at *Edingurgh*, the first of *October*, the zeir of God, ane thousand, four hundreth, four scoir seven zeiris: with advice and consent of all and findrie Prelates, Baronnes, Burgesses, Commissioners, Free-holders, representand the three Estaites of our Realme: It is statute and ordained, that all and findrie Lordshippes, Landes, Castellcs, with Advocation and Patronage of Kirks and Chaplanaries, with their pertinents hereafter expreed, fall be in all times cumming united, incorporated, and annexed: Like as be this present statute and ordinance, they are allie united, incorporated, and annexed to us, our Successours Kingis of *Scotland*, and to the ticht of the Crowne thereof perpetuallic: Swa that it fall not be leasum to us, our Successours Kingis of

Scotland quhat sumever, in ony time hereafter, to give, grant, or in ony manner of way to annalie from the richt and propertie of our Crowne, in fee or life-rent, to ony person or persones, of quhat sumever Estate, degree, or dour, or condition he be of: The foresaidis Lordshippes, Landes, Castelles, Patronages of Kirkes, or ony part thereof, except the said donation, or alienation, shall be maid with the advise, mature deliberation and decreit of Parliament of the three Estates of our Realme: And that for the evident commoditie, and manifest utilitie of us, our Successours and subjectes. And gif it shall happen ony of the Lordshippes, Landes, advocation of Kirkes within written, to be annalied or disposed be us, our Successours Kingis of *Scotland*, in ony time hereafter, without mature deliberation, consent, and decreit of Parliament, or our evident commoditie, and manifest utilitie of us, our Successours and subjectes, as said is: The said donation and alienation, swa maid and granted, shall be of na strength, force, nor effect: in siksorte that it shall belesum to us and our Successours, Kingis of *Scotland*, for the time, to take back and receive at our awin free will and pleasure without ony processe of Law to be moved there, anent, the saidis landes, Lordshippes, Castelles, and advocation of Kirkes, swa alienate, contrair the tenour of this statute, to remaine as richt and propertie of our Crown, and to our awin proper use, notwithstanding the alienation thereof foresaid: And mair-over, all and findrie the persones to quhome the saidis Lordshippes, landes, Castelles, Advocation of Kirkes was swa given and annalied, shall be bound and obliged to restore all and sintrie fructes, commodities, and emolumentes intrumetted-with and taken up be them of the saidis landes, indring the haill time of the donation and alienation thereof, to us and our Successours, Kingis of this Realme for the time. And thir at the Lordshippes, Landes, Castelles and Advocation of Kirkes, united, incorporated, and annexed to us, our Successours and richt of our Crowne.

Inprimis, All and haill the Lordshippe and Erledome of *March*, with the pertinents: All and haill the landes of the Barronies of *Dumbar*, and *Colbrands-peth*, with the Castel of *Dumbar*, with the toure and fortalice of *Colbrands-peth*: All and haill the landes of the Lordship of *Ammanddail*, with the pertinents, with the Castel of *Lochmaban*, with tenentes, tennendries, and service of free tenentes, of the said Erledome and Lordshippe of *March*, and of the foresaidis Barronies of *Dumbar*, and *Colbrands-peth*, and Lordship of *Ammanddail*, and Advocations of all and findrie Kirkes, Prebendaries and Chaplanaries pertainend to the saidis Erledome, Barronies and Lordshippes: Mair-over to the effect that this present statute may be the mair surely keiped and observed: It is statute and ordained, that we fall give our bodiely aith, for the inviolable observacion of the saidis: And that all and findrie our Successours, Kingis of *Scotland*, shall be obliged to make the like aith in the time of their Coronacion: In witness of the quhilk all and findrie premisses, our great seale, and the seales of the Venerable and Reverend Fathers in Christ, Bishoppes, Abbottes, Priors, togidder with the seales of our Lovits, Cousinges, Earles, Lordes, Barronnes, Free-holders, and Commissioners of Burrowes, ar hereto hung and appended.

113. *The Crouner suld have the horse pertaining to the malefactores.*

IT is statute and ordained, that the statute maid of before, anent the gudes of the persones that ar justified, and quhat part the Crouner suld have thereof: and especial of this poynt, quhair it is said, in the said statute, of dantoned horse un-schod: that it be interpreted and declared in time to cum, in this waies: That the said Crouners shall have dantoned horse depute to warke, and not to the saddle, that was never schod nor used to schone.

114. *Auent strangers bringand in victualle, and utheris merchandice.*

AND Attour, for the common profite of the haill Realme, and to cause strangers of uther Realmes to cum within the saidis with victualles and uther Merchandice, to the suppuration of the Kingis Lieges: It is statute and ordained that in time to cum, all strangeres be treated honorable with all favoures, quhair ever they cum to ony Port of the Realme: And that name of our Sovereine Lords Officers, nor uther his Lieges, distrouble them, nor put them selves, schips nor gudes under arreist: Bot that they have full libertie and freedome to dispose upon their awin gudes, and sell them to free-men, without compulsion or violence: And that na price be set upon their gudes, bot be bying and selling with their awin consent. And that na new customes, impositions, nor exactions be raised nor taken of them, bot after the auld use and consuetude: And quhair ony victualles of Merchandice cummis gaining for our Sovereine Lord: that his Comptroller or receiver, after that the price be maid with the strangers, shall have sameikle of the first and best, as is needfull to our Sovereine Lordis proper use, for the quhilk they fall make thankfull payment, but delay, that in default thereof, the strangers be not tarryed. And that in time to cum, na person under callour of byeing to OUR SOVERAINE LORDIS use, take or receive mair gudes fra strangers, to regrate and sell againe, under the paine of banishing the Realme, and tinsell and escheite of their mooveable gudes. And mair-over, that strangers now being within the Realme, that ar plainreous of ony gudes taken fra them, or injurie done to them, shall have incontinent payment maid to them, and reformation, according to Justice. And in like-waies, gif ony strangers, that ar now absent cummis hereafter to compleinzie, that they fall have reformation and Justice of ony person within the Realme, but delay: Swa that throw ministracion of Justice, and favorable treating of all strangers, they fall have occasion to cum and repaire in the land in time to cum, to the great utilitie of the haill Realme.

115. Commission for examination of the Lawes.

ITEM, The haill three Estaites hes committed full power of the haill Parliament to the persones under writen, to advise, commoun and refer againe to the nixt Parliament or Generall Councell, anent the reduction of the Kingis Lawes, *Regiam majestatem*, actes, statutes, and uther buikes to be put in ane volume, and to be authorized, and the lave to be destroyed, *viz.* Four for ilk ane of the three Estaites, and the Prelates ar accorded to make the coaste, of their Clerkes: And the Barroanes the expenses of their perones. And the Burrowes of their Commissioners.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES and utheris, maid be KING JAMES the Thrid, quhilkis ar nocht prented.

First Parliament, ninth of October, the zeir of God, ane thousand, four hundreth, sextie sex zeires,

*A*nent the marriage of our Sovereine Lord.
 Anent bairnes put in fee of the land.
 For in-bringing of money within the Realme.

Second Parliament, xxxi. of Januar. 1466.

Licence to Merchandes to passe to Middle-burgh with their gudes.

Fourth Parliament, xiv. of Januar. 1467.

*Anent sitting of Sessions.
 That there be twa Sessions.
 Of sitting and authorizing of Justice aires.*

Fifth Parliament, xx. of November. 1469.

*The Setter-day and uther vigils to be halie daies.
 Anent the reduction of Hospitalles.
 That Ferriers make Brigges.*

Sext Parliament, vi. of Majj. 1471.

Of Cartes of weir to be maid.

Seventh Parliament, ix. of Majj. 1474.

*Ane Embassadour to England.
 That all complaintes be persewed before their Judge Ordinar.*

Aucht Parliament, xx. of November. 1475.

*Of Justice aires twise in the zeir.
 Anent the marriage of our Sovereine Lordis Sister.*

Tenth Parliament, vi. of August. 1477.

*Of slauchter.
 Of the money.*

Ane

*Ane Embassadour to the Duke of Burgundie.
Commisson ament an Embassadour to be sent in England.*

Elleventh Parliament, xviii. of March. 1481.

*Ament weapon-schawing.
Against the riever Edward.
The Kingis promise ament Justice.
The maner to resist the riever Edward.
Of Currows and their horses.
For resisting of the traitour James Dowglas.
The up-balding of Berwicke, and Garrisones on the Bordoures.
Of wages contrair the favorers of James Dowglas.
Ane Embassadour to the King of France.
Ament the indult granted to the Arch-Bishop of Saint-Andrewes.*

Threteenth Parliament, iv. of Februar. 1483.

*Recovering of Dumbar Castel against Alexander Duke of Albanie.
The denying of remissions and respettes.
Impetration of benefices the sege vacand.
Ane Embassadour to King Richard.
Of the Fish-girth.
Ane Embassadour to the Paipe, and his instructions.
Of talloun and salt hides.
Refuse of remissions and respettes.
Of Justice generalles to be maid.
Embassadour to the King of the Romaines.
Of fishing and making of herring in the West sea.
Annexation of the Priorie of Coldingham to the Chaipel Royal.*

F I N I S.





IACOBVS, IIII, REX, SCOTORVM,



T H E F I R S T

P A R L I A M E N T

O F

K I N G J A M E S T H E F O U R T H .

Halden at Edinburgh, the VI. Day of October, The Zeir of God, Ane thousand, foure hundred, foure-score acht zeires: And of his Reigne the first zeir.

1. Of Burrowes repledgeand their Nichboures fra the Justice.



IT is statute and ordainend anent the article belangand the Burrowes, in the time of the Justice aires, quhillkis hes bene repledged fra the Justice, he sittand in the principal Burgh of the Schire, into their freedoms; Throw the quhilk repledging, justice hes not bene done upon the inhabitants of the said Burrowes in time by-gane: Therefore in time to-cum it fall be leiffull to the Kingis Justice, he sittand in the principal Burgh of the Royaltie, upon the mater of the aire, to give ane assise to all inhabitants within utheris Burrowes of their awin Nichboures, that best knowis the veritie, gif they be present. And gif fa mony bee not present, that may be sufficient number: That it fall be leiffull to him to choose ane assise of the said Head-burgh, or to eik the number, as he thinkis maist expedient for the gude of Justice, and without prejudice of the freedoms of the said Burrowes.

2. That a fine penny of gold, and ane uther of silver be stricken, Of the Wardens of the cuinzie.

ITEM, It is statute and ordainend be our Sovereine Lord, and his three Estaites in this present Parliament, that a fine penny of gold be stricken, to be of weicht and fines to the *Rose-Noble*, and ane penny of silver to be equal to the auld *English* groate, and ten of them to make ane ounce of silver, and to have cours and gang for fourteenne pennies. And that there fall be ane halfe groate of the famin. And the said penny of gold to have passage and gang for threttie of the saids groates. And ane uther penny of gold to have cours and gang for twentie of the saids groates of the famin prent. And the thrid penny of gold to have passage for ten of the saids groates of the famin prent. And the saids pennies of Gold and silver to have sik prent and circumscription, as fall be advysed be the Kingis Hiennesse. And all uther money to be equally conformed thereto. And our Sovereine Lord fall limit ane cuinzout thereto, as *Alexander Levingston*, and a wife and leill man, that hes knowledge in the money, to be warden thereof: That is to say, *James of Creichtoun*, of *Ruchvendaun*, for the space of a zeir, to examine and assay the fines of the said gold and silver, after the forme and rule maid in the Parliament of before: The saids Wardene and cuinzoures havand siklike fee for their laboures, as they had in the time of our Sovereine Lordis Progenitours, and siklike profits to cum to the Kingis Hiennesse of the said cuinzie: And as for the in-bringing of Bulzieon, the merchandes fall for the gud of the Realme, bring of ilk Serplait of Wooll, ilk laste of Salmonde, ilk foure hundredth claith, four ounce of brunr silver, of ilk laste of hides sex ounce, ilk laste of Herring, twa ounce. And siklike of all uther gudes that payis custome to the King. And the merchandes thereof fall bring in Bulzieon effair and thereto. And arour, the merchandes that bringis hame the said Bulzieon, quhillkis

fall be of the fines foresaid, fall have of the said cuinzie, and to be payed be the Wardene, twelve shillings for ilk ounce. And the said Wardene fall furnish the cuinziour of bulzicoun, and the irons to be put in keiping, and to receive it, that is cuinziend to the changeour thereof, and pay the merchandes for the said Bulzicoun, and to take ane assay of Gold and Silver that fall be cuinziend, as is foresaid, to be kept and examined zeirly at the Checker, and there to be maid compt of sa many ounces, as is cuinziend in the zeir, baith of gold and silver. And the Customers at their compts making, to be charged with sa many ounces, and uthers gudes, as is abone written in the famin forme. And to be discharged of sa farre, as they deliver to the said Warden and cuinzieoutes. And that all merchandes that beis foundin culpable in the breaking of this statute, fall pay to our Sovereine Lorde, the double availle of the said ounces of Bulzicoun, according to the Serplait and gudes abone written. And that all uthir money, gold and silver fall have course to the availle, as it is now.

3. *That schippes cum to free Burrowes.*

ITEM, It is statute and ordained, that in time to cum all maner of Schippes, strangers and uthers cum to the Kingis free Butrowes, sik as *Dumbartane, Irving, Wigton, Kirk-cudbricht, Renfrew*, and uthers free Burrowes of the Realme, and there make their Merchandice. And that the saidis strangers bye na fish, bot salted and barrell, nor bye nane uthir merchandice, bot at free Burrowes, and there pay their dewties and customes, and take their coquet as eisicris. And that they make na merchandice at *Lowes* nor uthir places, bot at free Burrowes, as said is. And that nane of our Sovereine Lordis Lieges take Schippes to fraucht, under colour to defraud our Sovereine Lord nor his Lieges, under the paine of tinsel of their lives and gudes, and that na strangers do in the contrair, under the paine of tinsel and confiscation of their Schip and gudes to our Sovereine Lordis use.

4. *Of Clerkes that purchasit benefices contrair the Kingis presentation.*

ITEM, It is statute and ordained, that for-sameikle as it was statute and ordained be the Parliament in our Sovereine Lordis Antecessours times of maist Noble minde: That quhatsumever Clerk his liege purchasit any benefice at the Court of *Rome*, of the quhilk the presentation pertained to his Hiennesse, the sege vacand, be richt and privileged of his Crowne: That they that attempts, accepts, or purchasit any sik benefices, or committis the crime of hurt-majestie against his Hiennesse, that the paines contained in the act of Parliament, that is to say, proscriptioun, rebellion and treason be execute upon them. And now it is seene expedient be the three Estaites of the Realme, and statute and ordained, that quhat time it be declared be the best and worthiest Clerkes of the Realme, before the Lordes of Council, that ony person or persones be grace acceptis, or purchasit any benefice, pertaining to our Sovereine Lordis presentation, the sege vacand, in the Court of *Rome*, or within the Realme: or hes purchasit or perfwed the samin, sen the last statute maid thereupon That after the declaration be maid be Clerkes before the Lordes of Council, the Chancellor fall make the paines contained in the said actes of Parliament to be put to execution upon the breakers of the saidis actes, les nor they leave the said benefices, after they be required thereupon: And their letters of declaration to be given in name of our Sovereine Lord and his three Estaites. And that the Ordinaries dispone upon their uthir benefices, for the inhabilitie of rtheir persones. And gif ony persones Spirituall or Temporal wauld mainteine, supply, or defend the saidis Clerkes, breakers of our Sovereine Lordis actes of Parliament, after that it be declared his Patronage, as said is, they beand required, and will not desist fra the supplying of the saidis Clerkes: That there fall be letters given in likewise upon them, declaring them to haue sailn in the famin paines, contained in the actes of Parliament, as said is.

5. *The revocation maid at Scone.*

ITEM, Anent the Proclamation maid at *Scone*: It is statute and ordained, that all alienations of landes, heritages, lang-tackes, few-fermes, offices, tailzies, blanch-fermes, creations of new dignities, granted to ony persones, quhat estaitie, degree, or condition that ever they be of, sen the second day of *februar* last by-past, be unquhile our Sovereine Lordis Father, quhom God assoilzie, quhilk might be prejudicial to our Sovereine Lord, and his Crowne, that now is, be ceased & annulled, and to be of na foree nor effect in times to cum: Because that sik alienations, gifts and privilegedes were granted, sen the said time, for the assistance to the perverfed counfel, that were contrair the commoun gude of the Realme, and cause of the slaughter of our Sovereine Lordis Father, and divers uthers his Barronnes and lieges.

6. *That the aires be not hurt be their predecessours.*

ITEM, It is statute and ordained, anent the aires of all Lordes, Barronnes, and uthir landed-men, that were with our Sovereine Lord that now is, in the field of *Sirroling*, against the perverfed Council in the misguiding of unquhile his Father, quhom God assoilzie, and the commoun gude of the Realme, that na hurt nor prejudice be done to them be ony of their predecessours, in alienation or skaith of the heritages,

heritages, that they shuld succede to, sen the time of the said felde, or in ony time to cum: And gif ony alienation be maid in prejudice of the said aile, that it be of na strength, force nor effect in time to cum. And decernis and declaris the famin of name avale, gif there be ony done.

F I N I S.

T H E S E C O N D
P A R L I A M E N T
O F
K I N G J A M E S T H E F O U R T H.

Halden the fifteenth day of Februar, the zeir of God, one thousand, four hundreth, auchtie nine zeirs.

7. Of the freedome of halie Kirke.



IN The first, for the honour of God, libertie and freedome of halie Kirke, and Kirkmen: It is stature and ordained, that all priviledges, freedonies, and immunities of the famin be observed and keiped in time to cum, like as they have bene in the time of our Sovereine Lords Father, and for-bears of maist Noble minde, with this addition: That the takers and intrometers of the lands, teinds obligations, proffites or dewties of halie Kirk, without tacke or asedation of the Person, Vicar, or their fermorars, be called, and that to be a poynt of ditty in time to cum.

8. Of universal concord amangst his Lieges.

ITEM, As touching the love, amitie and friendshippe to be maid amongst all our Sovereine Lords lieges and his Council: It is thought expedient be the three Estaites, that our Sovereine Lord and his Council fall put his autoritie, be the advise of his said Council, to make all persones and parties to be at friendship and concord, and quhar person or persones that refusis, in his default, to heare ane reasonable and honorable concorde of his partie: That the Kingis Justice put sharpe Justice on the partie, quhilkis ar obstinare, throw the quhilk the Kingis Hienes may cause them to be in heartie amitie, friendship, and quiet with the punition, according to the Lawes of the Realme.

9. For in-bringing of the taxation and un-doing of the Kingis discharge of ony part thereof.

ITEM, Anent the expedition of the haistie in-bringing and getting of the taxt granted in the Parliament for the expenses of ane honorable Embassadour that shuld passe for our Sovereine Lordis marriage, anent the part being in the hands of the Clergie: It is thought expedient, that the Prelates now being in this towne, shuld make a way with the Thesaurar, and schaw him how the said taxt shuld be payed for the part of the said Clergie, or ony of them depart off this Towne. And for the taxt of Baronnes and Temporal persones, that shuld be raised and taken of the Schireffes and Baillies, and uther officiares of the Kingis: It is advised be the said Lordes, that the saidis Schireffes and Baillies, and uthers Officiares, being so oft-times charged be the Kingis letters, and ar now called to be here, that therefore they be now charged be Officiares of the Kingis, to be before the Chancellor, and Lordes of Council, on Friday thar next cummis, in *George Robiesones* Innes, to mak full compt and payment of the said taxt: And in likewise, that all Schireffes, Provestes, and Baillies of Burrowes, and all uther officiares quhilks come not here, nor is present: That letters incontinent be written to them, chargeing them to raise, in-bring, and pay the said taxt to ane schort day, or els that they be charged to enter their persones in wardes within the Castel of *Blacknesse* within fisteene dayes, gif they failzie of the in-bringing and paying of the said taxt, under the paines of Rebellion and putting of them to the horne, confiscation and scheitring of all their proper gudes to the Kingis use. And because the Lordes understandis, that there is some parte of letters granted be the King to Spiritual Lordes and Prelates, and als to Temporal Lordes, and to Baronnes, of discharge of part of the said taxt, the quhilk the saids Lordes considderis and understands, the King might not discharge, sen it was granted be the said Estaites to the said Embassadour, and for the cause foresaid: Therefore the saidis letters of discharge to be na defaunce to them. And thar na sik letters have strength, force, nor effect. And that letters of discharge be maid under the privie seale, and send to the Ordinaries and Schireffes thereupon.

10. *Of the Kingis Revocation and in-bringing of his proprietie of his servandes fees.*

ITEM, Touching the Article of the Kingis proprietie, for the honorable sustentation and halding of his house, according to his estate and honour, quhilk may not be failzied, without great derogation of his Noble Estate: It is considered be the saidis Lordes of Articles, that sen all the Lordes Spiritual and Temporal, and utheris his true lieges, suld abone all singular and particular profite, desire to prefer the Noble Estate of his excellence, like as it was done in the time of his maist Noble Progenitours of gud minde: Herefore it is thought expediente, neidfull and reasonable, and als statute and ordained in this present Parliament, That full derogation, cassation, and annullation be maid of all giftes, donations, infestments, few, fermes, fees, life-rentes, given be his Hiennesse to quhatsumever person or persones, sen the day of his Coronation: Swa that all landes, rentes, customes, burrow-maillies, fermes, martres, murton, pultrie, auarage, carriage, and uther dewties, that were in the handes of his Progenitours and Father, quhome God affoilzie, the day of his decease: Notwithstanding quhatsumever assignation or gift be maid thereupon under the great seale, privie seale, or uthers, be alluterly cassed and annulled: Swa that the haill profites and rentes thereof, may cum to our Sovereine Lord, to the honorable sustentation of his house and Noble Estate, as said is: And quhair there is ony fees or dewties to be given to Officiares, Wardens, and utheris sik-like, as had fee in his Farhers and Grandfchits times, that the samin fees be payed to them in money, be the handes of the Receivers, and Comptrollers. And that they take na dewties of the Kingis proper landes for na assignation maid to them. And that all their landes, rentes, fermes abone written, remaine with the King in this kinde, quhill his age of twentie ane zeir, norwithstanding ony gifts maid of befor in the contrair.

11. *For keeping of the dayes of trefwes.*

AND As tuitching the observation and keeping of the trefwes taken with the King of ENGLAND, It is thought profitable be the saidis Lordes of the Articles, that our Sovereine Lord cause his wardens and Lieu-tenents, that they observe and keepe dayes of trefwes, als oft as it is neidfull, for the observation of the said trefwes, induring the time of the famin: Swa that his Hiennes and lieges have sik-like observed to them for the part of ENGLAND. And that the wardens hald their courtis, and punish trespaffours, for the gude of the cuntrie, and stanching of sik trespaffours.

12. *Of the Kingis Councill, and passing of signatoures.*

AND For the mair sickernes, sure suppartation, and acceleration of Justice, it is advised and seene speidfull, that the said Councill now chosen in this present Parliament, be sworne in the Kingis presence and his three Estates, to give his Hiennes a trefw and atald counsel in all maters concerning his Majestie and his Realme. And fall remaine of his Councill, quhill the time of the nixt Parliament. And to be responsal and accusabil to the King and his Estates of their counsel. And our Sovereine Lord hes humbled his Hiennes to promit and grant in Parliament to abide and remaine at their counsels, quhill the nixt Parliament, as said is. And till eichew all circumventiones and deceites, that hes bene done to the Kings Hiennes be bringing of divers signatoures of infestments, donariones, giftes, conductes, and remissiones, and uther sik letters hurtand and tuitchand the King in his casualitie or proprietie: For the secluding of the famin, his Hiennesse hes granted and consented be authoritic of this present Parliament: That na sik giftes, signatoures, remissiones, respertes, conductes, and utheris letters fall passe in time to cum, without advise and consent of the Lordes of the said secrete Councill. And all sik letters to be subscribed be the King, and sa mony of the said Councill, as fall be present for the time, to the number of sex persones at the fewest, sitand togidder in Councill, the Chancellor beand ane. And gif ony sik letters be given without their consents in utherwaies, That the saidis letters be of nane availe, force, nor effect, and to have na strength. And that the Chancellor, Privie seale, and Secretar, answere to nane uther letters, bot sik as beis subscribed, as said is, with the said Lordes of Councill. And in likewise the King to be ruled and governed be their Counsellies in the dispositions and giving of his Treasure, silver veschel, cheinzies, jewelles, and uther abulziements, pertaining to his maist Noble person. And this maner of doing to be kepied and observed, quhill the time of the nixt Parliament.

13. *Of Gold-smithes.*

AS Touching the article of Gold-smithes, quhillkis layis and makis fals mixture of evil mettel, corruprand the fine mettel of gold and silver in the deceit of our Sovereine Lord and his lieges, that garris make and worke gold and silver, for the reformation and eschewing of the samin: It is now advised and concluded, that na Gold-smith fall make mixture, nor put fals layis in the said mettelles. And to have knowledge of the fines of their warke, that ilk Gold-smith have ane special marke, signe and taiken, to be put in his said warke, quhill he makis. And thay samin warkes to be of fines of the new warkes of silver of *Bruges*. And that there be ane Deakon of the Craft of Gold-smithes, quhill fall examine the said warke and fines thereof, and see that it be als gude as the said warke of *Bruges*. And thereafter the samin Deakon to put his marke and signe on the said warke, and to answer thereupon, upon his life and gudes. And as touching the warke of gold,

gold, that it be maid als fine, as it is first molten in presence of the awner, like as the touch and assaie given to him, quhen it is first molten. And nawar to be delivered in presence of the Deakon: Swa that the Kingis lieges be not deceived, and that it keipe the said fines, as said is.

14. *Anent the failing of Merchands: Of Bulzieon.*

ANENT the acte of failing of Merchandes, quhilk hes bene maid of before, and that the samin acte be now in time to cum observed and keiped be the Merchandes, and in likewise anent the inbringing of Bulzieon, that the acte maid thereupon be given and keiped in scharpe execution. And that the Auditours of the Checker, and all utlers in time to cum take compt of the in-bringing of Bulzieon, sen the time of our Sovereine Lorde, like as at main length is contained in uthir actes maid there-upon. And that the said compt be taken after the quantitie of the gudes, that is cumming hame. And anent the failing of the said Merchandes, that the Provest, Aldermen, and Baillies of Burrowes make diligent searching and seeking of the faillers in Winter, fra *Alballow-mes*, till *Candil-mes*, and make the paines to be raised on the breakers thereof to the King, under the paine of ten pound to be raised of the Officiares, that beis negligent not punished in their default.

15. *Anent craves and fishzaires: Of the mid-streame: The Setterdaies stop: Creilles and nettes: Read fish.*

ITEM, Anent craves and fishzaires, quhilkis destroyis the fry of fish, and hurtis the commoun profite of the Realm: It is ordained, that the actes and statutes maid of befor, be observed and keiped with this addition: That letters be written to all Schirreffes, Baillies and Stewardest, to destroy, cast downe, and put away all the craves within their bounds incontinent without delay. And that ditray be rane upon them, that hes craves in the contrair the said acte. And to pay for ilk crave five pound for amerciament in the Justice aire, to be raised on the maker and up-halder of the samin. And in likewise the Schireffe that failzies, to be in amerciament of twentie pound to the King in the Justice aire, and ro be a poynt of dittay, as said is. And anent the craves that standis in fresh waters, that they stand not in forbidden time. And let the mid-streame be alway free, be the space of five fute. And that the *Setterdaies* stop be observed and keiped, as the acte and statute maid be King *David* requiris. And that ilk heck of the said craves be five inche wide, according to the samin statute. And as for millers, that fettis creilles and nettes in dammes, milne-landes, and waters, destroyand read fish; and fry of fish, as said is, fall be a poynt of dittay. And the paine bath of causer of creilles, nettes, and of the millers, ilk one of them that dois in the contrair, to incur the unlaw of read fish, and to be taken of them that dois in the contrair. And that letters be written, as said is, to the Schireffes, Stewardest, and Baillies, to put this act to execution, and see that the samin be observed and keiped, under the paine of twentie pound, to be raised upon the the officiares that failzies, as said is. And as touching the slaughter of read fish, that it be punished after the forme of the statute, declared and the unlaw thereof, ten pound.

16. *Anent the free tenneses, that holdis of the Duke of Rothesay and Steward of Scotland,*

ITEM, Anent the free tenneses, that holdis of the Prince, the Duke of *Rothesay* and Steward of *Scotland*: The Lordes of the articles thinks it reasonable, that all thay free tenneses fall be halden to compare and answer in the Parliament and Justice aires, with their suites and presentes, as effeires, ay, and quhill our Sovereine Lorde have ane Sonne, that suld be immediate betwixt the King and them, to answer for them in the said Parliament and Justice aires: And suit-rolles to be maid thereupon, quhilk fall endure, quhill the Prince be borne,

17. *Of the money.*

ITEM, Anent the article of the mony: It is thocht expedient be the Lords of the Articles, that there be ane trew substantialous man, maister of the cuinzie, quhilk fall forge money, and cuinzie to serve the Kingis lieges. And that cuinzie fall be in this manner, that is for to say, a groate fall have cours and gang for fouteene pennies, and ten of them to wey ane ounce, and to be of the samin fines, as the *EDWARDE* groate of *England*, and that the said cuinzieour fall give & pay for the ounce of brunt silver, eleven shillings, six pennies, to be given, and for *Paris* silver, and the silver warke of *Bruges* siklike. And as for the silver warke of this Realm, quhilk is brocht to the cuinzie, that is not fa fine, the said cuinzieour fall give and deliver therefor the verry avale to the awner of the said silver. And sa-meikle as it is war then *Paris* warke, or silver warke of *Bruges*, to be default and rebaited of the price of the saide silver. And gif the said cuinzieour and the seller of the said warke cannot agree of the price, that there fall be twa trewe gold-smiths, sworn be and the seller of the said warke cannot agree of the price, that there fall be twa trewe gold-smiths, sworn be and the seller of the said warke cannot agree of the price, and to declare quhat it is their gear aiths to see and examine the said silver warke, and the valour thereof, and to declare quhat it is their gear aiths to see and examine the said silver warke, and to declare quhat it is their gear aiths to see and examine the said silver warke, and to declare quhat it is their gear aiths to see and examine the said silver warke, and to declare quhat it is their gear aiths to see and examine the said silver warke. And to have knowledge that the said cuinzie be keiped in weight and fines with the said

EDWARD groate, this said cuinzieour shall have a signe and taiken maid in the prenting, have and difference fra the first cunzie. And gif ony of the new groates be foundin war in weicht and fines, nor the EDWARD groate, the cuinzieour be punished therefore, and tyme his life and gudes. And that to be examined and seene at the nixt Parliament, and sooner gif it pleasis the King. And because it is meaned to OUR SOVERAINE LORDE, that his gold and silver cupzied in his Realme, is be ignorant persons refused, quhen the said gold or silver hes cracke or flaw, or be folded: It is ordained, that the said gold and silver shall be received be all his lieges: Sarhat it keip all the wecht, and be gude trew mettel, suppose it be with cracke or flaw, or folded, as said is, in all times to cum.

18. *Of undoing of Caupes in Galloway.*

ITEM, Because it was meaned and complained be our Sovereine Lordis lieges dwelland in the boundes of *Galloway*, that certaine Gentlemen, heads of kin in *Galloway* hes used to take Caupes, of the quihilk tacke there, and exaction thereof, our SOVERAINE LORD, and his three Estaites knew na perfite nor reasonable cause, for the quihilk his Hienes be advise of the last Parliament, assigned, warned and charged all the persones that claimed or alleged to take, raise, or introumer with ony sik action of Caupes, to cum to the nixt Parliament, and there ostend and schaw quhat richt they have to the taking of the famin. And nowe in this present Parliament, the saidis persones making the said claimes, hes bene oft times in called for the ostention and schawing of their richt, as said is, and nane hes compeired nor schawin na richt, nor title of richtes, to raise and take the said Caupes. Herefore our Sovereine Lord, willing and being of intention, to seclude and put away all sik abusiones, evill use and extorstones put on his people and lieges, but reasonable cause. Be authoritie of his Parliament hes ordained to be abused, and lest the taking of the said Caupes in all times to cum: And na man ro take them of the Kingis lieges, under the paine to be punished as for rief, and ay in time to cum to be a poynt of ditty in the Justice aire.

19. *Of Caupes in Carriist.*

ITEM, As touching the Caupes in *Carriist*, the Kingis Hienesse and his Estaites foresaidis, thinkis expedient and conclusid, that all they quihilkis claimes Caupes, be warned be open Proclamation to compeir in the nixt Parliament, bringand with them sik evidents and richtes, as thy will use for the taking of the said Caupes, with certification and they do not, that our Sovereine Lorde, with advise of his three Estaites will annull all sik thing, and will ordaine all sik Caupes to be not taken in time to cum,

20. *The proceffe of recovering of annual-rentes.*

ALSWA It is thoct expedient be the Lordes of the Articles and Estaites, after the information and supplication maid be the Provost, Baillies, Councell and Communitie of *Pertb.* desiring of our Sovereine Lord, that the constitution and rule of the said Burgh be conformed to the Kingis Lawes and consuetude of the Burgh of *Edinburgh*, and lawe of Burgh, anent the recuperation and obteneing of annual-rentes in Burgh, in default of solution, and payment of the annualles aucht to the Lords, awnters and proprietaries of the said annualles: It is thoct expedient, that the Proces of the recovering of the said annual at the Fourth Court, be observed and kept in the Burgh of *Pertb.* and uthers Burrowes in time to cum, as it is used in the Burgh of *Edinburgh*, according to the Law of Burgh, notwithstanding ony uther use or consuetude, that they have had in the said Burgh of lang proces and delay in times by-past.

21. *The tennents of the Kingis propertie suld not be troubled.*

ITEM, Because it is understandin to the Lordes of the articles, the heavy complaints that hes oft times bene maid to the King and his Councell be his puir tennents, mailers, and inhabitants, his proper landes in divers partes of his Realme, that they ar greatly hurte and oppressed be Lordes and Gentle-men in the cuntrie dwelling beside them, quihilkis hes na tack of our Sovereine Lord of thay landes, constrinzieis, and compellis them to do service, avarage, cariage, scheiring, leading, labouring, ryding and travelling be their powers and authorities: And for remeid hereof, It is now statute and ordained, thar na Lord, Barronne, Free-holder, Gentle-man, nor uthers compell, ony of the Kingis tennents, mailers, and inhabitants of his proper landes, to do them ony maner of service be coaction, or dread, under the paine to be punished as oppressours of the Kingis lieges. And to be a poynt of dittraie in the Justice aire.

22. *Our Sovereine Lordis revocation.*

ITEM, It is thoct expedient, because there was ane statute maid in our Sovereine Lordis Parliament, that was holden at *Edinburgh* on *Wednes-day*, the aucht daie of *October*, the zeir of GOD, ane thousand, foure hundreth, fourescore aucht zeires, declaird and alienations of landes, heritages, lang-tackes, few-fermes, offices, tailzieis, blanch-ferme landes maid of warde, to be of nane availe, after the second day of *Februar* (quihilk was the day of our Sovereine Lords, that now is cumming furth of *Striviling*) unto the coronation

coronation of our Sovereain, that now is, maid be our SOVERAINE LORDIS Father that now is, of gude mind, to be of na force nor effect, for certaine causes conteneid in the said acte and statute: That therefore all they, quhikis garte pretended giftes of alienations of heritages, lang-tackes, few-fermes, offices, tailzies, blanch-ferme landes, sulde bring their letters and evidentes granted hereupon to our Sovereain Lord, within fourtie daies to be destroyed, certifieing them that bringis nor, the King will make them to be specialle called, and punished for their inobediencie.

F I N I S.

T H E T H R I D
P A R L I A M E N T
O F
K I N G J A M E S T H E F O U R T H,

Halden the aughtenth day of Maij, the zeir of God, ane thousand four hundredth, ninetie ane zeires.

23. *The alliance and confederation of France to be confirmed.*



It is ordained and concluded, that the alliance and confederation maid of before of auld and new, betwix the Realmes of *Scotland* and *France*, the Kingis and Princes of the samin, be the advise, conclusion, and deliverance of the three Estaites be renewed, reformed, and interpreted in forme of the auld alliance, and confederation maid betwixt them and their Realmes and Lieges of befoir. And atour, to obtene and procure uthers new franchisees and priviledges, to the honoure and profite of our Sovereain Lord, his Realme and lieges, and to the gude of Merchandes, that our Sovereain Lordis lieges usand thay partes, have sik freedom within the Realme of *France*, and boundes of the samin, like as the *Frenchmen* hes within our Sovereain Lordis Realme and boundes. And quhair the samin priviledges and freedomes ar not, nor hes not bene observed nor keiped in times bygane, to require reformation of the samin, according to the forme of the said alliance. And commissiouns to be maid in dew forme thereupon.

24. *The forme of the Chancellarie suld not be altered.*

ITEM, It is statute and ordained, that na brieves nor uthers letters be given to na partie, bot after the forme of the brieves of the Chancellarie used in all times of before. And that the forme of the Chancellarie be keiped and observed without innovation or eiking of new termes. And gif onie beis given uthirwaies, that they be of na force nor effect, except the brieve of summond of errour.

25. *The Wardatar fall not destroy the Landes: be suld susteine the minor.*

ITEM, It is statute and ordained, that quhair onie Land or landes hapenis to fall in Waird to our Sovereain Lord, or onie uthir Barronne of this Realme, Spiritual or Temporal, or landes given in conjunct-ment, or life-rent alsveill to Burgh as to land, that the Schireffe of the Schire or Baillies fall rake sik-like soverite of the person or persones, that gettis or hes sik wairdes, that they fall not waist nor destroy their bigginges, Orchards, Woodes, stanks, parks, medowes, or dowcates, bot that they hald them in sik-like kinde, as they are in the time, that he gettis and receiveis the samin, he tak-and his reasonabill sustentation or using in neidful thinges without destruction or waistin gthereof. And ane reasonabill living to be given to the sustentation of the air, after the quantite of the heritage, gif the said air hes na blanche ferme, nor few-ferme land to susteine him on, alsweil of the wairdlands, that fallis in our Sovereain Lords handis, as onie uthir Barronne, Spiritual, or Temporal.

26. *Of landes falland in waird or uthirwaies altered, that the tenmentes fall remaine therewith, quhill the next Whit-sundaie.*

ITEM, It is statute and ordained, that quhen onie lands fallis in waird or quhen onie Ladie havand terce or conjunct-ment, hapenis to deeces, or quhar land be redeemed or lowfed be reversion, gift, selling, or

or wedsetting, or ony uther-waies landes happenis to be altered. The tennentes, labourers, and inhabitants onie of the said landes fall remaine unput foorth, or removed, quhill the nixt terme of *Whit-sunday* followand, payand to the Lord, that fall enter to the said landes the mailes, and dewties aucht and wont of the said landes, quhilk bruiking fall induce na possession langer, then the said *Whit-sunday*.

27. *Auent finding of law-borrowes.*

ITEM, It is adviced, statute, and ordained, for the eschewing of slauchter, fore-thought felonie, and debair, that fall happen betwixt onie persones in time to cum, be complaint maid to our Sovereine Lord, his Chancellor, or Justice, that the Chancellor or President beand for the time, withi advife of the Council, and Justice, with advife of his assesseours, fall put-quhar paine of summe of money, that they think expedient, the parties and their actiones beand considered, that the partie Complainzieand fall be harmeles and skaithies in his person or gudes, but fraude or guile utherwaies then law will. And quhar fudge or Judges that takis this fovertie, that they aet the samin, or put in remembrance in their buik, that it may be schawin to our Sovereine Lord and his Council. And sik like paines to be put in slauchter, rebellion, and uther crimes.

28. *Auent man-slayers taken, or fugitive: Aud of Demembration.*

ITEM, It is statute, that quhair ony man happenis to be slaine or demembred within the Realm, alweil within regalitie, as within royaltie, and in Burgh, as to land: Then incontinent without delay, als hastily, as the Schireffe or Steward, Baillie or Officiar of Regalitie can be certified thereof, outhere be partie complainzieand, or ony uther way, he fall passe and persew the slayers or dememberers, ane or maa, and raise the Kingis horne on him, and raise the cuntry incontinent in support, quhill he be over-tane. And gif he may be gotten, he fall incontinent bring him to the King or his Justice, or els keip him in sicker suretie, quhill the King be certified of him, and have answer, quhar he fall do thereto be our Sovereine Lord or his Justice at his will, or how soone it pleaseth him, notwithstanding the fourtie daies, or the three sunnes contained in the zuld Lawes: The partie followand beand present or warned to be there, gif he will persew the action. And gif it happenis the saidis trespassors till eschew out of the Schireffedome unarrested or taken, then the Schireffe fall write or send ane of his Officiars to the Schireffe of the nixt Schireffedome, and certifie him of sik men that hes done sik felonie against the King, and ar fugitive fra the Lawes. And then fall he first persew him or them out-throw the Schireffedome in the samin maner, as the other did of before without delay. And swa foorth fra Schireffe to Schirffe, quhill he be over-tane, or put out of the Realm. And gif he happenis to flie in the Regalitie out of the Royaltie: the Schireffe fall incontinent cerisse the Lorde of the Regalitie, his Stewarde or Baillie, the quhilk fall persew the trespassours in like manner, as the Schireffe dois, as is before said. And quhair ever he happenis to be over-tane, that the Schireffe, Sewarde, or Baillies of the Regalities fall incontinent sende him to the Schireffe or Baillie of the nixt Schireffedome, quhilk fall receive him, and send him to the nixt Schireffe. And sa foorth fra Schireffe to Schireffe, quhill he be put to the Schireffe of the Schire, quhair the deed was done. And there fall justice be incontinent done, as is before said. And gif it be fore-thought-felonie to die therefore. And gif the saidis Schirrifis or Officiares beis foundin culpable herein, and he have the Office of heretage, he fall tane it for three zeires. And gif he hes it for termes, to tane it for ever mair. And to abide and underly ane assise, quhiddir he be culpable or not.

29. *That Justice aires be halden twise in the zeir.*

ITEM, It is statute and ordained for the stanching of cummers, slauchters, rieses, thefts, extorsions and oppressions of our Sovereine Lordis Lieges: That therefore his aires be set and halden twise in the zeir, that is to say, anis on the corne, & anis on the grasse: Sa that Justice may be univerfally execute throw the Realm, for the punition of the saidis crimes. And quhair it fall be seene speedeful, that our Sovereine Lord move his maist Noble person thereto. And quhair it is not necessare, that our Sovereine Lords person move, that be advife of his Council, he send sik-like persones, as fall be seene speedefull for the time, and the countrie that they passe to. And that all our Sovereine Lordis lieges reddelie answer, rise, and cum to them in fortificing of justice, as they fall be charged be the Justice, under the paine to be punished as favorers of the said trespassours, and airt and part thereof, and dittay to be tane thereupon, and to be a poynt of dittay in time to cum.

30. *Of the defender nocht compeirand. The Schireffe and uther Judges suld execute all decreetes.*

ITEM, It is statute and ordained, that quhair ony partie hes action and summoundes against uthers, and the defendour compeir not in proper person, or be his procuratoures, he fall pay the coistes and skaithes of the partie compeirand, and ane unlaw of fourtie shillinges to the judge, within twentie daies after the decreet of the deliverance be given thereupon, or they be heard in judgment: And failzieand thereof,

thereof, that letters be written to the Schireffe of the Schire, Steward, or Baillie in Burgh, or to land, for the execution of the said decreere, and to have for his office and fees, twelve pennies of ilk pounce recovered, to be taken of the partie the said decreere is given against. And gif it happenis ony of the saidis Schireffes and officiares to failzie in their offices, nor makand the parties to be payed, after the forme of the Kingis letters, within twentie daies, of sik a summe, as beis decreeted and recovered, as said is: Quhat Schireffe or ony uther Officiar that beis negligent, as is foresaid, and makis not dew execution of the saidis decreetes, after the forme of the letters and decreetes, cummand to them thereupon, he that hes the office in charge, fall tyme the samin for three zeires, and he that hes the samin in life-rent, fall tyme it for ever-mair. And the coistes and skaiches of the partie, the Schireffe or Officiar to be debtour therefore, and sife it upon him or them, togidder with the principal summe that is recovered. And in likewise the Provestes and Baillies of Burrowes, to be seclued fra their offices for ever mair, and to be debtour and pay the said summe with coistes and expenses, as said is.

31. Of weapon-schawinges.

ITEM, It is statute and ordained, that ilk Schireffe, Steward, or Baillie of the Realme gar weapon-schawinges be maid four times in the zeir in all places convenient within his Baillierie, in this wise: That ilk Gentle-man, havand ten pounds woorth of land or mair, be sufficiently harnished and anarmed with basnet, fellar, quhite-hat, gorget, or pissane, haill legge-harnes, sword, speare and dagger: and Gentlemen havand les extent of lands or unlanded, fall be armed at their gudlie power, after the sight and discretion of the Schireffes and Baillies, and sik persones as our Sovereine Lord fall depute Commissioners thereto, and honest zeamen havand sufficient power, that likis to be men of armes, to be harnished sufficientlie, after the discretion of the saidis Schireffes and Commissioners, and all uther zeamen of the Realme, betuixt sextie and sextene fall have sufficient bowes and schiewes, sword, buckler, knife, speare, or ane gude axe in stead of ane bow. And that all Burgeses and indwellers in Burrowes of the Realme, in like maner be anarmed, and harnished, and mak weapon-schawinges, as said is, fourre times in the zeir. And that the Aldermen and Baillies be corrected be the Chalmerlane or his deputies, for the execution of the said thinges. And that all men of the Realme baith to Burgh and to Lande, Spiritual mennis servandes, and Temporal, be weill purvaied of the saide harnes and weapones be the feast of *Midsummer* nixt to cum, quhilk fall be the day of weapon-schawinges, under the paines followand, that is to say, of ilk Gentle-man that defaultis at the first weapon-schawinges, fourtie shillings, and at the second default, uther fourtie, and at the thrid default, ten pound. And alsmeikle als oft-times as he defaultis thereafter. And of ilk bow-man at the first fault ten shillings, at the second ten shillings, and at the thrid, fourtie shillings. And sa forth als oft-times as he beis foundin falshe thereafter, fourtie shillings. And after the facultie of their lands and gudes, that everie man be furnished & harnished in his bodie with quhit harnes brigantines, or gud jakes, with splentes and glooves of plait and weill horsed correspondand to their lands and gudes, be the discretion of the Schireffe, Commissioner or Officiar foresaid.

32. Fute-ball and Golfe forbidden.

ITEM, It is statute and ordained that in na place of the Realme there be used fute-ball, golfe, or uther sik unprofitable sportes, for the commoun gude of the Realme and defense thereof. And that bowes and schutting be hanted, and bow-markes maid therefore ordained in ilk parochin, under the paine of fourtie shillings to be raised be the Schireffe and Baillies foresaid. And of ilk Parochin ilk zeir, quhair it beis foundin, that bow-markes beis not maid, nor schutting hanted, as is before said.

33. Of mettes, measures and weichtes.

ITEM, It is statute and ordained, for the commoun gude of the Realme, honour and profite of our Sovereine Lordis Lieges, that the auld statutes and ordinances maid of befor, baith to Burgh and to Land, alsweill of mettes and measures, customes and uthers, be observed and kept, after the tenour and forme of the actes and statutes maid thereupon, and under the paines contained in the samin. And that the Chalmerlanes provide, that this be observed and kept, and specially of weichtes, alsweill of wax and spice, and sextene ounce of the pound.

34. Of convocation and gadding in Burrowes.

ITEM, It is statute and ordained, that within all Burrowes throw-out the Realme, na leagues nor bandes be maid, nor zit convocation, nor rising of commouns in hindring of the commoun Law, bot at the command of their head Officiares: And gif ony dois in the contrair, and knowledge or raint may be found thereof, their gudes to be confiscat to the King, and their lives to be at the Kingis will. And that na man dwelland within the Burgh be foundin in man-rent, nor ride in na rowr in fear of weir with na man, bot with the King or his Officiares, or siklike, under the samin paine. And als that na indweller within Burgh purchase ony out-Lordship, or Maisterhip to landwart, to rowt nor ride, to play at bar, or ony

uther way in the oppreſſion of his Nichtbour, bot ſoberly Nichtbour to Nichtbour, under the ſame paine. And that every man dwelland within Burgh, anſwere and obey to the Officiaries of the ſamin, as ſaid is, quhen, and in quhair wiſe they ſhall be charged be the ſaidis Officiaries, in deſenſe of the Realme and Lieges, and for the commoun gude and welfare of the Burgh, in the adminiſtration of Juſtice and Law, under the paine foreſaid. And that the Juſtice Clerke zeirly, in the taking of the dittay, inquire upon the ſaid poyntes, and the breakers thereof to be puniſhed be the Juſtice as uther crimes, after the forme of the ſaid act.

35. *The defender in the ſummondes of error, ſuld be warned with certification: The perſewer nocht perſeuand may be unlawed.*

ITEM, It is ſtatute and ordained, anent the briefe of ſummondes of error, and for the declaration of the ſamin, that quhair perſon obtained ſummondes of error upon a judge of ineſt, or perſones that paſt thereupon: that the partie be called for his intereſt to compeir to an certaine day, with certification, that quhidder they compeir or not, the Lordes will proceede after the forme of the ſummondes, and do juſtice to the partie, not abidand the ſecond nor thrid ſummondes, declaring that all perſones that paſſis upon ſik ineſts compeir perſonally: Becauſe it may depend upon their infamies. And quhair ony perſon callis uther at his inſtance, and compeiris not to follow his partie, he ſhall pay the expenſes of his partie, and ane unlaw of fourtie ſhillings to the Lordes, alſweill in ſummondes of error, as in uther ſummondes, or he be heard in judgement, to follow his partie thereafter, and to abide the decreete to be given thereupon.

36. *How the commoun gude of Burrowes ſuld be ſpended and ſet till uthers.*

ITEM, It is ſtatute and ordained anent the commoun gude of all our Sovereine Lordis Burrowes within the Realme, that the ſaid commoun gude be obſerved and kepted to the commoun profite of the Towne, and to be ſpended in commoun and neceſſarie thinges of the Burgh, be the adviſe and Councell of the Towne for the time, and Deakons of Craftes quhair they are. And inquisition zeirly to be taken in the Chalmerlane aire of expenſes and diſpoſition of the ſamiu. And attour, that the rentes of the Burrowes, as landes, fiſhinges, fermes, mailles, milnes, and waters, zeirly revenues be not ſet, bot for three zeires allanerly. And gif ony happens to be ſet utherwaies, that they be of nane availe, force nor effect in time to cum.

37. *Of reſuſing of gold that is cracked.*

ITEM, It is ſtatute and ordained, that becauſe it was ſtatute in the laſt Parliament: That all gold that held wecht and fines ſulde be tane in payment, and notwithstanding the ſtatute foreſaid, they reſuſe to take gold that is cracked: That therefore it is ſtatute and ordained, that all ſik gold be taken without reſuſe, and quha ſa dois in the contrait, ſhall tane the availe of the penny be him reſuſed, in this wiſe: That quhair the ſaid gold beis given for debtes, the reſuſer ſhall tane the penny be him reſuſed, and that ſhall be ane ſufficient acquittance to the profferer of the ſaid debt. And gif it be given for gudes to be bocht, the reſuſer ſhall tane the availe of the penny, that he reſuſed for the ſaid gudes.

F I N I S.

THE FOURTH

PARLIAMENT

OF

KING JAMES THE FOURTH.

Halden at Edinburgh, the twentie sext day of June, the zeire of God, one thousand, four hundredeth, ninetie three zeires.

38. *That benefices of auld, used to be disposed within the Realme, be disposed within the samin.*



ITEM, Anent the benefices Religious and Secular, quhilkis passis now to the court of Rome, and were disposed in the Realme be elections, and utherwaies, in the time of King James the First, of maist Noble minde: That all Prelacies, Abbacies, Priors, and uther benefices remaine and be disposed in all times to cum, within the Realm, like as they were in the time of the said King James the First. And that na persones attempt to doe in the contrair, under the paine of proscription and banishing, and never to bruike honour, dignities nor benefices within the Realme of Scotland.

39. *Of taxation of Benefices to be maid after the auld taxation.*

ITEM, Because there is ane notable act maid be our Sovereine Lordis Father, quhom God assöilzie, that name of his Lieges of his Realme, Spiritual nor Temporal, make, nor cause to be maid higher taxation of Prelacies, Abbacies, or uther benefices quhadumever, at the getting of promotions and contentions for promotions in the court of Rome, bot after the auld taxation, as is contained in the buike of Bagimontis tax, and na higher: Therefore conformand to the said acte: It is statute and ordained in this present Parliament, that gif ony Spiritual person labouris or attempts in the contrair of this acte, they beand knawin to our Sovereine Lord and his Councell, that person Spiritual, fall be unable to bruike that benefice, or ony uther within the Realme of Scotland, and not to be dispented with the bruiking of benefices: And Temporal men that dois in the contrair, to tine their life and gudes.

40. *The trouble of the money and it be cracked.*

ITEM, Anent the trouble and debait, that is amangst our Sovereine Lordis Lieges, of the refusing of the money, for the crackles and flaws being in the gold, or the silver, quhilk is sufficient of fines, and of our Sovereine Lordis prent, and for the diversitie of divers cuinzies of silver, stricken be diverse cuinzicours, the said silver and groates beand sufficient of fines, beand prent of our Sovereine Lordis straik: IT IS be the advise of the Lordes of the articles charged and commanded be our Sovereine Lorde, and the Estaites of the Parliament, that all the Kingis Lieges of his Realme, but impediment receive and take the said money, gold and silver, as said is, for ony merchandice or victualles, or uther thing being to sell: Notwithstanding the diversitie of prentes of the straik of fundie cuinzicours, alsweill the straik of Gilbert Fish, quhilk the common people callis Berwick-groates, as of unquhile Levingtoun, and John Currow: And gif ony person or persones refusis the samin, contrair the statutes maid thereupon, in the last Parliament: The haver of the said money, fall cum to the Officiares or Baillies of the Towne, and schaw the said money, quhilk beand gud and sufficient, the said Officiares fall gar him have the merchandice or penny-woorthes fra the person, that refusis the said money: And sa-meikle of gude money as he refusis, the seller fall tme to be the Kingis escheit, and deliver the penny-woorthes to the byer: And gif the money that was offered, gold or silver be false cuinzie and evil stufte, sene and understandin be the Officiares of the Towne, be the advise of the men, havand knowledge of the money, the saidis Officiares fall clip and breake the said false money and cuinzie of evil stufte, gold and silver: Swa that it make na mair trouble nor dis-friendship amangst the Kings lieges, and deliver the samin clipped money againe to the awner.

41. *That strangers merchandes, that cummis with Schippes, cum to the principal Towne: They suld pay custome, and carry na money away.*

ITEM, It is advised be the Lordes of the Artticles, that for the defraud done to our Sovereine Lorde in his customes be strangers, and alienares of uther Realmes, quhilkis cummis to this Realme, and takis their

statute, and ordained, that the Clerke of the Justiciarie, take fourth of the Kingis statutes, all thay statutes, that hes paine of dittay in the ende, and make the famin to be inquired at the dittay taking upon everie poynt: Swa that the trespassours and breakers of the statutes, may be punished in everie Schire, according to Justice: And to the effect of the famin statutes broken. And this to be done incontinent, or the Proclamation of ony Justice aires.

46. *That na Customers take na mair taxation then is statute: Of false weichtes.*

ITEM, It is statute and ordained, that na Customers within Burgh take na mair taxations, customes, or dewties, then is statute and used in the auld Law: And quha that dois in the contrair, to be punished as an oppressour and breaker of the Kingis Law, and dittay to be tane thereof.

47. *False measures.*

AND In likewise, they that usis false measures and weichtes, deceivand the people, to be indicted as falsares. And dittay to be taken thereof be the Justice Clerke.

48. *Of Mure-burne.*

ITEM, Because it hes bene statute of before, that fetters of Mure-burne fuld pay ane unlaw to the King, and because it is clearly understandin, that the puir bodies that dwellis in maillings, and ar bot servandes to their maisters, that awe the maillings, and dois it for their command: **T**HAT Therefore it is statute and ordained, that he that awe the mailling, be reason that he commanded that to be done in forbidden time, fall pay ane unlaw to the King of fourtie shillings. And dittay to be taken upon them baith thereupon, and the persones that dois the famin, to pay ane uther unlaw.

49. *Anent the making of Schippes and Busches, in the quhilk all idle men fuld labour.*

ITEM, Anent the greate innumerable riches, that is tinte in fault of Schippes and Busches to be disponed for fishing, sik-like as utheris Realmes hes, that ar marchand with the Sea, and for the policie and conquest, that may be had here-intill, and to cause idle men, Vavengours to labour for their living, for the eschewing of vices and idleness, and for the commoun profite and universall weill of the Realme: **I**T IS thocht expedient be the Lordes of Articles, and als statute and ordained in this present Parliament, that there be Schippes and Busches maid in all Burrowes and Townes within the Realme, and that the lease of the said Schippes and Busches be of twentie tun. And that the Townes and Burrowes have the said Schippes and Busches, according to the substance of ilk Town, and to the number as after followis, weill abuilized with all necessarie graith for the said Schippes and Busches, and with mariners, nettes, and uther graith convenient for their taking of great fish and small. And all the said Schippes and Busches to be reddie maid and furnished to pas to fishing be *Fasrenf-even* nixt-to-cum. And in ilk Burgh of the Royaltie, that the Officiars of the Burgh make all the starke idle-men within their boundes to passe with the said Schippes for their wages. And gif the saide idle-men refusis to passe, that they banish them the Burgh. And into Burgh of Barronnes, quhilk ar neare upon the Sea, that the Schireffe of the Schire compell the idle-men within his boundes to passe to the said Schippes for their wages. And gif they refuse, in likewise to banish them his Schire. And gif the officiers of the Burrowes, or Schireffes of the Schires beis foundin negligent, outhur in the putting forth of the said Schippes and Busches, or compelling the said idle-men to passe in them for their wages, or banishing of them off their Burrowes or Schires: Gif they refuse, as said is, they fall pay to the King ane unlaw of twentie pound ilk one of them, that is to say, the officiar of the Burgh for the time, and the Schireffe of the Schire. For the quhilk they fall be charged in the Checker, and give compt thereupon.

50. *Of giftes and alienations maid be our Sovereine Lordis Father.*

ITEM, It is statute, concluded, and ordained in this present Parliament be the hail three Estaites: That because they have advised, considered, and understandin, that our Sovereine Lord that last deceasid, quhom **G**OD assoltzie, beand the time commoved and displeasid, throw evil counsel that was about him, in the time a little before his decease, annalied, and put awaie baith of his awin lands and possessions, pertaining to his Hiennesse in propertie, and als against justice and gude conscience, received and took e resignations of divers landes, and gave investmentes in exheredation and disherishing of richteous aires, be the sollicitation and perswasion of the evil counsel that was about him, as said is, without ony reasonable cause, to the displeasure of God, contrair justice, and to the hurte of the saule: **T**HAT Therefore all the saidis donations, and investmentes, maid and given be him, fra the second day of *September*, in the zeir of God, ane thousand, foure hundred, foure-score seven zeires, to the day of his decease, fall be of nane availe, force, nor effect in time to cum, bot that our Sovereine Lordis Hiennesse, that now is, fall be restored and re-integrat to all landes, rentes, possessiones, that was be ony manner of way annalied, and given be his Father, to quhat-
sumever

sum-ever persones within the said time. And in likewise, that all resignations receivd bee him, and infestmentes, that he gave, to the exheredation and disherishing and putting of ony lands and possessiones fra the righteous aires, fall be of nane availe, force, nor effect, in time to cum: Bot that our Sovereine Lord, and all others persones, that was hurte within the said time, fall be, and is be vertew of this acte restored *in integrum*, to all richtes, as they were of before the said daie. And cassis and annullis all donations, gifts and infestmentes, maid after the resignations within the said time, and decernis them to be of nane availe, force, nor effect in judgements, nor without in time to cum.

51. *That aires may revoke at their lauchfull age, and of our Sovereine Lordis Revocation.*

ITEM, Sen it is leaved and permitted be the constitutions and ordinances of lawes civil and Cannon, that persons constitute in zourthead and tender age, quhilkis ar greatly damaged and skaited in their heritages, be imprudent alienations, donations, venditions, and permutacions of the samin, may at their perfection of age make revocation, and reduction of thinges done prejudicial to them in their minorities and tender age.

THE KINGIS REVOCATION



HEREFORE We JAMES be the Grace of God King of *Scottes*, clearly understanding that part of alienations, donations, and giftes of our heritages of our Realme, was maid be our Progenitours of gude memorie, quhom God assoltzie: And part in likewise be us in our zourthead and unperfitte age, in hurte and prejudice of the Crowne of *Scotland*: And in likewise, that in the time of our Coronacion & taking of the Scepter of our Realme, We promitted and swore upon the haly Evangelles of our Lord JESUS our Saviour, that we suld observe and keip the richt, honour, preheminance, and priviledges in lands, rentes, possessiones, dewties, and utther thinges thereto pertaining, as is mair expressly schawin in the Law of halle Kirke: And als sen it is sene richt profitabe to the Estaites of our Realme, that we have landes, Lordshippes, and possessiones, to the honourable sustenration and up-halding of our dignitie royal: And als that we have power, facultie, and substance, to the defence of our lieges and Realme, quhilkis lysis on dry Bordoures to *England*, that hes bene our enemies of auld: And for thir considerations and urthers in the time of this our present Parliament, be the advise and Counsel of the Estaites being in the samin:

WE Revoke, reducis, cassis, and annullis, all infestmentes, donations, alienations, and dispositiounes be ony manner of way, in fee or frank-tenement of the landes, Lordshippes, customes, annualles, fishinges, and burrow-mailes annexed to the Crowne, or ony parte of them, als well given be our Father, as be us to ony person or persones to be reduced again to us, and our Crowne, be vertew of the act and statute maid of the annexationes, and after the forme of the samin.

Als wa, we revoke in likewise all alienations maid of ony heritage annexed to the Prince, second person of the Realme.

ITEM, In likewise, we revoke, cassis and annullis all donations, alienations, few-fermes, and giftes quhar-sum-ever in life-rent, or uther-waies, maid in our none-age of the landes, customes, or annual-rentes, or ony uther revenues, that our Father had in his possession, the time of his decease, giftes of offices for termes, as Chalmerlanrie, Bailierie, customary, or Clerk of Cockquet, maid for maa zeiris, bot fra the ta checker, to the compt be maid in the nixt Checker following, with affedation, and tackes maid of our landes for lang termes.

IN Likewise we revoke, & cassis all tailzies maid fra the aires general, to the aires mail of ony landes in our Realme.

ITEM, We revoke all pretended entresse, saisinges, and possessiones obtained and used be ony person of our Realme, of the landes, Lord-shippes, or possessiones, that were in our Grand-schirs, or in our Fathers handes, and obtained and taken out of our Fathers handes, or our awin handes: Our Father or our selfe being within age, quhilkis micht not be persewed, quhill our compleit age, be strength of acte of Parliament maid thereupon.

AND Attour, we revoke all new infestmentes of landes given in blanch-ferme, that were halden of us in waird and reliefe of before.

Mair-attour, we revoke all Regalities, or confirmation of Regalitie, that had na possession of Regalitie of auld, and all offices given be us in heritage, or be our Father, sen the actes and statutes maid, that na Regalitie nor office suld be given in heritage, without advise and deliberation of the hail Parliament.

ITEM, We revoke all alienations maid of ony heritage in our none-age, that were lauchfully cummin in our handes be bastardrie, or ony uther waies sik-like, and life-rentes given be us in our minoritie, and none-age, as said is.

ITEM, We revoke all the new creations of landes in Barronnies, and annexations, and unions of divers landes into a fee, in prejudice of our dew service zucht to us, and our Progenitours of before. And in likewise, the discharges of service and suits of courts, aucht of auld to our Progenitours.

ITEM,

ITEM, We revoke all new infeftmentes, given of creationes of Barronnies, in the Landes and Lord-shippes annexed to the Crowne.

ITEM, We revoke, reducis, cassis, and annullis all giftes of Patronages and advocations of Kirkes and benefices, that pertainis to the Crown.

ITEM, We revoke and cassis all thinges, that the commoun Lawe leavis us to revoke and reduce.

AND Generally, we revoke, reducis, cassis, and annullis, all & quharsumever thinges done in detriment and harme of our faule and conscience, hurting of the priviledge and freedome of our Crowne, pre-judicial, and in damage of our heritage, to us, our aires, or Successeures, with this addition and prote-
 station: THAT Suppose wee of our favoures and benevolence, suffer any person or persones, to use or possede any priviledge or possession, to the users and halders of the same, bot it fall be leiffull to us to put our handes thereto, quhen ever it fall please us but ony contradiction, be vertew and strength of this our Revocation.

ITEM, Wee revoke in maner foresaide, all confirmations given, quhair the haill landes, or the mair part of them were annaied of before the giving of the said confirmation, and the same obtained under colour, we not knowing the alienations, that the said landes were fallen to us, be reason of alienation, as fore-faltour.

Unions of Barronnies of annexed landes. Advoca-tion of Kirks. Revocation generall. The Kings tolerance or lang pa-tience, pre-judis not his revoca-tion.

Confirma-tions.

Vicesimo Sexto Junij, Anno Domini 1493. Indictione Pontificatus, Alexandri Papæ sexti Anno Primo, dictus supremus Dominus noster Rex in Pratorio de Edinburgh, Sc. Concessit, quod terra date Comiti de Both-well & Johanni Ros militi, non caderent sub revocatione antedicta.

52. Of the binde of Salmond.

ITEM, It is statute and ordained, that the auld statute maid aient the barrelling of Salmonde of the auld binde of *Aberdene* be observed and keiped, after the forme of the same, with this addition: That quhair any Cowper or Craftes-man makis ony Barrelles of les binde, then the said auld binde, and beis convict thereof, fall pay ten shillinges for ane unlaw, and dittay to be tane thereupon.

ITEM, That the act and statute maid of before, aient the Schippes, and making of fish at the West coast, be observed and keiped in all thing after the forme of the said act.

F I N I S.

T H E F I F T H

P A R L I A M E N T

O F

KING JAMES THE FOURTH.

Halden at Edinburgh, the thretteenth daye of June, the zeire of God, one thousand, foure hun-dreth, ninetie foure zeires.

53. *That na persones passe forth of the Realme to purchase any benefices without leave of our Sovereine Lord.*



ITEM, It is statute and ordained, for the weill and honour of our Sovereine Lord, the commoun gude and profite universal of his Realme and lieges, and for the eschewing of innumerable skaith and damage, that his Hiensse, Realme, and Lieges dailie incurris and susteinis, throw the exorbitant coastes and expenses dailie done be Kirke-men, upon the impetration and purchasing at the court of *Rome* benefices elective, and divers others that might be given and provided within the Realme, contrair the actes of Parliament maid thereupon, and contrair divers faculties and priviledges, that our Sovereine Lord and his Progenitours, of gude mind, hes had, and hes of the Kirk of *Rome*, and als in purchasing and in-bringing of Novelties, and Innovations in the Kirk, without the adviement of our Sovereine

Lord, in utter heirship and destituting of the Realme of all money, and putting of our Sovereine Lord and divers others Patrons fra their possession and use of their saidis faculties, priviledges, and richtes of disposition

of

of benefices: THAT For the remed hereof in time to cum, that none of our Sovereine Lordis Lieges, Spiritual nor Temporal, passe forth of his Realme, unto the time the Spiritual persones intimate the cause of their passage to their Ordinares, and that baith Spiritual and Temporal, cum to his Hieneffe, or his Chancellor, and schaw the cause of their passage: That they may have licence of him, and get their testimonialles thereupon. And that they do, nor attempt to doe nathing utherwaies, then is contained in their said licence, contrair the commoun profite of the Realme, actes and statutes maid thereupon. And that they schaw and warne, quhairin they make finance, and with quhat person, that it may be understandin, that they have na money foorth of the Realme: And quha sa dois contrair the premises, till in-cur the paines of proscriptioun, rebellion, banishing, and putting of them to our Sovereine Lordis horne, and never to brik nor use worship within his Realme, bot to be demaied as traitour and traitoures, and their benefices, gif they ony have, to be vacant, at the disposition of their Ordinares; but gif they be laick Patronages, and then the patrone fall dispoise thereupon. And all uther actes maid upon this mater of before, containand ony restriction for the commoun profite, to be never-theles observed and keiped.

54. *That all Barronnes and Free-halders, that ar of substance, put their eldest Sonnes and aires to the schules.*

ITEM, It is statute and ordained throw all the Realme, that all Barronnes and Free-halders, that ar of substance, put their eldest Sonnes and aires to the schules, fra they be sex or nine zeires of age, and till remaine at the Grammar-schules, quhill they be competentlie founded, and have perfite *Latine*. And thereafter to remaine three zeirs at the Schules of Art and jure, swa that they may have knowledge and understanding of the Lawes: Throw the quhilks justice may remaine univervally throw all the Realme: Swa that they that ar Schireffes or Judges Ordinares, under the Kingis Hieneffe, may have knowledge to doe Justice, that the puir people sulde have na neede to feek our Sovereine Lordis principal Auditour, for ilk small injurie: And quhat Barronne or Free-halter of substance, that haldis nor his Sonne at the schules, as said is, havand na lauchfull effoinzie, bot failzies herein, fra knowledge may be gotten thereof, he fall pay to the King, the summe of twentic pound.

55. *Of the money and bulzieion.*

ITEM, It is statute and ordained, that our Sovereine Lord, with advise of his Councill, ordaine and be maister of the money, and anent the striking thereof, the fines, and the cours, and anent the inbringing of bulzieion, and searching to be maid of the famin, and of the out-passing thereof off the Realme: That the statutes and actes maid thereupon of before be keiped: And that this maister of money and searchoours, have upon them the charge of causing and solisting of the saidis acts, to be put to execution. And gif they be noted of in-diligence or sleuth therein, that they be punished be the Kingis gude grace, and his Lordes of Council, according to their trespassse, and to be deprived of their Offices, and uthers put in their places. And that the Customers of Burrowes, make compt at this present Checker, and in all times to cum, and of the in-bringing of bulzieion, according to the quantitie of their merchandice, past furth of the Realme, after the forme of the saide actes. And that the maister of the money, and cuinzieours under him, pay to the merchandes for the said bulzieion, or to ony uther persones, that will sell them fine stufte to cuinzie, the prices contained in the said actes, and na lesse, under the paine of prisoning of their persons, and deprivation of their offices.

56. *Of the price, gudnes, and fines of victualles, and all uther maner of stufte wrought.*

ITEM, It is statute and ordained, for the remeid of the great hurte and oppression done to our Sovereain Lordis lieges, throw dis-proportion of prices maid be Craftes-men, and warke-men, upon all maner of stufte, that they woork, and sellis, far exceedand the price of the stufte, they bye: That therefore all Barronnes, Provestes and Baillies of Burrowes, and uthers, that hes the rule and direction of throch-faires, and hostellares, throw all the Realme, make diligent inquisition, and take knowledge of the price of victualles, and all uther stufte, wrought be ony maner of work-man, according to the price of the saide victualles and stufte: That they set and ordaine certaine price, gudnes, and fines upon bread, aile, and all uther necessaie things that is wrought, and dailie bocht, and used be the Kingis lieges. And that they make certaine prievous and examinatoire, to waite dailie upon the keeping thereof. And quhair ony warke-man beis noted, takand exorbitant prices for his stufte, abone the price, and over-far dis-proportionate of the stufte he byes, that he be punished be the saidis Barronnes, Provestes, and Baillies, and uthers havand the direction and rule of the saide throch-faires, and hostellares, be the taking of ane unlaw of the courte, that he is under, for the first time. And ane unlaw, and escheiting of the stufte, that beis exorbitantly sauld, the second time. And the thrid time depriving and suspending of them fra their Craft, and escheiting of the said stufte, sauld over-deare, as said is.

57. That all summoundes of errour be raised and persewed within the space of three zeires.

ITEM, It is statute and ordained, that all summoundes of errour, or inordinate Proces, that ar to be raised be ony persones, that thinkis them hurte be the determination of inquestes, or be proces of Schireffes led in the serving of Brieves in time to cum, be raised and persewed within the space of three zeires, after the saide proces, and making of retoures: The parties that alleagis them hurte, being of lauchfull age, and within the Realme: Swa that the erreure and in-ordinate processe, michte cum to their eares: And gif ony persones omittis to raise sik summoundes, and persewis them not within the said termes. The said termes being paste, they fall never be heard in judgement upon that action thereafter: Bor fall tine their priviledge of reduction of the said Proces and errour, for all time to cum: Neverthelesse the summoundes, that ar now dependand and hingand betuixt ony parties, to be proceeded, as they were wont: And quhair that ony persones thinkis them hurte, be retoures or proces, that ar else led and maid in time by-gane: That they raise summoundes thereupon, within the space of three zeires, and persew the samin. And failzieing thereof, that they be never heard in judgement, as said is, bot to tine their priviledge of reduction, in all times to cum.]

F I N I S.

T H E S E X T

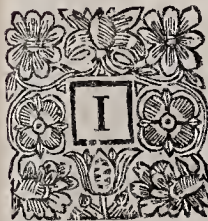
P A R L I A M E N T

O F

K I N G J A M E S T H E F O U R T H,

Halden at Edinburgh, the elleventh daye of March, the zeire of God, ane thousand, five hundred, and three zeires.

58. *Of the dailie Councell.*



ITEM, It is adviced, statute, and concluded in this present Parliament, because there hes bene greate confusion of summoundes, at ilk Session: sa that leasure nor space ar a time of the zeir, nicht not have bene had for the ending of them: And therefore, purt folkes hes bene delayed, & deferred, fra zeir to zeir, throw the quhilk they wanted justice: Therefore, for eschewing of the said confusion, that there be ane Councell chofen be the Kings Hieneffe, quhilk fall sit continually in *Edinburgh*, or quhair the King makis residence, or quhair it pleasis him, to decide all maner of summoundes in civil maters, complaints, and causes dailie, as they fall happen to occur: And fall have the samin power, as the Lordes of Session. And quhen they fall beginne, and in quhat place, fall be notified to the people, be open Proclamation, at the Kingis pleasure.

59. *That Justice and Schireffes be maid for the Iles.*

ITEM, Because there hes bene greate abusyon of Justice in the North partes and Weste partes of the Realme, sik as the North *Iles*, and South *Iles*, for lacke and fault of Justice aires, Justices and Schireffes, and there-throw the people ar almost gane wilde: It is therefore statute and ordained, for the acquieting of the people be justice, that there be in time to cum, Justices and Schireffes of the North *Iles*, have their feate and place, for administration of Justice, in *Invernes* or *Ding-well*, as the maters occurris, to be decerned be the said officiares. And that other Justice and Schireffe, be maid and depute for the South *Iles*, and thay parts, and to have his place Spireate for administration of Justice, in the *Tarbar* of *Loch-kinkerane*, at the will and pleasure of the saidis officiares, as the maters occurris.

60. *Of the Justice aires of Ergyle, Lorne, Bute, and thay parts.*

ITEM, It is statute and ordained, because there hes bene ane parte of the *Hie-landes*, quhilk ar the landes betuixt *Badziencob* and *Lorne*, and ar called *Dowart*, *Glentowart*, and als the Lordshippe of *Lorne*, quhilkis hes bene out of use to cum to Justice aires, And likewise *Mawmor*, *Loch-Aber*, and *Ergyle*: There-

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Therefore in time to cum, that the said landes betuixt *Badziensach* and *Lorne*, called *Dowart*, and *Glen-towart*, and als the Lordshippe of *Lorne*, cum and anfwere, and underly the Law in the Justice aire of *Perth*: *Macemor*, *Loch-Aber* foresaid, to cum to the aire of *Invernes*: *Ergyle*, quhen it pleasis the Kingis Hieneffe, fall cum to *Perth*, and the Justice aire thereof, quhair ever-ilk Hieland man, and Law-lande man, may cum, and aske Justice without perill or danger. And that the Justice of the said Lordship of *Ergyle*, with the boundes thereof, have his place and seate in *Perth*, at the Kingis pleasure, as said is. And that that part of *Cowale*, that is not within the boundes, nor Lordship of *Ergyle*, and all the inhabitants thereof, cum to the aire of *Dumbartane*. Item, that the aire of *Bute*, *Arran*, *Knapdale*, *Kintyre*, and mekill *Cumray*; be holden at the Burgh of *Air*, or *Rothfey*, and the inhabitants thereof, to cum there, at the Kingis pleasure.

61. *Of Schireffes to be maid in Rosse and Caithness.*

ITEM, Because there hes bene greate lack and fault of Justice in the North Parts, as *Caithness* and *Rosse*, for fault of division of the Schirefedome of *Invernes*, quhilkis over-great, and thay parts ar fa far distant fra the said Burgh of *Invernes*, throw the quhilk they may not be brocht hastily thereto, without great expens, laboures and travelles, quhair throw great enormite and trespassse hes grown in thay partes, in default of officiares within themselfe, that had power to put gude rule among the people: Therefore it is statute and ordained in this present Parliament, that there be ane Schireffe maid of *Rosse*, quhilk fall have full power and jurisdiction, and Schireffe-ship within the boundes of *Rosse*, quhilk fall have full jurisdiction of administration of justice in *Thave*, or *Dingwell*, as the said Schireffe thinks expedient, for the decison of causes, briefes, or ony uther sik thinges belangand to his office, as the cause requiris. And in likewise, that there be ane Schireffe maid, quhilk fall be called the Schireffe of *Caithness*, quhilk fall have full jurisdiction of Schireffe-ship, of all the hail diocese of *Caithness*, and fall sit and have place for administration of his Office, in *Dornock* or *Vik*, as he thinkis maist expedient, for the causes occurrand. And all the Schireffedomes of *Invernes*, *Rosse* and *Caithness*, and the inhabitants thereof, compeir to the Justice aire of *Invernes*, quhen it beis cryed and ordained.

62. *That the greatest crime be specified in the remission.*

ITEM, Because that there hes bene in times by-gane, abuson in the giving and granting of remissiones to persones, that hes needed the famin, and hes put ane licht cause, for the special cause, in the saide remission, and under the general clause, hes comprehended greater crimes then the special cause, quhilk was expressed, quhilk is contrair to equite and justice: Therefore it is statute and ordained, that quhair ony person or persones, desiris to have remissiones in time to cum, and wald that remission sufficed to him, fall expone and declare in the said remission the greatest cause, that he desiris to have the remission for. And in that case, the general clause fall suffice him to comprehend crimes of les gravitie, then the special cause. And gif he expremis not the greatest crime in special, the general clause, fall not save him fra ane greater cryme, nor the special is.

63. *That na remission fall be given for slauchter, upon fore-thought-fellonie.*

ITEM, Because the Kingis Hieneffe hes considered, and understandin the great slaughters that hes bene in his Realme, and the occasion thereof in traist and believe, to get remissiones hastily, quhair-throw the great inconvenients of slauchter, moved and happened, ever-ilk daye mair and mair: Therefore of his awin free minde and motive, hes desired, that his three Estaites in this present Parliament, wald set sharpe rule therefore, and for importunitie of askers in time to cum, is content of the ordinance and deliverance to be maid be them: Therefore bee his awin advise, and the said three Estaites: It is statute, devised, and concluded, that there be na remission given fra thine furth for slauchter, to be committed upon fore-thought-fellonie, in ony time to cum. And this statute to indure unto the time our said Sovereine Lord make special revocation of the famin.

64. *Of the correction and examination of Notares.*

ITEM, Anent the article of Notares, because there hes bene divers and great complaintes maid be our Sovereine Lordis lieges, that there is fa mony fals Notares in the Realme, that it is dreed throw their falsed, that trow men fall not be sicker of their heritage, nor Clerkes of their benefices, and in uther civil actions, quhilk may cause ane great division among our Sovereine Lordis Lieges: Therefore it is statute and ordained in this present Parliament, that all Bishoppes and Ordinares, make all the Notares within their diocese, to be called at a convenient day and place before them, and make them be examined of their sufficiencie and knowledge. And als tak inquisition, how they have demained them, and of the same. And the persons, that they finde culpable, that they deprive them of their offices, and punish them for their faults, according to their dements: And the persons that they finde acceptable, that they send them with their writings to the Kingis Hieneffe, quhilk fall depute certaine persons to examine them. And gif they be gainand, to make them Regal, if they be not maid Regal of before. And als, that the said Ordinares take inquisition of all them that utis fals instruments: And in fa far as belangis his

his office ordinar, to punish them. And quhair it belangis not to his Office Ordinar, to send them to the King, to be punished as effciris.

65. *Summonds upon recent spuilzie, may be execute upon fiftene daies.*

ITEM, Anent recent spuilzie, it is statute and ordained, that it fall be leiffull to the partie quhilk is spuilzied, to summonde the spuilziers upon fiftene daies before the Lordes, sa that he make his summonds within fiftene daies, nixt after the committing of the said spuilzie, notwithstanding the act maid of before, that all summonds suld be maid upon twentie ane daies: And richtswa, to have power to call the said spuilzier before the Schireffe, and that there fall be na exception dilatour admitted against thar summonds, it beand lauchfully indorfate.

66. *Anent the expenses of Schireffes for their office.*

ITEM, Anent the expenses of Schireffes, bath Ordinar, and Schireffes in that part, to be taken for the execution of their office in the distreinzieing of persons for summes recovered: It is statute, advifed, and ordained, that the said Schireffe, quhilk fall execute his said office, fall have twelve pennies for ilk pound, for the execution of his office: And that to be taken of the person or persones, that the summes or debtes be recovered on.

67. *Of expenses of proces.*

ITEM, Because in time by-gane, the Kingis lieges hes bene greatly hurt, be the partial Schireffe and Officiares, for the denying of their proces to be given to the partie, quhair-throw the partie injured, nicht have followed his action, and founded his intent, and the said Schireffes hes halden their proces at so great summes, that the partie nicht not pay therefore, and for that cause, the partie injured, hes lost the prosecution of his action, and tint the same for verry poverty, that he nicht not louse the said proces: It is therefore advifed, statute and ordained, that in time to cum, ilk sik Schireffes and officiares, that hes proces led before them, outhar be action of debt, or brieves, that they give the said Proces to the partie, upon his expenses, and that the partie fall pay therefore, for ilk acte foure pennies allanerlic.

68. *For keeping of money within the Realme.*

ITEM, As to the taking of gold or silver foorth of the Realme: It is advifed, statute, and ordained, that the actes and statutes maid of before, for the halding of money within the Realme, be put to dew execution, with this addition: That it fall be ane poynt of dittay upon the takers foorth of the famin. And als, that the Kingis Hieneffe, depure certaine searchores in ever-ilk towne quhilk hes ane Port: The quhilks searchores fall have power to search the faillers and passers foorth of the Realme, for having foorth of money, quhat-sum-ever person he be, Spiritual or Temporal. And he fall have of his fees, the fourth part of the money thar is taken be him, he bringand th'other three partes to the King. And thar na persones, nourher Spiritual nor Temporal, have mair money foorth of the Realme, bet fourtie shillings, of the quhilks he hes licence be uther actes of before, under the paine of escheit.

69. *Anent stealers of Pykes, breakers of zairds and dowcattes.*

ITEM, Anent stealers of Pykes out of stancks, breakers of Dowcattes, Orcharde or zairds, or stealers of hives, and destroyers thereof: And als anent them, that slayis Parked Deare, Raes, or Rae-bucks, of Lordes proper wooddes, thar that be a poynt of dittay in time to cum. And that the unlaw thereof, be ten pound, togidder with ane amendis to the partie, according to the skaith. And gif ony Children within age, commit ony of thir things foresaid, because they may not be punished for none-age, their Fathers or maisters fall pay for ilk ane of them, ilk time committing ony of the said trespasses foresaid, threttene shillings four pennies, or else deliver the said Child to the Judge, to be leished, scourged, and dunnig, according to the fault.

70. *Anent Beggars and their qualities.*

ITEM, Anent Beggars, thar the statute of King James the First, maid upon starke beggars, be observed and kepted. And thar the Schireffes, Provestes, Baillies within Burrowes, bath of Royaltie and Regalitie, Spiritualitie and Temporalitie, see thar this act be execute and kepted: And thar they thoil nane to beg within them, except cruiked-folk, feik-folk, impotent-folk, and weak-folk, under the paine of payment of ane mark, for ilk uther beggar, thar beis foundin.

71. *Of the unlaw of greene-wood and Mure-burne.*

ITEM, Anent the article of greene-wood, because that the Wood of Scotland is utterly destroyed, the unlaw theroof, beand sa little: Therefore it is statute and ordained, that the unlaw of greene-w. odde, to

ony man, be felling or burning in time to-cum, be five pound: And that baith of Regalitie and Royaltie, the auld unlaw of greene-woode to the destroyers of it, urtherwaies standand in effect, as of before. And that the unlaw of Mure-burne, after the Moueth of *March* be in likewise five pound in all times to cum.

72. *Of slauchter of redde fishe, or Kipper.*

ITEM, Anent the slauchter of redde fishe in fore-bidden time, because the litill unlaw thereof hes bene the cause, and occasion, that the redde fish hes bene slaine in great number, to the great heir-ship of the cuntrie, and the destruction of the commoun weill: And als anent the slayers of Smoites in milne-dames, clowfes, and be nettes, thornes, and cruves: It is statute and ordained, that the unlaw thereof in time to-cum be ten pounce for the first time: The second time, twentie pounce: And the third time, tinsel of life to the committer. And als it fall be leiffull to the Barronne, baith Spiritual and Temporal, baith in the Royaltie, and Regalitie, to proceed and sit hereupon in their courtes, and to have ane unlaw of ilk one that beis convict of ony poynt foresaid, of thertie shillings. And gif ony person or persones claimis to have sik priviledges to slaic sik fish in forbidden time, be ony of the waies foresaid, that all sik priviledges cease, unro the time, that they cum before the King and Lords and schaw their said priviledge, that they may be considered, quibadder sik priviledges be for the commoun weill, or not.

73. *Of the division of Schireffdomes.*

ITEM, Because there hes bene wanting of Justice in sundrie Schireffdomes, throw the greatnesse of the famin: Therefore it is statute and ordained, that there be division maid thereof in this wise: That *Culrossie*, and *Tullialloun*, *Clack-mannan*, and all the landes betuixt it and *Strivling*, quhilk come to the aires of *Fife* and *Perth* of before, that all thay lands in time to cum, cum to the aires of *Strivling*. And that *Tullialloun* and *Culrossie*, cum to the Schireffe court of *Strivling* on this wise, that all the persones put now to the Justice aire, and Schireffe court of *Strivling*, pay their unlaw, baith in Schireffe court, and Justice aire, sik-like as they payed before this union, without prejudice to them there-intil.

ITEM, That the *Leinzie*, *Loch-bard*, *Brimmage*, *Skaith-moir*, *Kyppane*, *Garden* and *Sea-Begges*, quhilk was of the Schireffdomes of *Dumbartane*, *Perth*, and *Edinburgh* of before, be fra this time fourth, baith of Justice aire, and Schireffe court of *Strivling*. Item, that the landes of *Buchanane*, *Fintrie*, *Campse*, *Strablane*, *Buhoane*, *Drymne*, *Inchbalzaceh*, and fra thine Weste, to be of the Schireffdomes of *Dumbartane*, and comper there, baith at the Justice aire, and Schireffe court, in all times to cum, with the like condition, that the in-habitants thereof, paye their unlaw, baith in Justice aire, and Schireffe court, as they did before this union, without ony prejudice there-intil, as said is.

74. *That hedges, Parkes, and Dowcattes, and Cuningares be maid.*

ITEM, It is statute and ordained, anent policie to be halden in the cuntrie, that everilk Lord and Laird, make them to have Parkes with Deare, stankes, cuningares, dowcattes, Orchardes, hedges, and plant, at the least, ane aicker of Woode, quhair there is na greate Wooddes nor Forrestes.

75. *Of zeirly weapon-shawings to be maid.*

ITEM, It is statute and ordained, for the keiping of armour and harnes, that it be not spilt nor destroyed in time of peace, that all *Scotland* mak their weapon-schawings upon *Thurs-day* in *Whit-sunday* oulk. And that ilk officiar, as Schireffe, Baillie, Steward, or uthers, see that this acte and statute be execute and keiped.

76. *The heretoures and aires may be followed at the zeiris end, after the decease of their fore-bears: Caution suld be found be the executors, to the aire.*

ITEM, Anent the exceptions proponed be heretoures, quhen they ar persewed for debtes of their Fathers, or forebears, to quhome they succede, allegeand that their Fathers movable gudes suld pay their debtes, and that the executours suld be called before them: It is advised, statute, and ordained, that it fall be leiffull to the creditour to follow the aire, after the by-passing of ane zeir. Because the executors suld be responsal for ane zeir: at the ende of the quhilk, he suld give his compt. And gif it pleasis the aire, he may, and suld be diligent, and require the Ordinar within the said zeir, to aske compt, and he to see the compt, and quhar beis foundin remanent, over the things pertaining to their office, that he suld require the Ordinar, that he micht have caution and sovertie for the relieving of his heretage, in sa far as the gudes restis atour the compt. And that the Ordinar fall cause him to have sufficient caution thereof. And sa at the end of the zeir, the aire fall answer to everilk creditour.

77. *Anent the exceptions proponed anent Widowes, in hindring of them of their teirces.*

ITEM, It is statute and ordained, anent the exceptions proponed against Widowes, perfewand and following their briefes of teirce, or the profite of their teirce, quhilk is oft-times proponed against thay Widowes, that they were not lauchfull wives to the perfones their husbandes, be quhome they follow their said teirce: That therefore, quhair the matrimonie was not accused in their life-times, and that the woman askand this teirce, beand repute and halden, as his lauchfull wife in his life-time, fall be teirced; and bruk her teirce, but ony impediment or exceptions to be proponed against her, ay and quhill it be clearely decerned, and sentence given, that scho was not his lauchfull wife, and that scho suld not have ane lauchfull teirce therefore.

78. *That all Free-balders, within ane hundreth markes of extent send their Procuratours to the Parliament.*

ITEM, It is statute and ordained, that fra thine-foorth, na Barronne, Free-halder, nor Vassal, quhilk ar within ane hundreth markes of this extent, that now is, be compelled to cum personally to the Parliamente, bot gif it be that our Sovereine Lorde write specially for them: And sa not to be unlawed for their preference, and they send their procuratours to answe for them, with the Barronnes of the Schire, or the maist famous perfon. And all that ar above the extent of ane hundreth markes, to cum to the Parliament, under the paine of the auld unlaw.

79. *That all our Sovereine Lordis Lieges be ruled be his Lawes.*

ITEM, It is statute and ordained, that all our Sovereine Lordis Lieges beand under his obeyfance, and in special the *Iles*, be ruled be our Sovereine Lordis awin Lawes, and the common lawes of the Realme, and be nane uther Lawes.

80. *That all officiares within Burgh be changed zeirly.*

ITEM, That all Officiares, Provestes, Baillies, and uthers havand office of jurisdiction within Burrowes, be changed zeirly, and that nane have jurisdiction within Burgh, bot gif they use merchandice within the said Burgh.

81. *That na Merchandes persew ane uther in partes bezond Sea, before ony Judge, bot the Conservatour.*

ITEM, It is statute and ordained, for the weill of Merchandice, and for the greate exorbitant expenses, maid be them upon pleyes in the partes bezond Sea: That therefore the Conservatour of this Realme have jurisdiction to do justice among the saidis Merchandes, **OUR SOVERAINE LORDIS** lieges, that is to say, betuix merchande and merchande in thay partes bezond Sea. And that the said Conservatour proceed not upon ony maters, bot gif they be vj. of the best and honestest merchandes of maist knowledge of the Realme, that fall sit and have power with him, gif sa mony may be gotten. And gif there be not to the number of vj. that there sit iij. Merchandes with him at the leass, that fall have sikklike power with him to minister justice, and that na Merchand persew ane other before ane uther judge bezond the Sea, nor do in contrair this acte, under the paine of five pound, to be payed to the King of the persewer, and payment of the expenses, to the partie persewed.

82. *That the Conservatour of Scotland, cum hame zeirly, or send ane Procuratour.*

ITEM, It is statute and ordained, that the Conservatour of Scotland, cum zeirly hame, or sende ane Responfal procuratour for him zeirly, that fall answe to everie ilk man upon all thinges, that they have to say to him for all maters, and make certificacion to the King or his Counsel, of the sending of the saide procuratours, and that under the paine of tinsel of his office, and payment of twennie pound great to the King.

83. *That na mercat nor Fawes be halden upon Halie-daies, nor in Kirk, nor in Kirk-zairdes.*

ITEM, It is statute and ordained, there be na mercat, nor Faires halden upon Halie-daies, nor zit within Kirkes, nor Kirk-zairdes, upon Halie-daies, nor uther daies, under the paine of escheit of the gudes,

84. *That Merchandes and Burrowes bruk their auld privilegedes.*

ITEM, It is statute and ordained, that all the merchandes of the Realme and the Burrowes, bruike, and have their aulde privilegedes and freedomes, granted, and given to them be our Sovereine Lordis Progenitours of maist Noble minde, be observed and kept to them, and that na perfones dwelland out-

with Burrowes, use ony Merchandice, nor zit tap nor sell wine, walxe, filkes, spicerie, wadde, nor siklike stuffe, nor zit Straplo gudes: And that nane packe nor pile in *Leith*, nor uthers places, without the Kingis Burrowes, under the paine of the escheiting of the gudes to the Kingis use, that beistapped, fauld, packed, or piled, against this statute.

85. *That Commissaires and Heades-men of Burrowes be warned to taxations of the Realme.*

ITEM, It is statute and ordained, that the Commissaires and Heades-men of Burrowes, be warned quhen taxes or contributions ar given, to have their advise there-intill, as ane of the three Estaites of the Realme.

86. *That na Burges be maid without consent of the great Councell of the Towne.*

ITEM, It is statute and ordained, that in time to cum, na Proveest, Baillie, nor Alderman of ony townes, make Burgeses, nor Gild-brether, without the consent of the great Councell of the Towne, and that the profite that is tane, for the making of ilk Burgesse or Gilde, be put to the commoun gud, and wared on the commoun warkes.

87. *That na Nichtbour usurpe against the officiares in Burgh.*

ITEM, It is statute and ordained, that na Nichtbourses, Crafte-men, Gentle-men, Burgeses, nor indwellers in the Burgh, usurpe against the autoritie of the Kingis Officiares, chofen in the Burgh, nor make leagues nor bandes in contrair the samin, under the paines conteneid in the Lawes and statutes of the Burgh.

88. *That nane house wooll, skin, nor hides in Leith.*

ITEM, It is statute and ordained, for causing of the Kingis customes to cum in hailt to him, as accordis, land to eschew the defrauding, that hes bene done thereof in times by-gane, that na man house wooll, hides, nor skinnes in *Leith*, nor uther places, out-wish free Burrowes, under the paine of escheit.

89. *That all Schireffes and Officiares write the day that they give saising to ony man in their court buik, and bring the samin to the Checker.*

ITEM, Because the vassalles ar greatumlie hurt, throw out-lying of their over-Lordes, and for the none entering to the superioritie of their landes, after that they raise their precept of saising out of the Chancellarie: It is statute and ordained, that in time to cum, all Schireffes, Stewardes, or Baillies, that givis saising be preceptes of our Sovereine Lordis Chappel to ony persones, that they write the day and zeir, that they gave the saising, and bring the samin in their courte buike to the Checker.

90. *That it be leiffull to our Sovereine Lord to set all his landes in few.*

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ITEM, It is statute and ordained be our Sovereine Lord, and his three Estaites in this present Parliament, that it fall be leiffull to his hieneffe to set all his proper landes, baith annexed, and un-annexed in few-ferme, to ony person or persones, as he pleasit: Swa that it be not in diminution of his rental, gresssumes, nor uther dewties, and to set them with sik clauses, as he thinks expedient, according to the condition foresaid. And that the landes that he settis in his time, as said is, stande perpetually to the aires, after the forme of their condition: And that this statute indure for the life time of the King our Sovereine Lord, that now is, allanerly: Swa that the landes that he settis in his time, with the condition foresaid, fall stande perpetually: And after his decease, the annexations, quhilkis ar maid of before, fall returne againe to the awin nature: Swa that his Successoures fall not have power to annalie, nor set in few, mair then they had before the making of this statute.

91. *That it fall be leiffull to everie man, baith Spiritual and Temporal to set their lands in few.*

ITEM, It is statute and ordained, because the Kingis Hieneffe is of will and minde, for policie of his Realme, to set his proper landes, baith annexed, and unannexed, in few-ferme: Therefore, he hes granted to all his Estaites, with their advise, that ever-ilk Lord, Baronne, Free-halder quhat-sum-ever, Spirical or Temporal, fall have power induring the daies of his life, to set all their landes in few-ferme, or annual-rent, to ony person or persones: Swa that it be not in diminution of their rental, swa that the alienation swa maid of the maist part of all their landes, fall be na cause of fore-faltour, nouthet to the fetter, nor to the taker: norwithstanding, ony statute or lawes maid in the contrair.

92. *That*

92. *That the Malt-makers present their Malt to the mercat.*

ITEM, It is statute and ordained, that all the Malt-makers of *Leith, Edinburgh*, and uther places about *Edinburgh*, and uther Burrowe Townes within the Realme, present their malt to the mercat in time to-cum. And that ilk day be ane mercat day for victualles, except the halie-day: And that they sell not the said Malte, quhill nine houres, under the paine of escheit of all Malte, that is sauld utherwaies: And that the Provest and Baillies of ilk ane Towne, see that this statute be keiped. And that they have power to escheite the famin, and answer to our Sovereine Lorde zeirly therefor in his Checker, quhais handes that ever it be foundin in: And that the Malt-makers take na mair for the making of ane Chalder of Malt, bot ane boll of Beare: And quha dois in the contrair, fall be repute oppreffoures of the Kingis lieges, and dittaytane thereupon to the justice aire.

93. *That the inhabitants of annexed and unite landes to uther Barronages fall answer to the Justice aires, Schireffe courtis, quhair the landes lyeis.*

ITEM, Because it hes bene ane defrauding in execution of justice, that quhair lands hes bene annexed and unite in ane Barronie, quhilks lands lyeis in sundrie Schireffdoms, throw the quhilk the inhabitants of the saidis lands sa annexed, hes never answered in Schireffe court, nor justice aire, in the Schireffedome, in the quhilk they lye, because the Lordship, that they were annexed to, lyeis in ane uther Schireffedome: Therefore it is statute and ordained in time to cum, that ever-ilk Barronie, and the inhabitants thereof, fall answer in Schireffe courte and Justice aire, quhair the said Barronie lyeis, and there be halden to compeir, bath be arreist of his Schireffe, Officiar and Crouner, notwithstanding the said annexations: And the annexation fall suffice allanerly for the Lord, that hes the said landes annexed, to give their presence, and service in the place, quhair they ar ordained be the said annexation.

94. *Of exceptions to be proponed against the brieve of inquest: Smmondes of assisors: Proclamation of brieves.*

ITEM, it statute and ordained, that because there hes bene in time by-gane, great abusioin in the proponing of exceptions frivoll, against the brieve of inquest, and perverted the ordoure and nature of it, as it were ane brieve of pley: Therefore for the eschewing of sik frivoll exceptions in time to-cum: It is statute and ordained, that na exception availe against the said brieve of inquest, it beand cryed openly upon fiftene daies, with the indorsing of the Officiar that cryed it, containd twa witnesses, and his seale or signet, bot the exceptions followand allanerly: That is to say, against the judge, against the inquest, and the exceptions of bastardrie, and that to be proponed in the forme of the auld Law: And as anent the exception maid anent the summonding of inquest, upon fiftene dayes before, after the forme of the statute of King *Robert*, quhilks maks mention, that the inquest suld be summond upon fiftene daies before: It fall be leiffull notwithstanding the said statute to the Schireffe, or ony uther Officiar, that is judge to the brieve of inquest, to summond the said inquest upon quhar daies he pleas, or upon schort time, notwithstanding the saide statute: And gif they be present in the Tol-buith un-summounded, sa that there be nane uther lauchful exception against them, it fall be leiffull to the Schireffe or Officiar, to compell them to passe upon the said inquest. And attour, because there hes bene ane abusioin in the crying of the Kingis brieves in Stewartries and Bailleries, quhair they were cryed at ane Hill, na confluence of people being there, throw the quhilk na knowlege thereof micht cum to the partie: Herefore it is statute and ordained, that all manner of brieves of inquest, fall be cryed at the mercat croce of of the burgh openly in plaine mercat, quhen maist confluence of people is gaddered. Swa that the crying thereof, may cum to the knowlege of the partie defender, quhair it suld be served, and quhar day. And that the said brieve be thrise cryed plainly togidder, and betwix ilk crying the space of all the three cryinges. And that all Officiares of the Towne be warned to compeir at the said proclamation to beare witness: And gif it fall happen, that the Antecessor of ony clamand richt, decease sa nere the terme of *Whit-sunday* and *Martin-mes*, that the perser may not get it upon ane mercate day, for nearnes of the terme of *Whit-sunday* or *Martin-mes*, in that case, it fall be leiffull to him to gar cry his brieve upon ony oulke day: Swa that he have the Officiares of the Towne, and part of the honest persones to the number of sex persones, saifand to our Sovereine Lord, his warning upon fourtie daies, after auld use and consuetude.

95. *Of the proces of falsing of doome.*

ITEM, It is statute and ordained, because there hes bene great abusioin of justice, and greate expenses to the partie perseward their lande and heretage be the brieve of richt, and uther brieves pleidable be the proponing of exceptions frivoll and borghes and recounters, and falsing of doomes, throw presuming of delays: That therefore in time to cum, quhair ony doome is falsed, uther upon dilatour or peremptour exception, or utherwaies in the persure of the brieve of richt, the partie that falsis the said doome before the Schireffe, Stewart, Bailie, or ony uther Officiar, or their deputes, fall cum within the space of fiftene daies

daies to the Justice Clerk, and present his proces, of the falsing of the said doome. And with advise of our Sovereine Lord, or his Justice there, fall incontinent thereafter, be set, ane Justice aire, for the discussing and ending of the said doome falsed, upon fourtie daies: And the Justice be his precepts or summoundes, direct to the Schireffe, fall warne baith the parties of the said day, limit for the discussing of the said doome. And the Free-holders and suitours fall cum to the said Justice aire, within the Schireffedome or Stewartrie, quhair the said doome fall be discussid, and warde thereupon, under the paine of the unlaw of the court. And gif the said doome be falsed in the Justice aire, anent the said briefe, or gif there be ony uther briefes pleidable presented to the Justice, and in the peruse of them happenis the doome to be falsed: In likewise, after the falsing of that doome, within fiftene daies thereafter, the partie that falsis the doome, fall cum to the Clerk of Register, and of our Sovereine Lordis Councill, and present this proces of falsing of doome. And thereafter the said Clerk of Councill, fall schaw the samin to our Sovereine Lord, quhilk fall depute threitie or fourtie perones, or maa or fewer, as pleasis his Hieneffe, quhilk fall have power as it were in ane Parliament, to decide and discuss the said doome, and the parties be warned be our Sovereine Lordis letters, of the day affixed for the discussing of the said doome: quhilk fall be set upon fourtie daies, within the quhilk time, it fall be leiffull to ony of the parties, to give in their reasones. And gif there be ane doome falsed before the Proveff, Baillies within Burgh, or before ane Baronne or uther Free-holders: The partie falser of the said doome fall cum in likewise, gif it be falsed, within the Burgh to the Chalmerlane, and present him the proces of the falsing of the said doome, quhilk fall set ane court of the iij. Burrowes, upon fiftene daies, and make the said doome to be discussid: In likewise, quhair the doome is falsed before the Baronne or Free-holder in their courts, then the falser of the said doome fall cum to the Schireffe, or uther immediate superiour of that Court, quhilk fall fet his Court upon fiftene daies, and make the said doome to be discussid, and warne the parties thereto, and gar the suitours of the Schireffedome warde thereupon. And gif it be falsed in the said court of foure Burrowes, or in the Schireffe court, to have sik-like proces to the courts immediat superiour, as is abone written: And the parties to have priviledge to give in their reasons ony time, within the day limited, for the discussing of the said doomes. And this to have proces in all maner of doomes falsing, alweill briefes, as uther civil maters.

96. *That all measures and weichtes be of ane quantitie, quhilk fall be statute in Edinburgh, be the Chalmerlane.*

ITEM, It is statute and ordained, that all measures and weichtes, baith pynt, quart, firlo, peck, elvand, stane and pound, be of ane quantitie and measure, quhilk fall be ordained in *Edinburgh*, be our Sovereine Lord, and his Chalmerlane and Councill. And that everilk Burgh cum and feteh their measure fourth of *Edinburgh* sealed and maid, and keep the samin. And quhair there is ony fermes aucht in heritage of the auld mette, that the said fermes be proportionate to the quantitie of the auld mette, and payed with the new mette, to the availe of the auld mette proportionally. And gif ony perones use ony uther measures, or weichtes in time to cum, bot the measures and weichtes now to be maid, as said is: It fall be ane poynnt of dittay, and they to be indicted thereof, fra thine fourth.

97. *That all money have course in the Realme, it being cracked or flawed.*

ITEM, It is statute and ordained, because there is and hes bene great difference and refuse in the taking of money, havand course in the Realme, it beand uther cracked or flawed: Therefore that in time to cum, na maner of person or perones, refuse to take for their Merchandice ony money, silver or gold, it havand course in this Realme: Notwithstanding it beand uther cracked or flawed, with certification, that quha dois in the contrair, fall fine the silver that they refuse, to be escheit to the King, and the byer to have the stuffe, that he suld have cost with the said money.

98. *That na Schireffe nor Officiar distreinzie or poynd ony thing belangand to the pleuch, in time of teilling.*

ITEM, It is statute and ordained, that in time to cum, na maner of Schireffe nor Officiar poynd nor distreinzie, the oxen, horse, nor uther gudes pertaining to the pleuch, and that labouris the ground, the time of the labouring of the samin, quhair ony uther gudes or lande ar to be apprifed or poynded, according to the common law.

99. *That the wordes of falsing of doomes be changed.*

ITEM, It is statute and ordained, that the wordes of falsing of doomes be changed, in this maner, that quhair ony partie thinkis him hurte, he fall use thir wordes: **I AM GREATUMLIE HURT AND INJURED BE THE SAIDE DOOME**, Therefore, I appeale and findis ane borch in the Officiares handes of the Court, to peruse the said appellation, conformand to the Law maid of before, and within the time, sik-like as is contened in the said Lawe of the Realme.

100. THE KINGIS REVOCATION



VO Die excellentissimus supremusque Dominus noster Rex, in prasato suo Parlamento, cum consensu & assensu trium Regni sui statuum, ipsis, ut supra, presentibus, revocavit, cassavit, annullavit, omnes & singulas donationes, Concessionis terrarum, prædiorum, possessionum, aut aliarum rerum, acta, statuta Parliamenti seu Generalis Concilii, & quæcunque alia per eundem supremum Dominum nostrum Regem, ac nomine suo, temporibus retroactis præjudicialia, ac damnum, detrimentum seu lesionem Ecclesie Catholice, anime sue, aut Coronæ generantia. Et prædictas donationes, concessiones, acta, statuta, & quæcunque alia, sic ut præmittitur, revocata, pro non factis haberi vult in futurum, & eadem de libris & scriptis cancellari & deleri mandavit.

F I N I S.

T H E S E V E N T H

P A R L I A M E N T

O F

K I N G J A M E S T H E F O U R T H,

Halden at Edinburgh, the acht daye of May, the zeire of God, ane thousand, five hundred, and nine zeires.

101. Anent the division of Schireffdomes.



TEM, Anent the Article of the division of Schireffdomes, quhilk was ordained be ane acte of Parliament, maid in the Parliament, halden at *Edinburgh*, in the zeir of God, ane thousand, five hundred, and three zeires: It is now statute and ordained, that fra thine foorth, the said acte of Parliament, have strength allanerly, anent the courts of Justice aires, baith for suitt, presence, and all thinges concerning the Justice aires. And as for the Schireffe courtes, and all uther courtes and doinges, that they cum to the Townes and Schireffdomes, that they come to, and were, of before the making of the said acte of Parliament, and there to answer, and give suitt and presence, and thole law, as they were woont to doe, exceptand the landes pertaining to Schir *Duncane Forrester*, that is to say, the landes of *Garden, Discher, Kippane, Eon, and Gibbin easter*, to remaine at the Justice aires, and Schireffe courts of *Striviling*, as they were of before the making of this present act.

102. Ane act maid be our Sovereine Lord, King James the Fourth, anent the waird, reliefe, and mariage of the aires of them that deceasit in the armie.

AT *Tweil-bauch* in North-Humberland the xxiv. day of *August*, the zeir of God, ane thousand, five hundred, threttene zeires: It is statute and ordained be the Kingis Hienes, with advise of all his Lordes being there for the time in his hoist in this forme, as followis, that is to saye, 'gif ony man beis slaine or hurt to death in the Kings armie, and hoist be *English-men*, or dies in the armie, induring the time of his hoist, his aires fall have his waird, reliefe, and mariage of the King free, dispensand with his age, quhat cild that ever he be of. And ordainis the Kingis letters to be direct hereupon to the effect foresaid, nccessair, as esseiris.

F I N I S.

A N E T A B L E

Of the

PARTICULAR and uther ACTS, maid be KING JAMES the Fourth, quibilkis ar not prented.

First Parliament, 6xt day of October, the zeir of God, ane thousand, four hundredth, auchtie, aucht zeires.

OUR Sovereaine Lordis marriage.
 Of landes and gudes taken before the Field of Striviling.
 That restitution be maid to Burgeses and un-landed men, of gudes taken fra them.
 That all Officiares being in the Field of Striviling, be suspended fra their offices.
 Anent the entreffe of the aires of them quha deceased in the fiede of Striviling.
 The firth-putting of Justice.
 Commission anent the stanching of thieft and uther enormities.
 Of Clerkes that purchasis benefices at the Court of Rome.
 The proposition of the debaite of the field of Striviling.
 Anent Cruves.
 Anent the keiping of the Castell of Edinburgh, and destruction of the Castell of Dunbar.

Second Parliament. xv. of Februar. 1489.

Of Justice aires.
 Ane Embassadour to France.
 Ane Embassadour to Denmarke.
 Provision for the Duke of Rossie and Erle of Marre.
 Commissions for the in-bringing of the Kingis rentes.
 Auditours for the Kingis Compts.
 Anent Ferriers that takis double fraucht.
 Of Halcartoun to be called the Temple.
 Remissiones of them quha was in Dumbartane with the Lord Lile.

Thrid Parliament. xviii. of Majj. 1491.

Embassadour for our Sovereaine Lordis marriage.
 Ane Embassadour to Denmarke.
 The keiping of the daies of trewes.
 The sitting of the Sesson.

Fourth Parliament. xxvi. of Junce. 1493.

The disposition of benefices, the Sege vacant.
 The Bull anent Benefices elective to be observed.
 That na Legate be received within this Realme.
 Of the Indult granted to Saint-Andrewes, and Glasgou.
 Of the pleyes betwixt the Bischoppe of Saint-Andrewes, and Glasgou.
 The Kingis Embassadour suld charge all persones to cease their pleyes.
 Embassadour for the Kingis marriage.
 That nane destroy Herone sewes for three zeir.

Sext Parliament. xi. of Match. 1503.

Anent the making of Schippes for fishing.
 That the auld acte anent Sailers be put to execution.
 Anent the in-bringing of bulzieon.
 That money cracked or flawed, have course within the Realme.

F I N I S,



FIGURE 2. V. 11



JACOBVS. V. REX. SCOTORVM,



PARLIAMENTUM PRIMUM JACOBI QUINTI,

Dei Gratia Scotorum Regis Illustrissimi, tenth & inchoatum apud Edinburgh, die Jovis, duodecimo die Mensis Julii, Anno Domini, Millesimo Quingentesimo, decimo-quinto, per illustrem & magnificum principem, Johannem Ducem Albanie &c. Prædicti Domini nostri Regis & Regni tutorem & gubernatorem, una cum Prælati, Baronibus, Proceribus, & Burguim Commisariis in speciali Commissione contentis, & ibidem perlectis, in dicto Parlamento congregatis, tres Regni status representantibus &c. Quo die factus vocatus, curia affirmata absentes patenti in Rotulis.

1. Of the freedome of halie Kirk.



IN The first it is statute, that the freedomes, priviledges, and immunities of halie Kirk, and uthers Spiritual persones, be observed and keiped in honour and worship, in the time of our Sovereine Lord, and my Lord Governour, that now is, as it hes bene in times by-gane.

2. The maister or mainteiner of ane thief, shuld deliver him to the partie, or exhibite him before the Judge. Of thief-bute. The wrangeous accuser, payis ten poundes.

ITEM, Because the crime of thief and stouth-rieve, is sa commounlie used among the Kingis Lieges, and for stanching of the famin, It is statute and ordained in this present Parliament: That quhair ony of the Kingis Lieges is plainteous, or compleenis upon a thiefe that hes rest or stollen his geare, or his mennis, and is in service or obeyfance of onie man, and schavis the famin to the man, that he is in service with, and wauld atrach him to the Law for the same: this man, that this thief or riever is in service with, or finds him with him, or under his obeyfance, shall be halden and oblished, to produce and bring him to the Law, before the Justice, Schireffes, or ony uthers, that hes cognition to do Justice upon sik persons, committers of sik crimes, at dates and places affixed to them to underly the famin: or else shall deliver the said thief or riever, to the compleener, to be brocht to the Law, and Justified, as said is. And gif his maister or susteiner of this thiefe or riever, refusis to do the famin, he shall be halden air and partaker of his evill deedes, and shall be accused therefore, as the principall thiefe or riever, and als fall restore, and satisfie to the compleener the gudes rest or stollen fra him: And gif this compleener, after that he have attached this thiefe, or delivered him, as said is, wald concord with the said thief, and take thief-bute, and put him fra the Law: In that case, he shall underly the Law, and be accused therefore, as principal thiefe or riever. And gif he attachis and accusis him of the saide thief or rieve, and beis foundin innocent thereof: The said compleener shall be halden and oblished to give to the said man, that he selanders innocently, ten pound for amendis of the said selander.

F I N I S.

T H E S E C O N D
P A R L I A M E N T
O F
K I N G J A M E S T H E F I F T H.

Halden at Edinburgh, the twentie fourth day of Julij, the zeir of God, one thousand, five hundred, twentie two zeires.

3. *Auent the waird, reliefe, and mariage of the aires of them that decease in the hoast moved contrair English-men, or the traitours of the Realme.*



THE Quhilk day my Lord Governour, with advise of the three Estaites of the Realme, hes stature and ordained in this present Parliament: That gif ony man be slaine or hurt to death, in hoast or army, against our auld enemies of *England*, or traitours of *Scotland*, in periewing or defending now in time of weir moved, or to be moved, betuixt this Realme, and the Realme of *England*: In that case, the aires of them that ar slaine, fall have the waird, reliefes, and mariages of the Kingis grace, and my Lord Governour free, dispensand with their age, quhat eild that ever they be of: To be applied to the utilitie of the wives, aires, and bairnes of them that ar slaine, for the up-hald and sustentation of the saidis wives, aires, and bairnes: Swa that throw the decease of their husbandes, they remaine not alliterlie in povertie and dissolusion. And in likewise, all the Lordes, Spiritual and Temporal, hes consented, and consentis, that all persones that haldis lands of them, that beis slaine or hurt to death, as said is, fall have, and bruike the priviledge of the Acte: And als wa, all vassalies, and sub-vassalles, that haldis landes of Barronnes, or uther their Over-lordes, and happenis to be slaine or hurt to the death, in the said hoist or armie, their wives, aires and bairnes, to bruike the effect and priviledge of the said Acte, as is before writen. And that letters be direct thereupon in dew fornie, as effectis.

4. *Auent the tackes und steadinges of them that ar slaine, as said is.*

ITEM, It is statute and ordained, be the hail three Estaites of Parliament, that quhat-sum-ever tennent, Gentle-man unlanded, or zeaman, havand tackes or steadinges, of ony Lordes or Lairdes, Spiritual or Temporal, that happenis to be slaine be *English-men*, in our Sovereine Lordis armie or service, or gettis deathis wounde, in the famin: The wives and bairnes of them that fall happen to be slaine or wounded to the death, as said is, fall bruike their tackes, maillinges, or steadinges, for their sustentation, during the space of five zeires, nixt after the slauchter or wounding to death, of the saidis tennents, gresfoume free: Payand allauerly but mailles, dewties, and service aucht and woont.

F I N I S.

T H E T H R I D .

P A R L I A M E N T

O F

K I N G J A M E S T H E F I F T H ,

Halden at Edinburgh, the twentieth twa day of Januar, the zeir of God, ane thousand, five hundreth, twentieth aucht zeires.

5. *The maner of arreisments to be maid be the Crowner.*



ITEM, It is statute and ordained, that Crowners in making of their arreisments, suld passe to the habitation and dwelling place of persones, given them in portuous, indicted to the aires, and thereafter make open proclamation at their Paroch Kirks, upon Festival daies, quhill suld stande for sufficient arreisment, howbeit it maid na mention in the said acte, gif the saidis persones were streinzieable for the unlaw, or not: Quhair-throw, our Sovereine Lorde, hes bene greatly defrauded be the Crowners, in halding of his laste justice aires, and giving of all vagaboundes and divours, not being distreinzieable for the unlaw: Therefore it is statute and ordained, that in all times cumming, that quhair the Crowners makis ony sik arreisments upon persones at their dwelling places: And thereafter at their Paroch Kirkes, that they take ficker sovertie of them, sik as they will stand for, to the Kingis Grace: And gif that the saidis persones swa arreisft, be not streinzieable, that the Crowner arreisft their gudes, and put the samin in sure keeping, to the Kingis use, quhill the said sovertie be foundin: Or else take their persones, and put them in the Kingis Castel, if ony be within the Schire: And gif there be na Castel to the Schireffe of the Schire, according to the actes of Parliament maid thereupon of before: And sailzieing thereof, the Crowners to answer to our Sovereain Lord, for their unlaw.

6. *The maister suld answer for his man in the Justice aires.*

ITEM, It is statute and ordained, that everie Lorde, Baronnie, and Free-holder, answer in our Sovereain Lordis Justice aires, for his awin men, dwelling upon his awin proper landes, rackets, steadinges, rowmes and Baronnies within the Schire quhair he dwellis, and fall be halden to enter them to the Law, or else to answer to the Kingis Grace for their unlaw, in all times cumming.

7. *The sovertie may be called for assyitment to be maid to the partie.*

ITEM, It is statute & ordained, that quhair ony person or persones happenis to take them to our Sovereain Lordis remissiones, resper, or composition in the justice aires, or justice courts, for ony action, except slaughters, or mutilations, and finds sovertie to assyit the partie: It fall be lesum to the partie to call the saidis soverties, quhen they please, before the Lordes of Council therefore: Quhill actions fall be privileged to be called in all times, baith in the Session, and out-with the Session: Sick-like as recent spulzies. And as for slaughter and mutilation, to keep the ordour of the act maid thereupon of before.

8. *All Burning and fire-raising is treason.*

ITEM, Anent the artickles of slaughters, murders, burnings: It is statute and ordained, that the actes maid there-upon of before, and the auld lawes be kept, with this addition, that quha cummis and burnis folkes in their houses, and all burnings of houses and cornes, and wilfull fire-raisinges, be treason, and crime of lese-majestie: Because sik deeds ar exorbitant, and mair against the commoun weill, then many uther crimes: And that particular Justice courtes, or general Justice aires, be set thereto, as fall please the Kingis Grace, his Council, and the justice for the time, with there consent: Providing that it fall be leifful to ony man to persew and follow commoun thieves and rebelles to take them: And gif they enter in ony house, that it fall be leifful to invade, breake, and destroy the saidis houses, be fire, or uther waies, to the intent and effect of taking or slaying of the said commoun thieves or rebelles, for quhilk, there sal follow upon the doers, na paine of accusation, crime, nor offence, bot to be free thereof in all times.

F I N I S .

THE FOURTH

PARLIAMENT

OF

KING JAMES THE FIFTH.

Halden at Edinburgh, the seventh daye of June, the zeire of God, one thousand, five hundredeth, threttie five zeires.

9. *Against them that susteinis the protes of cursing, abone the space of fourtie daies.*



LSWA, Because the damnable persuasions of Hereticckes, and their perverted doctrine, gives occasion to lichte the proceffe of cursing, and uthers Censures of Halie Kirk: For remeid hereof, our Sovereaine Lorde, in this present Parliament, hes ratified and apprieved, and of the new, makis, constitutis, and ordainis, the acte maid of before be his grace, with the advise of the three Estaites of his Realme, in his foresaid Parliament, against them that susteinis contemnandly the proces of cursing, with new addition thereto, of the quhilke acte and addition the tenour followis.

ITEM, It is statur and ordained, that because mōny and diverse of the Kingis Lieges of this Realme, lysis under the horrible sentence of cursing, separate fra the Prayer of the Kirk, and merite of the bloude of Christ, to the damnation of their saules, evil example, perrell and danger of the uther gude subjectes of the Realme: Therefore quhen ony of our Sovereaine Lords Lieges susteinis damnable the said horrible sentence of cursing, for the space of fourtie daies, quhereupon Caption aucht to be given be the Law: The partie, at quhais instance the persons ar cursed, fall have our Sovereaine Lordis letters to poynd, apprise, and distreinzie their gudes moveable and un-moveable, for paymente of the summes, for quhilkis they lay under the said sentence, and gif the saidis persones lysis under cursing be the said space, for none-doing or fulfilling of ony acte or deede: in that case the persones their creditoures fall have letters in the first, second, thrid, and fourth formes, according to the Ordinares letters of cursing. And this acte alwaies to be na prejudice to them that likis to take captions: And albeit ane persone may be under appellation, that may stop the giving of sik letters, in maner abone written: It is declared and ordained, that na appellation fra sentence of detelction of appellationes before interponed, fall stoppe the giving of sik letters.

10. *For planting of wooddes, Forrestes, and Orchardes.*

ITEM, For policie to be had within the Realme, in planting of wooddes, making of Hedges, Orchardes, zairdes, and sawing of broome: It is statur and ordained be the Kingis grace, and his three Estaites of Parliament, that the actes maid there-upon of before, be King James the First, and uthers our Sovereaine Lordis Progenitoures, be observed, kepted, and put to sharpe execution in all poyntes, with this addition: That everie man Spiritual and Temporal, within this Realms, havand ane hunreth pounde land of new exten be zeir, and may expend sameikle, quhair there is na wooddes nor Forrestes, plant woodde and Forrest, and make hedges, and haring for himselve, extending to three ackers of land, and abone or under, as his heritage is mair or les, in places maist convenient: And that they cause everie tennent of their landes, that hes the same in tack or affedation, to plant upon their on-set zeirly, for everie marke land, ane tree. Ilk Laird of ane hundreth pound lande, under the paine of ten pound, and lesse or mair, after the rate & quantitie of their landes. And that inquisition be maid zeirly hereupon, as the Kingis Grace fall thinke it maist expedient: And that everie man begin and cause planting to be maid the nixt season hereafter following, under the paines foresaidis, to be raised and in-brocht to the Kingis Grace use, be the Schireffe of the Schire, or quhom it pleais his Grace to direct his Commission to in that parte, and that cognition be tane zeirle of the breakers of this statur, be everie Schireffe in his awin Schire, zeirly at his head court after *Pasche*.

11. *The painis of the destroyers of Wooddes, and makers of Mure-burne in forbidden time.*

ITEM, For the punishing of them that destroyis greene Woodde, in contrair the tenour of the acte abone written: It is statur and ordained for keeping of the famin: That all destroyers of greene Woodde, be cutting, pealing, burning or felling, and sik-likes of all new haninges, fall be accused therefore conforme to the

the actes and statutes maid thereupon of before, and the paine thereof, fall be in times cumming, for the first time ten pounde, the seconde time twentie pounde, and the thrid time death. And siklike the unlaw of Mure-burne, after the Moneth of March, in contrair the auld actes and statutes, fall be in time cumming for the first time, five pound, the second time, ten pound, and the thrid time twentie pound: And swa fourth at ilk time, als off as they be foundin culpable, twentie pound. And gif they be not responsal in landes or gudes for the said unlaw, their persones to be put in the Kingis Grace prison, to be punished for their fault, induring his Grace will: And to be called heirefore at particular dietres, or general Justice aires, as the Kings Grace fall thinke maist expedient. And it fall not be lesurn to the Thesaurers, or Compositours in times cumming, to compone or fine with the breakers of this acte, for lesse then the paine and unlaw contened in the samin.

12. *Cattle or gudes found within Forrestes, may be escheitted.*

ITEM, For keiping of all Forrestes, Wooddes and Parkes, within the Realme, for wilde bestes and hunting: It is devised, statute and ordained, that all maner of persones, claimand them to have offices of heritage, or rackets of the Kingis Grace Forrestes, fall be called at sik day and place, as pleasis the Kingis Grace for production and schawing of their richtes and infestmentes, be the quhilkis they claime the saidis offices to perteine to them, to be seene and considered be the Lords of Councill, and quhar claufe they contene: swa that gude rule and ordour may be put to them, for keiping of the saidis Forrestes in time cumming, with certification, that quidder they compeir or not, the Kingis Grace with advise of his Lordes, will dispone upon the saidis offices, and make sik constitutions, as pleasis his Hienselle, for the gude keiping of the same, pasturing of wilde bestes, and hunting there-intil in times cumming. And als ordainis letters to be direct, to command and charge all maner of persones claimand the saidis offices, to perteine to them in heritage or rackets, that they let na maner of gudes, noit, scheepe, horse, meires, or uther cattle to be pastured within the Kingis Grace Forrestes, under the paine of tinsel of their offices, and escheitting of their moveable gudes. And gif ony maner of person be foundin putting their gudes in pasturing in the saidis Forrestes, that they be taken and brocht to the Kingis Grace prison, and their gudes foundin in the saidis Forrestes, to be escheit to the Keepers thereof, and in-brocht, the twa part to the Kingis Grace use, and the thrid part to the keepers of the saidis Forrestes. And gif they be negligent and foundin culpable, to be called and punished therefore in their persones and gudes, and tinsel of their offices. And gif there be ony Baronne or uther Landed man, outhir Spiritual or Itemporal, that hes haned wooddes or Forrestes of their awin: It fall be leiffull to them, and the keepers thereof, to escheit all sik gudes, that beis foundin in maner foresaid, within their Forrestes, to their use.

13. *For breakers of dowcattes, cunningaires, parkes and stanckes.*

ITEM, It is statute and ordained, that all they that breakis dowcattes, Cunningaires, Parkes, stanckes, and takis or stealis foorth of the samin, Daes, Raes, Cunnings, Dowes, Pykes, fish, Hives and Bees, without special licence of the awner thereof, fall be called and punished therefore, as for thief at particular dietres: And this acte to extend to them that ar airt, part, or gives assistance to sik misdoers.

14. *Of slaying of Hares.*

ITEM, It is ordained, that the act maid of before, for slaying of Hares, be observed and kepted in all poyntes.

15. *The life-renters, and the Wardatars, suld finde caution to the proprietars and minors.*

ITEM, Because it is un-profitable & inutile, to make lawes and statutes for policie to be had, without the same be kepted: And because sik ordour and provision, as is devised for policie, may failzie be falling of landes in warde, or giving of the samin in conjunct-fee or life-rente: Therefore the Kingis Grace, with advise of his three Estaites, ordainis the acte maid thereupon, be the maist excellent Prince, King James the fourth, his Father of maist noble mind, to be observed and kepted in all poyntes, ratifies and apprievis the samin. And that all Schireffes, Stewardest, Baillies, and uther officiares, baith in Regalitie and Royaltie, and sik-like Spiritual men within their landes, and to Burgh, put the samin to execution in all poyntes: That is to say, All Officiares within the Royaltie, and Lordes of Regalities, under the paine, of reffounding to the heritours of sik landes fallen in warde, at their perseite age, of all damage and skaith, that they fall happen to susteine throw their negligence (they being required thereto be the persone, that is in warde or his friends.) And if the wardaours, Ladies of conjunct-fee, or life-renter of sik landes, refusis to finde sovertie conforme to the said act (they being required therero) be the Scireffe, Baillie, Stewart, Provost, or Alderman in Burgh: That the said Schireffe and Officiares, ilk man within his awin boundes, charge them to finde the said sovertie, conforme to the said acte personally, or be open proclamation at the head Burgh of the Schire, quhair the saids landes lyes, within twentie ane daies, nixt after they be charged thereto, under the paine of wanting of the profite of all sik warde-landes, conjunct-fee, and life-rentes, to be

be in-brocht to the Kingis use, ay and quhill the said caution be sufficiently foundin. And that the Lordes Auditoures of the Checker, and Thefaurer for the time, inquire diligently in everie Checker, that all Schreffes and uthers Officiares fore-said, at the making of their compts, gif the said caution be sufficientlie foundin, and get certification thereof.

16. *Of read-fish, Smoltes, and of slaying of Salmond in forbidden time.*

ITEM, Our Sovereine Lorde, ordainis the actes maid upon them that slayis reade fish, Smoltes, and Salmonde in forbidden time, and the paines contained in the same, to be put to sharp execution, with this addition following: that is to say, it fall not be lesum to the thefaurer and composituores in times cumming, to compe or fine in Judgement, or out of Judgement, with the breakers of the saidis actes, for lesse then the paine and unlaw contained in the same. And that ditty be tane upon all them that ar air and pairt, causers or receipters of the slaying of the said reade fish, Smoltes and Salmonde in forbidden time, siklike as upon the principall slayers thereof. And because the lang delay of Justice aires, gives greate occasion of the breaking of the saidis actes: Therefore the Kingis Grace fall send anc Commission generally, with the Justice Clerke, and sik uther perones, as fall please his Grace to depute thercto, for halding of patticular diettes zeirly, in the places quhair the said fish ar slaine, & ordainis all sik perones to be arricited to the first aire, to compeir under the paine of rebelloun and putting of them to the horne, and gif they compeir not, to put them to the horne, and denunce them our Sovrain Lordis rebelles: And that sik ordour of arricstment of sik persons be keiped, as it were in a general aire.

17. *Of Cruves and zaires.*

ITEM, That the acte maid be our Sovereine Lordis Father, quhome God assoilzie, and uthers his Progenitoures, anent the halding of cruves and fish zaires, be observed, keiped, and put to execution in all poyntes, with this addition: that the receipters and assisters to sik perones, incur siklike paine as the principalles. And that siklike proces be had against them, as is devised and statute against the slayers of read-fish, Salmond and Smoltes.

18. *For hostellares and travellers in the Cuntrie.*

ITEM, It is statute and ordained, that the Actes maid of before, be King James the First, and uthers our Sovereine Lordis Predecessores be observed, keiped, and put to execution in all poyntes. And for eschewing of exorbitant prices tane of the Kingis lieges, travelland throw the Realme, and of the prices of victualles, flesh and fish: It is ordained, that letters be direct, to commande and charge all Provestes, Aldermen, Baillies and Officiares of Burrowes, baith to Regalitie and Royaltie, and als Lordes and uthers Barronnes, that hes Burgh in Barronie, and hostellares on their landes: that they cause hostellares baith to Burgh and to lande, ilk man within himselfe, and boundes of his Office: To have honest chalmers and bedding, for receiving of all passengers and strangers, passand and travelland throw the Realme, weill and honestlie aculered, with gude and sufficiente stables, with heck and manger, corne, haye, and straa, for their horse, fleshe, fish, breade and aile, with uthir furnishing for travelloures, to be saulde upon ane competent price, and siklike stuffe, as is sauld commounly in the cuntrie about, quhair sik hostellares dwellis. And that they set zeirly prices thereupon, as the said hostellares may live and susteine their ludgeinges, under the paine to be called, and punished therefore, at the Kingis Grace will. And that ditty be rane hercupon, upon the breakers of this statute, to be called at general Justice aires, or uthir particular diettes, quhen the Kingis Grace pleasis.

19. *Of studes and stude places.*

ITEM, It is statute and ordained, for the commoun weill of the realme, that all manner of perones have and studes and stude places, within this Realme, make the same to be plenished with stude meires, and greate stallounes, for furnishing of Horse to all manner of perones within the Realme.

20. *That no man sell Nolt nor sheep to English-men, nor send victualles, fish, nor salt in England.*

ITEM, Because ane greate part of the Realme, and specially neare the Bordoures, hes bene thir mony zeires by-gane, in our Sovereine Lordis lesse age unplenished, and ane great part of the In-land spuizied of their gudes, and the same had and sauld in England, be the thieves and traitoures, quhair throw all maner of stuffe hes grown to ane great price and dearth: And now our Sovereine Lorde, putting ordour of justice, rest, and tranquillitie amangst his Lieges, and that plentie of gudes may grow amangst them: Hes ordained and statute, with the advise of his three Estaites in Parliament, that na maner of men in time cumming, sell Nolt, Scheepe, or uthir carle, auld nor zoung, to any English-men be himselfe, or any uthir mediate person, nor have or sende the same in England to be sauld: And that na maner of men send into England victualles, fishe, or salt, under the paine of confiscation of all their moveable gudes. And that all Wardens

Wardens, Provestes, Baillies of Townes, and keepers of Portes and Havens within the Realme, make diligent search and seeke the breakers hereof, under the paine of tinsel of their offices, and prisoning of their persones zeire and day, induring the Kingis Grace will. And gif ony *English-man* will cum into this Realme, with their Schippes, to bye victualles, fish or salt, the Kingis Grace shall grant to them his safe-conduct to do the famin, if his Grace thinks the famin expedient: And the saide safe-conduct being obtained: It shall be leasum to all Merchandes, and others within the Realme, to sell sik merchandice to the saidis *English-men*, for gold and silver, or to batour with uthir gudes sufficient Merchandice.

21. *Fore-stallers.*

ALSWA, It is statute and ordafned, that na Fore-stallers be foundin bye and victualles, fish, flesh, or uthir stuffe, or the famin be presented to the mercat, nor zit into the mercat, or the time of day, statute and ordained thereto, under the paine of prisoning of their persones, and escheitring of all sik gudes cost or arled be them, that is to say, the twa part to the Kingis Grace, and the thrid part to the Schireffe or Officiar of the Schire, Provestes, Baillies, and Officiares of the Burrowes, or to ony uthir that findis them doing in the contrair hereof.

22. *All Beggers suld begge within their awin Paroch, and have the marke thereof.*

ITEM, For refraining of the multitude of maisterfull and strange beggers: It is ordained, that the acte maid thereupon of before, be King *James* the First, apprieved, and ratified be uthers our Sovereain Lordis Predecessours, be observed, kept, and put to scharpe execution in all poyntes, with this addition: That na beggers be thoiled to beg in ane Parochin, that at borne in ane uthir, and that the heademen of ilk Parochin, make takinnes and give to the beggers thes of, and that they be susteined within the bounds of that Parochin, and that nane uthers be served with almous within the bounds of that Parochin, bot they that bearis that takinne allanerlie, under the pains conteneid in the said acte. And that the Justice Clerke make inquisition, and take dittay hereupon at everie Justice aire. And als ordainis letters to be direct to command and charge the Provest and Baillies of *Edinburgh*, and all uthers Provestes, Baillies of Buttowes, Schireffes, and uthers Officiares of the Kingis, to put this acte to execution in all poyntes, and the famin to be published at all places neidfull, swa that nane fall pretend ignorance, or allege they knew not the famin in time to-cum.

23. *The maisters of the Girth, suld make deputies, quha suld deliuer male-factours, that may not bruk the priviledge thereof.*

ITEM, For the mair hastie expedition, and punishing of them that committis slauchter upon fore-thocht felonie, and stiyis to Girth, conforme to the acte of Parliament maid thereupon of before, quihilk oft-times takis nane effect, throw pretense of excuse of the maisters thereof, Spiritual men that will not deliuer the saidis trespassours to OUR SOVERAINE LORDIS Officiares, conforme to the tenour of the saide acte: Herefore it is statute and ordained be the KINGIS GRACE, with advise and consente of the three Estaites of Parliamente, that all Maisters of Girthes within this Realme, shall make sufficient responal men, Baillies or Maisters of Girthes, under them, dwelland at the saidis Girthes or neare thereby, quha shall be haldein in all times cumming, to deliuer all Committers of slauchter upon fore-thocht-felonie, that stiyis to Girth, and uthers trespassours that breakis the famin, and may not bruk the priviledge thereof, conforme to the commoun Lawe, and Acte of Parliamente foresaide, to OUR SOVERAINE LORDIS Officiares, askand and desfrand them to underly the Lawe, conforme to the saide Acte of Parliament. And gif the saidis Baillies failziez there-intill, to be rigoroussie punished for their contemption, in their bodies and gudes, at OUR SOVERAINE LORDIS will. And that all Maisters of Girthes, Spiritual men, sende to the Justice Clerke, the names of their Baillies and Maisters of Girthes depute, and to be depute be them, that quhen ony sik erimes ar committed and done, that Letters may be direct to all Schireffes, Baillies, or Stewartes, within quahis boundes the saidis Gyrthes ar, to charge the saidis Baillies or maisters, to deliuer to them the saidis trespassours, conforme to the acte of Parliament.

24. *Auentis Merchandes that saillis in-contrair the Actes maid of before.*

ITEM, It is statute and ordained, be the Kingis Grace, and the three Estaites of Parliamente, that the Acte and statute maid be umquhile OUR SOVERAINE LORDE, King *JAMES* the Thrid: And als ratified and apprieved, be umquhile OUR SOVERAINE LORDE that last deceased, of gude minde, quhom God assoilzie: touching merchandes passand with their merchandice toorth of the Realme, to *France*, *Flanders*, or ony uthir partes: That na merchand saill, without he have aw halfe laste of gudes of his awin, or else in governance, as factour to uthir Merchandes, Be put to execution in all poynts, in time to cum, after the forme and tenour of the famin. And ratifies and apprievis the said acte and statute now in this present Parliament. And attour, ordainis the Provest or Baillies of Burrowes,

siuate at ilk Porte of the Realme, to searche and seeke the persones, breakers of the saidis statutes: And that they distreinzie ilk person breaker thereof, for the summe of twentie pound, to be applyed on this wise. That is to say, th'ane half to OUR SOVERAINE LORDS use, and th'other halie to the Proveff or Baillies for their laboures: And that they make compt thereof zeirly in the Checker. And gif the Proveff or Baillies be negligent in the exercing of their Offices, and power given to them: they fall be obliged to pay the said paine of twentie pounce for everie man, that passis and fallis in contrair the said acte at that Porte, quhair they have jurisdiction: And als it is ordained, that na Schipper, Maistres, awners of Schippes, receive onie Merchande to saille in their Schippes, without they have the names of them in Tickettes, subscribed be the saidis Proveff and Baillies handes, under the paine forefaide for ilk perfon that they receive in their Schippe, and that OUR SOVERAINE LORDIS Customes, or any uthers, that pleas; accuse the saids Proveffe and Baillies, gif they be negligent in the premiffes, zeirly at the Checker. And letters to be direct hereupon in dew forme, as effeiris. And als, that letters be written to the Conservatour of the Nation in *Flanders*, containd the effecte of this acte, charging him to send hame the names of all Merchands resortand there in everie Schip, in contrarie the tenour of the said acte, to the Thesaurer, under the paine of tinsel of his office.

25. *That na Schip saill with Staple gudes fra Simons day and Judes, quhill Candle-mes.*

ITEM, Our Sovereine Lord ordainis, the acte maid be King *James* the Second, be the quhilk it is ordained, that na Schip be fraucht out of the Realme with ony staple gudes, fra the feast of *Simons* day and *Judes*, unto the feast of the *Purification* of our *Lady*, called *Candle-mes*, be observed, keiped, and put to execution in all poyntes, with this addition: That the paine of them that cummis in contrair hereof, fall be in times cumming, twentie pound, to be raised of ilk person, breakers of the said acte: Except it fall be leiffull to send ony kinde of Merchandice fourth of the Realme, in the time forefaide, in ony Schippes that bringis in Salt or Wine.

26. *Of the chusing of Officiares in Burgh, and bringing of the compts of their commoun gudes zeirly in the Checker.*

ITEM, Because all our Sovereine Lords Burrowes ar put to povertie, wasted, and destroyed in their gudes and policie, and almaist ruinous throw fault of using of Merchandice, and that throw being of Outlandes men, Proveff, Baillies, and Aldermen within Burgh, for their awin particular weill, in consuming of the commoun gudes of Burrowes, granted to them be our Sovereine Lord, and his Predecessours, Kings of *Scotland*, for the uphald of honestie and policie within burgh: It is herefore statute and ordained, that na man in time cumming, be chosen, Proveff, Baillies, or Aldermen into Burgh, bot they that ar honest and substantiall Burgeses, Merchandes, and indwellers of the said Burgh, under the paine of tinsel of their freedom, quha dois in the contrair. And that na man dwell and within Burgh, purchase Lordship out of Burgh, in ony his action or quarrell, to molest, trouble, or give feare and dreddour to his Nichtbour and partie, under the paine contained in the actes and statutes maid thereupon before. And that all Proveffes, Baillies, and Aldermen of Burrowes, bring zeirly to the Checker, at the day set, for giving of their compts their compt buiks, of their commoun gudes, to be seene and considered be the Lords Auditours, gif the famin be spende for the commoun weill of the Burgh, or not, under the paines forefaids. And that the saidis Proveff, Baillies, and Aldermen of everie Burgh warne zeirly, fiftene daies before their cumming to the Checker, all they quha likis to cum, for the examining of the saidis compts, that they may argune and impugne the famin, as they please, swa that all murmure may cease in that behalfe.

27. *That na man trouble nor molest Proveff, Aldermen, Baillies, and Officiares within Burgh.*

ITEM, It is statute and ordained, that na man, Earle, Lorde, Barronne, or uther of quhat-sum-ever degree about and adjaicent Nichtboures to Burrowes, molest, trouble, nor inquiet the Proveff, Aldermen, Baillies and Officiares of Burrowes, and Merchandes thereof, in using of their Franchies, liberties, and priviledges, granted to them be our Sovereine Lord, and his Predecessours, Kingis of *Scotland*, and in contrair the actes and statutes maid thereupon, under the paine to be called and accused as commoun oppressours of our Sovereine Lordis Lieges, at Generall Justice aires, or private diettes, and Justice courtes, as fall be thocht expedient be the Kingis Grace: And that the Justice Clerke take inquisition and ditty hereof, as effeiris.

28. *That na man ride, bot in sober maner.*

ITEM, It is statute and ordained, that because there hes bene great inconvenients and trouble wrocht in the cuntrie, be great perfones, throw convocation of the Kingis Lieges, at courts and gadderings, that therefore na perons take upon hand to ride to sik courts and gadderings, with maa perfones, then they may susteine in houhalde dailie, excepte that it fall be leiffull to Schireffes, Stewardes, Baillies, and uthers the Kingis Officiares, to ride with greater number, for the execution of Justice, and fourth-beating of the

Kingis authoritie. And quha so dois in the contrair, fall be called therefore incontinent, at our Sovereain Lordis instance, to be punished therefore in his person and gudes, at his Hieneffe will.

29. *For Malt-makers.*

ITEM, Because our Sovereain Lordis lieges, inhabitants in the Burgh of *Edinburgh*, and uthers repair- and thretoo, at greatlie oppressed and injured be the Malt-makers of *Leith*, and uthers, within and about the said Burgh, in selling of their malt to hie and exorbitant price, for foure, five, or sex shillings higher; then they byc the Beare: Therefore it is statute and ordained, that the saidis Malt-makers in time cumming, fall make and sell their Malte for competent winning, takand twa shillings allanerly mair for the boll of Malt, then the boll of beare is fauld, and not abone: with certification, that quha cummis in the contrair hereof, That the Provest and Baillies of *Edinburgh*, fall escheit the said Malt: And the saide Malt-makers takand mair then twa shillings for the boll, abone the boll of beare, quihik fall make the different price, fall be called and punished therefore, as oppresseours of the Kings lieges, and particular Justice Courtes fall be set to them therefore. And our Sovereain Lorde fall give Commission to sik as pleasis his Grace beste, to call all the saide Malt-makers, breakers of this statute and acte, before them in the Tolbuith of *Edinburgh*, to do Justice upori them, as they thinke expedient: And to caufe the said acte and statute to be observed, and keiped in all poyntes.

30. *Of Craftes-men, Browsters, sellers of salt and victual within Burgh.*

ITEM, Because the great oppression dailie done upon our Sovereain Lordis lieges; be Cordoners, Smithes, Baxters, Browsters, and all uther Craftes-men; sellers of victual and salte, compelland them to pay for their stuffe and warke-man-schip exorbitant prices, to the greate skaith of all our Sovereain Lordis Lieges, bringand sik dearth in the Cuntrie, that the famin may not be susteined: And for remeid hereof: It is statute and ordained, that our Sovereain Lord, fall give ane commission to certaine his Lords and uthers, quhom his grace pleasis best, to sit, and with them the Provest of *Edinburgh*, and make sik statutes and ordinances, as they fall thinke maist expedient for the commoun weill, to caufe all Craftes-men within the Towne of *Edinburgh*, and uthers of the Realme, to make gude and sufficient stuffe, and sell the famin of ane competent price, and to take competendie for their warke-man-ship and laboures gif they worke ane uther mannis stuife and mater. And to make all sellers of victual or salt, to sell the famin of ane gainand-price without dearth: And quha dois in the contrair, to punish them with all rigour, and the saids Commissioners to do Justice upon the breakers of their ordinances, als oft as they heare murmure or complaint thereof, and to punish them in their gudes, as they finde the greatnesse of the faulte, as effectis.

31. *That na man sail into Flanders, bot twise in the zeir.*

ITEM, It is statute and ordained, for the honestie of the Realme, weill and profite of all our Sovereain Lordis Lieges, and speciallie his Burrowes and Merchandes of his Realme, that na Schip be frauchred, nor Merchandes sail therein, with their gudes and merchandice forth of the Realme in *Flanders*, bot twise in the zeir, that is to say, to the *Pasche* mercat, and *Rude*-mercat, under the paine of ilk person cummand in the contrair hereof, twentie pound, to be raised and in-brocht to the Kingis Grace use.

32. *The life-rent of all vassalles, being zeir and day at the horne, perteinis to the immediate Superiour.*

THE Quihik day, in the mater referred be the Lordes of Session to the Lordes and three Estaites of Parliament, for interpretation of certaine Lawes of the Realme, schawin and produced before the saidis Lordes of Session, in ane action mooved before them, and zit dependand be *James Kennedie of Blairgubban*, against *Thomas Makcellane of Gylefoun*, for the mailles and dewties of the landes of *Castel cruik* and *Killimnoch*, with the pertinents, lyand within the Schireffedome of *Wigtoun*, perteinand to the said *Thomas* in heritage, halden of the said *James* immediatlie in chiefe: and throw his being at the horne attour zeir and day, The mailles and dewties of the saidis lands, be the Lawes of the Realme, perteinis, and suld perteine to the said *James*, for the said *Thomas* life-time. And because the saidis Lawes were variant in their selves, and therefore were referred to the interpretation of the Estaites of Parliament, gif the famin concernis simple slaughter or not, and suld have place in that mater or not, as at mair length is contained in the acte maid hereupon, of the dait at *Edinburgh*, the fourth day of *March*, the zeir of God, ane thousand, five hundred, thretie foure zeires: Baith the saidis parties being personallie present with their Procuratoures and Fore-speakers, the saidis Lawes and uthers their reasones and allegations being heard, scene, and understandin, the Lords of articles being ripelie advised therewith: finds that the use in times by-gane, hes bene, that the mailles and dewties of the landes of them that hes bene zeir and day at the horne, halden of uther Superiours then the Kingis Grace, zeir and day being by-paste, returned againe to the Superiours of the saidis landes, for the life-time of them that susteined sik proces of horning zeir and day, as

said is: except crimes of treason, and lese-majestie. And findis that the saidis Lawes suld be sa interpreted and used in times cumming.

33. *Justice aires ar peremptour at the second diette.*

ITEM, Our Sovereine Lord, with advise of his three Estaites of Parliament, ratifies and apprievis the acte and statute maid before in his Hieneffe Parliament, halden at *Edinburgh*, the tenth day of *Julij*, the zeir of God, ane thousand, five hundredth, and twentieth zeires, anentis the setting of Justice aires to the seconde aire, as aire and court peremptour and uther poynres conteneid in the samin, with correction and addition, as after followis. **I**TEM, It is statute and ordained in this present Parliament, because the proces of Justice aires, is fa lang and prolix, that in mony zeires, parties that ar hurte and grieved, gettis na Justice, trespasses and crimes passis unpunished, quhilk is occasion of mony persones to commit crimes, traisting na hastie punition or correction: That therefore in time to cum, the proces of Justice aires and Justice Courtes be peremptour at the seconde aire or Courte, swa that fugitives not compeirand at the seconde aire or court, suld be, and fall be denounced Rebelles, and put to his Horse, and all their gudes his escheir.

34. *The Crowner may arreist fugitives at their dwelling places, and the Paroch Kirk.*

AND ALS, Because mony persones indicted to Justice aires, ar charged with sovertie to Justice Courtes, usis to absent them and flee, and may absent them and flee, swa that Crowners cannot apprehende them personally to arreist them: In that case in all times to cum, it fall suffice the Crowner to cum to the dwelling place of the persones indicted, and there make them warning and charge, that they compeir in the Justice aire, then next to follow, to answer to sik accusations of crimes as fall be impute to them: And thereafter upon the next *Sunday* or Festival day following the saide charge, that the Crowner make open and publicke intimation of his warning, charge, and premonition, maid to the saidis persones be their names, in their Paroch Kirkes, quhilkis charges, premonitions, and inumations fall stande to them for sufficient arreistmentes, the Crowner prievand the samin be his aith, and ane witnesse, as auld consuetude is. And in likewise, the Kings Officiares makand warning to private Justice courtes of ony persones, for ony crimes not deserving rebellion: In case of none-finding of sovertie, that they keipe the samin ordour and proces, quhilk fall be halden and repute for sufficient sovertie foundin, under the paine of lawe, the action not beand for slaughter nor mutilation: And ordains the Justice Generall, upon ony maner of crimes, committed, or to be committed, to set Justice courtes particular, quhen neede is, for punition of partieular faultes and crimes that occurris, sik as recent slaughter, mutilation, fire, ravishing of women. And as for depredations, maisterfull riefes, and spuilzies, that partieular diettes be set therefore, at the discretion of the Lordes, the mater being first civile decided before them.

35. *The persewer suld finde caution for reporting the letters.*

AND Because divers persons in times by-gane, hes raised siklike letters to partieular diettes, and hes abused the Justice, and brocht the cuntrie to greate expenses. For remeid hereof: It is ordained, that in times cumming, the keepers of the Signer, fall answer na letters for calling of ony persones and parties, to sik partieular diettes: bot gif the samin be subscribed with the Clerke, writer to the Signer, and Justice Clerk, and his deputes: And that the Justice Clerk, or his deputes, fall take sicker sovertie of the parties purchassers of sik letters, that they fall bring the samin againe to them, or the day set thereto, dewlie execute and indorfat, under the paines conteneid in the letters, that the parties called upon.

AND Gif ony persones be called upon mutilation, and the samin be foundin na mutilation: The partie persewer, fall content and pay the unlaw of ten pound, lesse or mair, to the partie persewed, and expenses to the assise, at the discretion of the Justice, and his assessoures. And gif ane partie callis ony multitude for slaughter, mutilation, or uther crimes at sik partieular diettes, quhair by the innocentes, ar put to great trouble, charge, and expenses, and it be foundin that the said multitude is innocente of the dead, the partie persewer fall pay ane unlaw of ten poundes, lesse or mair, to the partie persewed, and expenses to the assise, at the sight and discretion of the Justice, and his assessoures, as they thinke cause: And gif the purchassers of sik letters, be not responsal in gudes, for payment of the said expenses, their persones fall be put in prison, and there to remaine, zeir and day, and further induring the Kingis Graec will.

36. *The addition of the acte of cursing.*

ITEM, It is statute and ordained, for augmenting, strengthening and helping of the acte maid upon cursid folkes, and giving of the Kingis letters thereupon, and to meete frivole appellations: That the Kingis letters fall have place to poynd and distreinzie &c. Suppose it be dewlie appealed, zeir and day being by-past, the appellant not bringand hame his Commission, within zeir and day, *Cessante justo impedimento*. And the partie quhome fore the Kingis letters fall happen to be given, findand sufficient caution before the Lordes of Council, to refund the gudes and gear, that fall happen to be poyned, be vertue of the saidis letters, gif

gif it fall happen the sentence quhair-upon the saidis letters fall be given, to be retreated by the judge delegat, notwithstanding ony appellation therefra, the partie appelland beand warned and called, to heare the fovertie and caution tane: And that the partie appelland, schawand before the saidis Lordes, the sentence retractarour, letters be direct, to poynde the saidis foverties therefore.

F I N I S.

T H E F I F T H

P A R L I A M E N T

O F

K I N G J A M E S T H E F I F T H,

Halden at Edinburgh, the XVII. day of Majj, the zeir of God, Ane thousand, five hundred, threttie seven zeires.

36. *The institution of the Colledge of Justice.*

THEM, Anent the second article, concerning the ordour of Justice, Because our Sovereine Lord is maist desirous to have ane permanent ordour of Justice, for the univerfall weill of all his Leiges: And therefore tendis to institute ane Colledge of cunning & wise men, baith of Spiritual & Temporal Estate, for doing and administration of Justice in all civil actions: And therefore thinkis to be chosen certaine persones maist convenient, and qualified thefore, to the number of fourtene persones, halfe Spiritual, halfe Temporal, with ane President: The quhilkis persones fall be authorized in this present Parliament, to sit and decide upon all actions civil, and nane uthers to have vote with them, unto the time the said Colledge may be institute at mair leasure.

37. *The place quhair to sit in, and of the Feriat times.*

AND Thir persones to beginne and sit in *Edinburgh*, on the morne after *Trinitie* Sunday, quhill *Lamb-mes*: And thereafter to have vacance, quhill the nintene day of *October* nixt after, and then to begin and sit quhill *Saint Thomas* Even afore *Zule*, and thereafter to begin on the morne after *Epiphane* day, and sit quhill *Palme-Sunday* Even, and thereafter to beginne upon the morne after *Dominica* in *Albia*, and sit quhill *Lamb-mes*.

38. *The Lordes to be sworne.*

AND Thir persones to be sworne to minister justice equalle to all persones, in sik causes as fall happen to cum before them, with sik uther Rules and statutes, as fall please the Kingis Grace to make, and give to them, for outdouring of the samin,

39. *The authorizing in Parliament.*

THE Three Estaites of this present Parliament, thinkis this article weill conceived: And therefore the Kingis Grace, with advise and consent of the saidis three Estaites, ordainis the samin to have effect in all poyntes, and now ratifies and confirmis the same, and hes chosen thir persones under-written, to the effect foresaid, quhais processe, sentences and decreetes, fall have the samin strength, force and effect, as the decreete of the Lordes of Session had, in all times by-gane.

40. *The autorbitie of the Chaucellar and Lordes.*

PROYding alwaies, that the Lorde Chaucellar being present in this Towne, or ony uther place, he fall have vote, and be principal of the said Council. And sik-like uther Lordes, as fall please the Kingis grace to injoyne to them of his greate Council, to have vote siklike, to the number of three or foure.

41. *The names of the Lordes.*

THAT Is to say, the Abbot of *Cambuskenneth* President, Maister *Richard Both-well*, Schir *John Ding-well*, Maister *Henrie Quhite*, Maister *Robert Schawwel*, Vicar of *Kirk-caldie*, Maister *William Gibsone*, Maister *Thomas Hay*, Maister *Arthur Boyce*, The Laird of *Bakverie*, Schir *John Campbell*, Maister *Adame Otterburne*, *James Colvill* of *East Weemes*, the Justice Clerke, Maister *Frances Both-well*, Maister *James Lawyson*. And thir Lordes to subscribe all deliverances, and name uthers, after they begin to sit, and minister Justice.

42. *The Chancellor and President, to receive the aithes of the Lordes absent.*

ITEM, The said day the Kings Grace hes committed his power to the Lord Chancellor and Abbot of *Cambuskenneth* President, conjunctlie and severallie, to receive the aithes of them that ar absent, chosen, and named to be of this Session, and in their absences the aithes of ony uther, quhom his Grace will name thereto, gif the saidis perones chosen cummis not beuixt this and *Satterday* nixt-to-cum. And in absence of the Lord of *Cambuskenneth*, President, the Kings Grace hes chosent the Abbot of *Kinlasse* to minister therein, quhill his returning.

43. *The Chancellor, President, and Lordes of the Session, to make the ordour how it fall be proceeded in their Session.*

ITEM, His Grace hes given command to the Chancellor, president, and Lordes of the Session, to advise, Councel, and conclude upon sik rules, statures, and ordinances. as fall be thoct be them expedient to be observed and keiped in their maner and ordour of proceeding at all times. And as they devise, conforme to reason, equitie and Justice, his Grace fall ratifie and approve the samin. And ordains the saidis Lordes of Session, to keip all thir aucht daies cummand, in advising and making of their rules and institutes, for the ordour of Justice: And after the forme of the samin, to begin and call maters on *Monunday* nixt-to-cum. And in the meane time, to deliver billes, and call priviledged summoundes, as they think expedient.

44. *The division of the Realme quarterlie.*

IN The first, it is devised and ordained, that the Lordes of the Session fall begin quhair they left last in calling the Table: And that the priviledged summoundes of everie quarter, fall be tabular with the un-priviledged summoundes of that quarter: And all to be called. and have proces baith upon priviledged and un-priviledged, quhill that diet or quarter be ended: And to begin quarter after quarter, as after follows: And thir Schires to be in the first quarter, that is to say, *Forfar*, *Kincardin*, *Aberdene*, *Bamfse*, *Elgin*, *Forresse*, *Narnie*, *Innerness*, and *Crommartie*: The second quarter, *Edinburgh*, *Lindibgow*, *Selkirk*, *Roxburgh*, *Peblis*, *Berwick*, and *Haddingtoun*: The third quarter, *Strivuling*, *Aire*, *Renfrew*, *Lanark*, *Wigtoun*, *Drumfreis*, *Kirk-cudbricht*, and *Aannandale*. The Fourth quarter, *Fife*, *Perth*, *Clackmannan*, *Kinross*, *Dumbartane*, *Ergyle* and *But*.

45. *That all summoundes priviledged, be called on Monunday ouklike quhilk follows, and horning all times.*

ITEM, It is devised and ordained, that thir summoundes under-written fall be priviledged, and to be called by the ordour of the diettes, that is to say: recent spuilzies, calling of letters, redeeming of landes, actes of adjornall, superiours to hear them decerned to tine their superiorities, reduction of inordinate processe, that is to say, retreating of Rolmentes of courtes, led before Schireffes, Barronnes, Bailies, retreating of decreetes, and transferring of decreetes: And thir to be called be themselfe, and to be called ouklike upon *Monunday*. And gif *Monunday* beis halie-daie, to have proces on the nixte day thereafter: And all thir to be called, except letters that concernis horning, quhilkis fall have proces at all times, as they cum.

45. *That all the common maters be called on all the daies of the oulk, except Friday, for the Kingis maters, and strangers, and the Queenis maters.*

ITEM, All uther maters to be called be the ordour of the Table, upon all the daies of the oulk, except Friday, quhilk is assigned for the Kingis maters, and the maters of strangers. And gif the Kingis Grace nor strangers hes na maters ado upon Friday, then the common Table to have proces, and sik-like the Queenis maters. And it fall be na exception to alleage, that the said Friday is ordained for the Kingis maters.

46. *That all continuations be called at the dayes assigned thereto.*

ITEM, That all continuations of proces before the Lordes, quhair acts ar passed, be called at the daies assigned thereto, for expedition of witness, and eschewing of expenses.

47. *Auentis deliuerance of cognition to Schireffes.*

ITEM, It is deuised and ordained fra thine fourth, that it be eiked in all deliuerances direct to Schireffes, or uthers judges ordinaires, that they admit to the parties their lauchfull defenis, and to minister Justice equalle to baith the saidis parties.

48. *The Councel-houfe to be reparrelled.*

ITEM, That seates be honestlie maid and covered with greene claith, flocked on the Kingis expenses, quhair the Lordes shall sit, and shall be maid ane buird, quadrangular, or round, about the quhilk there may sit auchteene perones easilie: And that there be maid seate upon seate, and ane Bell to be hung to call in the Maisters, or parties, as the Lords requiris.

49. *That all Lordes enter in the Tolbuith at acht houres.*

ITEM, That all the Lordes shall enter in the Tolbuith and Cuncell-houfe at acht houres in the morning dailie, and shall sit, quhill eleven houres be stricken.

50. *That the Councel-houfe be isched after the entrie of the Lordes.*

ITEM, Alsoone as the Lords be entred in the Tolbuith, that an Maister ische the Councel-houfe, and himselfe shall stande at the dure, and let na man enter. And gif ony Lord, or uthar man cummis to the dure, and desiris entresse, that he advertise the Lordes thereof. And gif they have ony mater they will propone, that silence be had, quhill they have done, and then to remooe.

51. *That na man pley bot parties and their procuratoures.*

ITEM, That na man enter to pley, bot parties contained in their summondes, and their procuratoures, gif they will ony haue.

52. *That Billes and continuation be first red, and sine the Table.*

ITEM, Incontinent after the Lordes be entred and sittin downe, and all the houfe be isched: That all Billes be first red and exped. And gif there be ony actes of continuation of proces begun, that the famin be nixt called: And fra thine the Lordes beginnis to call ony mater, or act of continuation, that na Bill be received nor red: And fra time that ony summondes be called be the Table, that na actes of continuation be called for that day: And that all parties, or their Procuratoures, deliver to the Chancellor, or president their Billes, Actes, and Letters of continuation, or they enter in the Tol-buith, or incontinent thereafter, at the charge or warning of ane Maister.

53. *For examination of witnesse.*

ITEM, That oulkie there be depute three of the Lordes of the seate in their towre: That is to say, the first oulk twa Spiritual, and ane Temporal, and thereafter twa Temporal, and ane Spiritual: And swa fourth oulkie, as they ar put in Bill and ordour, to examine all witnesse: The quhilkis Lordes shall conueene everie day, as neede requiris, in the Councel houfe, at twa after noone, with the Clerke of the Cuncell, or ane of his Clerkes or writers, sworne and admitted be the Lordes, and shall remaine quhill foure houres in the examination of witnes, or schorter or langer, as neid beis: And all the parties, or their Procuratoures, be warned to bring their witnesse, at the saidis houres.

54. *That all maters be called be the ordour of the Table.*

ITEM, That na mater be called, bot be the Table, conforme to the statute abone writen, maid and deuised thereupon.

55. *That silence be had in the Councel-houfe.*

ITEM, That the Lordes beand sittin downe, and billes begun to bee red, that silence be had amangst the Lordes: And that na man commoun, or speake of ony mater, or rownd with his marrow, bot as he shall be required, and speired at be the Chancellor or President: And as they command ony twa Lords of the seate to argunne or dispute ony mater, that nane uthar interrupt them, quhill they have done: And then the Chancellor or president, to require onie uthar to argunne the mater. And quhen they have done, gif there be ony uthar of the Lordes, that hes ony opinion, or argument to make, that they aske leave fra the Chancellor or President, and then to argunne, as they thinke expedient.

56. *Of the giving of votes, and of our thereof.*

ITEM, All argumentes and disputations beand maid, and the Lords haldand silence, my Lorde Chancellor or President, fall aske or require everie Lordis vote in that mater, as they ar in the ordour be the actes and buikes of Councill: Quhais names the Clerk of Councill fall reade and name: And sa ordourly the Chancellor or President to aske everie Lords vote: And that nane argune are uther in the giving thereof.

57. *That ten Lordes fall remaine with the President.*

ITEM. in advising and giving of all sentences and decreetes, there be ten Lordes at the least, with the Chancellor or President: And that nane of the Lords chosen and admitted, departe, or bide awaie, without licence asked and obtained fra the Chancellor or President, in presence of the hail Councill, for reasonable causes: And that they returne againe at the day affixed to them. **I**TEM, that all publications of witnesse, and uthers attestations, and examination of proces, be maid before the hail Auditour.

58. *Execution of sentence to be maid be Herauldes, Purssevantes, and Maiffers.*

ITEM, That all sentences and decreetes of the Lordes, be execute in times cumming be the Schireffe of the Schire, or his depures, quhair the parties dwellis, against quhom the saidis decreetes ar given, or fall happen to be given: Or else be Herauldes, Purssevantes, or Maiffers: And that nane take mair for the execution of their office, bot after the forme of the acte of Parliament, bot gif it be of benevolence of the partie, under the Paine of deprivation of their office: And that they deny not to do their office, under the paine foresaid, allweill to pure, as riche.

59. *Of the Clerkes of the Signet.*

ITEM, That all Clerkes of the Signet be sworne to exerce their offices lauchfullie and diligently. And that nane of them fall reveale nor make manifest to ony man, quhat they write or dois for ane uther, bot fall keip all close and secreit.

60. *Anent payment for Billes of complaint, and the Kings letters.*

ITEM, That na Clerk of the Signet tak mair for the writing of ane bill bot aucht pennies. And for the writing of ane letter upon ane decret of the Lordes & deliverance, bot twentie pennies, nor for nane uther letter, mair then was used in our Sovereine Lordis time, quha last deceased, quhom God affoizie, under the paine of tinsel of his office.

61. *Anent the delivering of Billes.*

ITEM, That na Clerke of the Signet enter in the Councel-houfe, for delivering of ony Billes, bot that the deliverance be written be ane writer of the Councel: And to provide, that nane frustrate ane uther of his laboures and profite: That everie ilk Clerke of the Signette, that writtis onie Billes, marke the famin with his awin name in the Bill, writtin within, and the famin fall be delivered to him againe, or the partie, quhill of them cummis to aske the said Bill, they pay and to the writer of the deliverance, fourc pennies.

62. *That Maiffers keepe Councel.*

ITEM, That all Maiffers be sworne to execute their office faithfullie and diligentie, and they fall reveale na thing, that they fall happen to heare commoned amongst the Lords, under the paine of deprivation and infamic.

63. *Quhat Maiffers fall take for their laboures.*

ITEM, That na Maiffers take mair fra ony partie, that happenis to obtaine ane decreete in the Session, bot two shillinges: Bot gif the parties gives mair of their awin benevolence, under the paine fore-said.

64. *The number of Advocates, and their names.*

ITEM, It is statute and ordained, that there be ane number of Advocates and Procuratoures chosen, and to be chosen, to the number of ten persones, that fall be called general procuratoures of the Councel, of best name, knowledge, and experience, admitted to procure in all actiones, of quhom the names followis: They ar to say, Maister Robert Galbraith, Maister Robert Lesly, Maister Henry Spittle, Maister John Letham, Maister Henry Lawder, Maister Thomas Kineragy, Maister Thomas Marjoribankes, Maister William Johnston: And gif ony uthers cunning men will desire to be admitted to the office of Advococation and Procuracion, they fall be received with advise of the saids Lordes, for compleitring of

the said number. And that thir Procuratoures foresaidis, procure for everie man for their wages, bot gif they have reasonable excuse.

65. *Advocates to be sworne.*

ITEM, That all the saidis Advocates and Procuratoures chosen, or to be chosen and admitted, fall be sworne to exerce faithfully and diligentie the office of Advocation and Procuracion.

66. *That all Advocates passe foorth of the Councel-houfe, quhen the Lordes passis to disputation.*

ITEM, It is statute and ordained, that all Advocates and Procuratours fall enter in the Conncell-houfe, at the calling of all sumoundes and acts, and remaine quhill the parties have argunned and dispute their matters at the Barre, and then to remooove quhen the parties ar remoooved, and then to enter againe at the giving and pronuntiation of interloquutoures, quhen the parties enters.

67. *Anent exceptions dilatoures.*

ITEM, It is statute and ordained, anent proces and formalitie to be kepte be Advocates in pleying before the Lordes, that ane dilatour exception being proponed, and repelled be ane inter-loquutour of the Lordes, that the Advocates, Procuratoures, or parties be their selves, fall propone the lave of their dilatoures at anis. And that nane Advocat nor Procuratour within the Bar stand to pley, bot passe out-widh with the partie, except the Kingis Advocat.

68. *The Kingis gude minde anent the Lordes of the Sessjon.*



Orfameikle as we for the great affection, that we have for Justice to be done, and equalie ministrat to all our Lieges, hes in our laste Parliament, chosen ane certaine number of persones, Spiritual & Temporal, to be upon our daillie Sessjon, and to minister Justice equalie amang all our Lieges, as saideis, after their conscience & understanding: And all the saidis persones ar sworne to do the famin: And als at our command, they have maid certaine statutes and rules to be observed and kepte be themselves and others in their doinges, and proceeding for Justice in all times. The quhillkis statutes & rules we have subscribed with our

Juramentum.
Statuta
Approbatia.

hand. Herefore we of our awin free motive & proper will, ratifies & apprievis be thir presentes, all and findrie the saidis statutes maid be our saidis Lordes of Sessjon in everie poynt. Attour, wee promit to the saids Lords, that we fall not be ony private writing, charge or command at the instance of ony person, or desire them to do utherwaies in ony mater that fall cum before them, bot as Justice requiris: or to do ony thing, that may breake statutes maid be them at our command and doing of Justice. Als wee fall authorize, mainteine, and defende all the saidis Lordes, their persones, landes and gudes fra all harme, wrang, hurte, and injurie to be done to them be ony maner of person: And quha that dois in the contrair, fall be punished with all rigour.

The Kingis promit not to cum in the contrair.

And because the saidis Lordes chosen upon our Sessjon, presentis our person, & bears our autoritie in doing of Justice, Wee fall have them, baith Spiritual & Temporal in special honour & maintenance. And wee fall give na credence to ony man, that will murmur them, or ony of them, be doing of wrang, or inhonestie: Bot they fall be called before us, and gif they be foundin culpable, to be punished therefore, after the qualitie of the fault and demerite: And gif they be foundin cleane and innocent, the person compleening, fall be punished with all rigour, and never to have credite with us againe. Attour, because the saidis persones man awaite daillie upon our saide Sessjon, except at feriat times, & suld be therefore privileged abone uthers.

Protection for the Lordes of the seate, Na swifter information to be heard against the Lordes: not called.

Herefore we have exeemed, and be the tenour hereof exeemis them, and everie ane of them, baith Spiritual and Temporal, fra all paying of taxes, contributions, and uther extraordinare charges, to be up-lifted in ony times cumming, and fra the bearing of ony office or charge within Burgh, or out-widh, bot gif it be their awin free will and consent.

The Lordes free of all taxes & bearing of offices. The punition of the persons that faultes to the Lordes.

ITEM, We grant to our saidis Lordes of Sessjon, that gif ony person or persones, dishonouris and lichtlies them, or ony ane of them, in ony maner of way: That they command and charge, and put that person or persons in warde in our Castel of *Edinburgh*, or ony uther our Castelles they please, to remaine quhill they have maid satisfaction for the fault, at the saidis Lordes consideration, gif the fault be small and injurious: And gif it be greate, quhill they advertise us thereof, that wee may gar the famin be amended, and punishment maid therefore, as effeiris.

THE SUBSCRIPTION.

AND This our ratification and approbation promit and grant of all thir premisses, We have subscribed with our hand, And ordainis the famin to be put in the buikes of our Councell togidder with the statutes maid be our saidis Lordes of Sessjon, Subscribed in likewise with our hande at our Castel of *Striviling*, the tenth day of *Junij*: And of our Reigne the nineteene zeir.

JAMES R.

F I N I S.

V

THE

T H E S E X T

P A R L I A M E N T

O F

K I N G J A M E S T H E F I F T H.

Halden at Edinburgh, the tenth daye of December, the zeire of God, ane thousand, five hundredeth, and fourtie zeires.

69. *The aire may be foresfalted for treason committed be his Predecessoure.*



THE Quhilk day, Maister *Henrie Lauder*, Advocate to our Sovereine Lord, exponed in presence of the Kingis Grace, and the three Estaites of Parliament, how that his Grace had raised fummounds upon the aires of unquhile *Robert Lesley*, to heare his name and memorie delete and extinct, for certaine poyntes and crimes of lese-majestie, committed and done be him or his decease. And therefore all his grukes moveable and unmoveable, perteing to him the time of the committing of the saide crime, and sensine, to be decemed to perteine to his Grace: And becaufe it is murmured, that it is ane noveltie to raise fummoundes, and moove sik ane action against ane person that is deade, (howbeit the commoun lawe directlie provide the famin:) Neverthelesse for stanching of sik murmure, and that his Grace tendis on na sorte to moove or doe ony thing, bot that hee may justlie bee adviced of the three Estaites: Therefore desired the said three Estaites, to advise thereupon, and that his Grace may have senfement of Parliamente, quhiddir that he hes ane action to perfw sik fummoundes or not. The haill Estaites, Spiritual, Temporal, and Commissioners of Burrowes, all in ane voyce, but variance and descrepance, hes delivered and concluded that his Grace hes gude cause, and just action to perfw the said fummoundes, & all uther siklike fummoundes of treason, done and committed against his person, and commoun weill, conforme to the commoun law, gude equitie and reason: Notwithstanding there is na special lawe, acte, nor proviſion of the Realme, maid thereupon of before.

70. *THE KINGIS GRACE REVOCATION.*



WE JAMES Be the grace of God, King of *Scottes*, understanding clearly the privilege of the commoun Law, acts and statutes of our Realme, provided and given to the Successoures of all maner of persones, to revoke, casse, and annull all things done be them in their zouthhead and lesse age quhair-throw they ar greatlie and heavelie damaged and skaithed in their heritages, be imprudent alienations, donations, and venditions of the famin: And that they may at their persite age revoke the famin, and all things done be them prejudicial in their minoritie and lesse age: And therefore our Predecessoures, Kingis of *Scotland*, at their persite age of twentie five zeires past, hes in times by gane, maid revocation of all sik things that hes bene done be them in hurt and detriment of their Crowne, lands, rents, and possessiones, perteing to the famin, and uther things quhair-intill they, be circumvention, were damaged and skaithed, maid their revocation, cassand and annulland all sik giftes, alienations, and donations: Herefore we at our persite age of twentie five zeires by-runnin, beand for the time fourth of our Realme, in the partes of *France*, maid our general revocation schortlie at *Roan*, the thrid day of *April*, the zeir of God, ane thousand, five hundredeth, threttie seven zeires, as at mair length is contained in ane instrument maid thereupon, subscribed with the hand of Maister *George Cuike* Notar publicque: Of the quhilk the tenour followis.

Wee for certaine great and reasonable causes moving us, and havand respect to the weill of our Crowne, and commoun weill of our Realme, revokis all maner of giftes, infestmentes, and dispositiones quhat-sum-ever, we have maid, or hes bene maid be our Tutoures and Governoures, for the time, during our minoritie and lesse age, in quhat-sum-cvcr cause or case, that they may cum under revocation, be the commoun law, or consuetude of our Realme: Protcting solemnely, that our absence fourth of the famin at this time, and the solemnities required on that behalfe, not being done, be to us na prejudice, anentis the said revocation, with the quhilkis we dispense, and supplies all faultes therewith, be our Kinglic power and autoritie Royal, and will that this stande for our general Revocation of all maner things done be us, or our saidis Tutoures: And the famin to be extended in the maist ample and large forme, as

any others Revocations maid be our maist Noble Father, or our Progenitours, Kingis of Scotland: The quhill our said general Revocation, We in this present Parliament, with the advise and consent of our three Estaites, ratifies and apprievis, and zit, as after followis, revokis, cassis, and annullis in general, and als in special.

IN The first, we revoke, cassis, and annullis, all infestmentes, donations, alienations, and dispositions maid be us, our Tutors, Governours, or Regents in our les age, in any maner of way in fee, few-ferme, or franck-tenement of ony lands, Lordshippes, customes, annualles, fishinges, Burrow-mailles, and Castell wairdes annexed to our Crowne, or ony parte thereof, alswell given be our Father, quhom God assoilzie, as be us: to ony person or persones, in contrair the actis maid thereupon of before: to be reduced againe to us, and to our Crowne, be vertue of the actes and statutes maid of annexations, and after the forme of the samin.

ITEM, We revoke all alienations of ony rentes, landes, and heritages, annexed to the principallitie, and to the Prince, second person of the Realme, maid be us in maner foresaid.

ITEM, In likewise, we revoke, cassis, and annullis, all donations, alienations, few-fermes, and giftes quhat-sum-ever, in life-rent, or uther waies, in our none-age of the landes, rentes, annualles, or ony uthers revenues, that our Father had in his possession, the time of his decease, be gift, or uther-waies, and of all offices, sik as Chalmerlanries, Bailleries, & Customaries, maid for maaz zeires, bot fra ane Checker, quhill the compt be maid in the next Checker, after followand. And als, all affedationes and tackes maid for langer termes nor five zeires.

ITEM, In likewise, wee revoke and cassis, all tailzieis maid fra the aires general, to the aires mail, of ony landes within our Realme, against the law and gude conscience.

ITEM, We revoke all new infestmentes of landes, given in blanch-ferme, that were halden of us of before, be service of warde and reliefe.

ITEM, We revoke all Regalities and confirmations of the Regalities, and of all offices given be us in heritage, or be our Father, against the actes and statutes, that na Regalitie suld be given in heritage, without advice and deliberation of the hail Parliament.

ITEM, We revoke all alienations, maid of ony heritages, in our none-age, that becum lauchfullie in our handes, be reason of fore-faltour, bastardrie, or uther-waies, and life-rentes given thereof in our minoritie.

ITEM, Wee revoke all new creations of Landes, Barronnies, annexations and unions of diverse landes into fee, in prejudice of our dew service, aucht to us, and our Progenitours of before. And sikiike we revoke, all discharges of service of suites of Courtes aucht of auld to our Progenitours.

ITEM, We revoke all new infestmentes given of creation of Barronnies, in the landes and Lorde-shippes annexed to our Crowne.

ITEM, We revoke all giftes and confirmations given be us, of quhat-sum-ever landes and heritages, be evil and false suggestion, be the expreming of ane false cause, quhair gif they had bene expreed ane trew cause, and the veritie, we had not given the samin. And there-throw we ar greatumlie and enormelic hurte.

AND Generallie, Wee revoke, cassis, and annullis, ali and quhat-sum-ever things, done be us in our lesse age, in detriment and harme of our saule and conscience, hurting of the privileadge of our Crowne, prejudicial to the samin, and to us in our patrimonie thereof. And quhat the commoun Law, and consuetude of our Realme leavis us to revoke. And this our Revocation to be of als great effect, and als largelic extended in General and in Special, as ony Revocations, maid be ony our Progenitours, Kingis of Scotland of before: And specially be our dearest Father, of gude minde, quhom God assoilzie, and King JAMES the Second: And prorestis, suppose we of our favours and benevoicence, suffer ony person or persones, to use or possede ony privileidges or possessiones of landes, rentes, and offices, that ar fallen under our Revocation: It fall make na neit to the users or halders thereof. Bot it fall be leiffull to us to put our handes thereto, quhen ever it fall please us, but ony contradiction, be vertue of our said Revocation, actes, and constitutions of our Realme, maid of before.

71. That all Schireffes and uthers Officiares be present personally, at the three head Courtes zeirliche.

FOR THE Mainteining of Justice, and putting of gud ordour thereto, out through all this Realme: It is statute and ordained, that all Stewards, Baillies, and Schireffes, hald all their three head Courtes be themselves in proper person, without they have just and lauchfull excuse, throw being in the Kingis Grace service, and to testifie the samin be his Grace writing or throw sickness, that they may not travel: And that the Kingis Grace authoritie be not lichtlied, and his Lieges want debtfull administration of Justice: It is siklike statute and ordained, that all Barronnes and Free-halders, that awe sute and presence into the saidis Courtes, to be there personally, and the absentis to be americiat with all rigour: And quha that awe bot sute, that they send their sutors, honest and qualified men, able to decide upon ony cause conformand to the auld Law: And that the saidis Schireffes, Stewards, and Baillies, admit nane uthers, as he will answer to the Kingis Grace: And quha that cummis to the court, that he answer for himselfe, and remaine quhill the samin be done and ended, and to passe upon inquests and assises, and assist to the Kingis Schireffes, Stewards, and Baillies, in administration of Justice, and doing of their offices and service, conforme to their infestmentes, as they will answer to the Kingis Grace, upon their utter-maist charge.

72. *All Temporal Judges, fuld set their Courtes upon fifteene daies.*

ITEM, Because our Sovereine Lord hes bene, and is of gude will and minde to have Justice schortelic done to all his lieges, swa that throw lang proces, his lieges be not lang taried and vexed in greate expenses: Therefore hes statute and ordained, that all Schireffes and Temporal judges, fall in times cumming, in all personal actiones, set their courtes peremptourlic upon fifteene daies: And direct their precepts thereupon, and at that day procede *summarie & de plano*: The partie being warned upon fifteene daies, and make sik processe in all things, as is used before the Lordes of Council and Session: Notwithstanding onie auld Lawes and constitutions maid thereupon of before: And all uthers maters and actiones to have sik processe, as they have had in times by-gane.

73. *Of the qualities and aith of deputies.*

ITEM, That all Schireffes and uthers Officiares of the Kingis within this Realme, make their deputies, Iane or maa, gude and wise substantiallous men, of best fame, knowledge, understanding, and experience, within the Schireffedomes, and least suspect: for quhome they fall answere for administration of Justice, to all persones indifferentlic. And that they cause their deputies to be maid, creat, and sworne in plaine courre, and ane acte maid thereupon: And gif they continue their deputies langer then for ane zeir, that they cause them zeirly to be sworne to their offices, for the administration of Justice, at the head courtes after *Michael-mes*.

74. *The indorsation of all letters fuld be stamped.*

ITEM, That all Schireffes, Stewardes, and Baillies, cause their Maires and Officiares, quha fall execute the Kingis letters and charges, or their awin precepts, to have ane signer, and in it graved the first letter of their name, or first of their fur-name, or else sum uther thing, that fall bee universally knawin to be their signet, with the quhilkis they fall signet all letters and precepts execute be them, and indorsat in times-to-cum: And that na indorsation fall have faith, nor be admitted, bot they that ar signed with the saids signettes. And sik-like, that all officiares of the Kingis, have their signettes in maner foresaide: And signet all letters and charges execute and indorsat be them, under the paine of deprivation of them fra their Offices, that makis ony sik executions, without their signettes foresaidis. And gif ony of their executions wantis their signet, the samin fall have na faith.

75. *The ordour of sumounding of all persones in Civill astiones.*

ITEM, For eschewing of greate inconvenientes and fraude, done to OUR SOVERAINE LORDIS Lieges, be sumounding of them at their dwelling places, and oft-times falslie, and gettis never knowlege thereof: IT IS statute and ordained, that in times cumming, quhair ony Officiar or Schireffe in that parte, passis at commande of the Kingis letters, or the Schireffes, Stewardes, Barrones, or Baillies precept, to sumounde onie partie, gif they cannot apprehende them personallie, they fall passe to the zett or dure of the principal dwelling place, quhair the perion to be sumounde dwellis, and hes their actuall residence for the time, and there fall desire to have entresse, quhilk gif it be granted, they fall first schaw the cause of their cumming: And gif they cannot get the partie personallie, they fall schaw their letters or precept before the servandis of the house, or uther famous witnesse, and fall execute their offices and charge, and there after fall offer the copie of the saids letters or precept to ony of the servandis, quhilk gif they refuse to do, that they affix the samin upon the zett or dure, of the persones sumound: And sik-like, gif they get na entresse, they first knock and at the dure sex knockes, they fall execute their office before famous witnesse, at the said house and dwelling place, and affixe the copy upon the zett or dure thereof, as said is, quhilk fall be iefffull and sufficient sumounding and delivering of the copie, and the partie, nor Officiar fall not be halden to give ony uther copie, bot at their awin pleasure. And everie officiar in his indorsation, fall make mention of his awin execution, in maner foresaid. And the partie at quhais instance, the letter or precept is direct, fall pay to the Officiar executour the expenses of the copie affixed, as said is: And fall be taxed and given againe to him, at the giving of the decret or senrence, gif he happenis to obtaine: And gif the Officiar beis foundin culpable in the execution of his office, he fall be put in our Sovereine Lordis prison, and punished in his person and gudes, at the Kingis Grace will.

76. *The election and examination of Notars.*

ITEM, Anent Scribes and Notars, baith to lande and Burgh, because it is understande to the Kingis Grace, that the multitude of them generis ane great confusion, monie falsettis ar committed: For remeid hereof, It is statute and ordained, that everie Schireffe, with sik persones as fall please the Kingis Grace to adjoyne to them, fall call before them, all Notars that ar laick men, within his Schireffedome, and boundes of his Office, and examine them, and quha that ar halden to be famous and able men to execute the Office, that they be admitted be ane acte in judgement: And that the said Schireffe have ane buik, and

gar them that ar admitted, write their subscription, and signes manual in the said buik, sik-like as they subscribe all instrumentes, & as they will use in times cumming, and to discharge all uthers, except them that ar writers, Notars, and Scribes, in OUR SOVERAINE LORDS Courtes of Justice, baith Civill and Temporal, quha fall be admitted be the Chancellor, President, and Lordes of Councill, and quha after the saide discharge makis ony instrument, the samin fall be of nane availe, and have na faith, it beand opponed be the partie, and not beand proven in the contrair, that the saide Notar is admitted, as said is: And that all Ordinares cause sik-like to be done upon all Notares, that ar Spiritual men within their Diocese: And quha that happenis to be maid Notares in times to-cum, that they use not the saide Office of Notarie, unto the time they cum before the Schireffe or Ordinar, and gette their admission, subscribe and put their signes in the saidis buikes, as they will use in times to-cum, with certification to them, and they fallzie, their instrumentes fall be of nane availe, and make na faith.

77. *Saisinges upon precepts of the Chancellarie, said be given be the Schireffe Clerke, and all uthers be honest Notars.*

ITEM, It is statute and ordained, for eschewing of inconvenients of giving of saisinges be private Notars, quhais names ar oft-times un-knawin, and their protocoles cannot be gorten, in-case the principal instrument be riute, destroyed, substracted, and halden awaie. For eschewing hereof: THAT All saisinges be given in times cumming, be the Schireffe Clerke, or his deputes, whom fore he fall answer, and be nane uthers, upon all precepts that passis be the Chancellarie: And all uthers saisinges to be given be famous Notars admitted thereto, and be nane uthers.

78. *Of the admission of Notars, be the Lordes of Session.*

ITEM, Because there is in the acte precedand, greate credence and faith to be given to the Notars and Clerkes of Courte: It is statute and ordained, that all Schireffes, Stewards, Baillies, and uthers, baith to Bugh and Lande, present their Clerkes and Notars in presence of my Lorde Chancellor, Presidente, and Lordes of Councill, to be examined, sworne, and admitted: Providing atwaies, that they change or chuse as they please: And quha that beis new chofen, to be presented, and admitted, as said is.

79. *That the Protocolles of all saisinges be presented zeir lie in the Checker.*

ITEM, Anentis the acte of Parliament maid of auld, quhair it is ordained, that all Schireffes bring with them at their Checker comptes anis in the zeire ane buik containand all saisinges given be them, at the least, the day, the moneth, of the giving of the said saisinge, and the name of the landes contained in the samin, be eiked in this maner: That the Clerke of the Court cum with the said Schireffe or his Deputes, in everie Checker, and bring the saide buik with him, subscribed with his awin hand and signe manual, that the samin may remaine in the Register: Swa that the Kingis Grace may know his tennentes, and all uthers havand entresse, may have recours thereto.

80. *Of false Notars and witnessse, Counsellers, and users of falsed.*

ITEM, For punishment of false Notares, and them that bearis false witnessse, or that inducis ony man to beare false witnessse: And siklike of them that makis false instrumentes, or causis make ony false instrumentes, or usis the samin wittinglie: That all sik persones in times cumming, be punished in their persones and gudes with all rigour, siklike as it is provided be the disposition of the commoun Law, baith, Canon, Civil, and statutes of the Realme.

81. *Of Notars Ordinar in the Schireffe Court, or utherswaies.*

ITEM, For eschewing of greate inconvenientes, that dailie occurris, in the reducing of processe, led before Schireffes, Stewards, and Baillies of Burrowes, Regalities and Barronnies, quhair there is oft-times produced and schawin instrumentes, contrair to uthers: That is to say, the instrumentes and actes maid be the Scribe of the court, beirand ane way, and instrumentes tane in uthers Notars handes, beirand ane uther way, and oft-times alleageance, that was never heard nor understande to the judge, his affesoures, or uthers members of court: Therefore in times cumming: It is statute and ordained, that all instrumentes, notes and actes be maid and tane in the handes of the Scribe, and Notar Ordinar of the Courte, or his Deputes: And gif ony partie will have ane Notar with him, for mair securitie, that that Notar passe and stande within Barre, in quhais handes it fall be leifull to onie partie, to rake documentes, togidder with the Notar of Court: And that ilk ane of them be insert witnessse to uthers, with ane parte of the maist famous persones, affesoures or uthers members of court being within Barre, with sik uther honest-men as ar present, with certification, gif this forme and fashion be not kept, that the instrument taken in ony uther Notars handes, nor the Scribe of courte, fall have na faith. And gif the Notar and Scribe of courte, refusis to give instrumentes,

menres, actes, or notes to ony perſones deſirand the ſamin, he ſhall tyme his office, and ſhall be called and puniſhed in his perſon and gudes at the Kingis Grace will.

82. *For giving of Commiſſiones, in prejudice of the Ordinar.*

ITEM, Aneent the article given in be the Schireſſes, that quhair they have their offices in heritages, and greatumlie hurte be giving of Commiſſiones to uthers Officiars, in cafes pertainand to their offices: And for remeid therefore: The Kingis Grace, with the adviſe of his Eſtaires, hes ordained, that na commiſſion be given in times cumming, for ſerving of briefes, appriſing of landes, bot to the Judge Ordinar: And gif ony partie ſhall happen to give in ony complainte, for the getting of commiſſiones, for ony cauſe that is reaſonable, the ſaid commiſſion ſhall not be granted, unto the tyme the ſaide Schireſſe, Steward and Baille be warn'd to heare the Commiſſion given, or elſe to alleage ane reaſonable cauſe, quhy the ſamin ſuld not be given.

83. *Of leaſing-makers.*

ITEM, Touching the article of leaſing-makers to the Kingis Grace, of his Barronnes, Greate men and Lieges, and for puniſhment to be put to them therefore: The Kingis Grace, with adviſe of his three Eſtaires, ratifies and apprievis the actes and ſtatutes maid thereupon of before, and ordainis the ſamin to be put to execution in all poyntes: And als ſtatutis and ordainis, that gif ony maner of perſon makis onie evil information of his hieneſ to his Barronnes and lieges, that they ſhall be puniſhed in ſik maner, and be the ſamin paines, as they that makis leaſingis to his Grace of his Lordes, Barronnes, and lieges.

84. *The acte of annexation of landes to the Crowne.*

ITEM, Becauſe it is underſtandin, and weil adviſedlie conſidered be the Kingis Grace, and three Eſtaires of his Realme, beand aſſembled in this preſent Parliament, that the patrimonie of his Crowne, & revenues thereof beand augmented, is the great weil and profite, baith to the Kingis Grace, and his Lieges: And therefore it is thocht expedient, that our Sovereine Lorde, followand the gude example of his predeceſſours, ſuld annex to his Crowne, for the honourable ſupporte of his Eſtaite Royall, in all adventures and cafes, baith in weere and peace, ſik landes and Lordſhippes, as ar now preſentlie in his handes, that ar not annexed of before, and the ſaidis lands being annexed, to remaine perpetuallie with the Crowne, may nouthere be given awaie in fee, nor franck-tenement, to ony perſones, quhat ever Eſtaite or degree they be of, without adviſe, decreete, and deliverance of the hail Parliament, and for the great reaſonable cauſes, concerning the weil-fare of the Realme, firſt to be adviſed and digeſtly conſidered, be the hail Eſtaires. And albeir it ſhall happen **OUR SOVERAINE LORDE**, that now is, or onie his Succedours, Kingis of *Scotland*, to annalic and diſpone the ſaidis Lord-ſhippes, Landes, Caſtelles, Townes, donations, and advocacones of Kirkes and Hoſpitalles, with their pertinentes to the Crowne, as ſaid is annexed, that the alienation and diſpoſition, ſhall bee of nane availe: Bot it ſhall be leiſfull to the King for the tyme, to receive thay landes to his awin uſe, quhenver it likis his Grace, but ony proceſſe of Lawe, and the takers ſhall refunde and paye all profites, that they have tane up of thay landes againe to the Kinge, for all the tyme that they have had them, with ſik uthere reſtrictiones, as is contained in the Actes of Parliament, maid bee his maiſt Noble Predeceſſours, Kingis of **SCOTLAND**, in the Annexation to the Crowne.

AND Therefore his Hieneſſe, with adviſe and Counſell of his three Eſtaires, hes annexed to his Crowne, to remaine there-with, in maner foreſaid, thir landes after following. **IN** The firſt, the Landes and Lordſhippes of all his Iles, South, and North: The twa *Kyntyres*, with the Caſtelles pertaineing thereto, and their pertinentes: The Landes and Lordſhippe of *Orkney*, *Zetland*, and the Iles pertaineing thereto, and their pertinentes. The Landes and Lordſhippe of *Dowglaſſe*, with the Caſtell, Towre, and ſortalice thereof, donations, and advocacones of Kirkes and benefices, and their pertinentes: The Landes and Lordſhippes of *Crawford-Lindsay*, and *Crawford-John*: The Landes and Lordſhippes of *Bonkill*, *Preſfloun*, and *Temptalloun*, with Towres, Fortalices, landes, rentes, advocacones and donations of Kirkes: The Landes of *Dunſire*: The Landes and Lordſhippe of *Jedburgh* Forreſt: The Landes and Lordſhippe of *Kerymure*, with all their pertinentes: The ſuperioritie of all and hail the Earledome of *Angus*, and all uthere landes, rentes and poſſeſſiones, quhilkis pertained to *Archebald*, ſume-tyme Earle of *Angus*, the tyme of the ſaid Earles fore-faltour, and now being in our Sovereine Lordis handes, be reaſon thereof: The Landes and Lordſhippe of *Glamis*, that ar not halden of the Kirk: The Landes of *Baky*, *Balmuketie*, *Tannades*, *Drumglies*, *Lang-forgund* and *Balbekwies* with the Towres, Fortalices, advocacones, and donations of Kirkes, and their pertinentes: The Landes of *Raclaweb*, *Qubite-campt*, over and nether *How-clewch*: The Landes, Lordſhippe, and Baronaie of *Avandaill*, with the towre and Fortalices thereof, advocacones and donations of Kirkes, their annexes and connexes, and all their pertinentes, ſik-like as umquhile *James Hamiltoun* of *Finuart* Knicht, had, and brukied the ſamin, before the tyme of his fore-faltour: The Landes and Lordſhippe of *Liddeſdale*, with the Caſtell of *Amitage*, advocacon and donation

donation of Kirkes, and their pertinentes: The landes and Lordship of *Bath-well*, with the towre, fortalices, and their pertinents.

85. *Weapon-schawinges to be twise in the zeir.*

ITEM, Touching the first articke anentis the weapon-schawing: It is thocht necessar, that weapon-schawinges be maid twise in the zeir, out throw all the Realme, that is to say, in the monethes of *Junij* and *October*, at sik day or dayes, and place, as fall please the Schireffe, Steward, Baillies, Provest, and Aldermen of Burrowes, to assigne after the quantitie of the Schire, gif the mustures cannot be all tane on one day. And that they make warninges thereto, upon the premonition of twentie daies. And that the saids mustures be tane be the Schireffe of the Schire, Provest, and Baillies of Burrowes, and Baillies of Regalities, and others Commissioners, quhome the Kingis Grace pleasit to assigne to them. And because they have bene sa lang out of use, of making of weapon-schawinges: It is thocht expedient, that the samin be maid thrise for the first zeir. And the first time to be on the morne after *Law-Sunday*, nixt-to-cum.

86. *That the army of Scotland be un-horsed, except great Barronnes.*

ITEM, Anentis the maner of cumming of our Sovereine Lordis Lieges to weere, horsed and un-horsed: The Kingis Grace understandis the great hurte, skaith, and damage done in cumming of multitude of horse-men, throw destruction of cornes, meadowes, and herrying of pure folkes: And als the greate impediment maid be them in the hoist, quhair all men mor fight upon fute: THEREFOR hes statute and ordained, that na maner of man have horse with him, bot bee reddie to gang on fute, fra the place that pleasit the Kingis Grace to assigne to be the first meeting and assembling of his armie, except cariage horse allanerlie: And gif ony man cummis on horse-back, or bringis his horse with him, except for his cariage, as said is, that he incontinent fend his horse hame againe with ane rinnand boy, and with na sensible man, or able of person to beare weapons, under the paine of death: Providing alwaies, that albeit this Acte is maid General, the effecte thereof, fall not extend to Earles, Lordes, Barronnes, and greate landed men, bot that they, and sik others, as fall be thocht expedient be the Kingis Grace, or his Lieu-tenentes, fall passe on horse-back, quhair ever the Kingis Grace movis with his armie.

87. *The maner of Harnesse, weapons, and armour.*

AND As to the maner of Harnesse and weapones, and how everie man suld be armed and weaponed: It is statute and ordained, that all OUR SOVERAINE LORDIS Lieges have weapones and harnesse, as after followis: IN The first, that everie Noble-man, sik as Earle, Lorde, Kñicht, and Barronne, and everie greate landed-man, havand ane hundreth pounce of zeirliche rente, bee an-armed in quhite harnesse, licht or heave as they please, and weaponed effeirand to his honour: And that all others of lower rent and degree in the Law-land, have jack of plate, halkrik, or brigatanes, gorget or pesane, with splentes, panse of mailzie, with glooves of plate or mailzie: And that all others OUR SOVERAINE LORDIS Lieges, Gentle-men unlanded, and zea-men, have jackes of plate, halkrikes, splentes, fallate, or steil-bonet, with pesane or gorget, and everie man with sworde. And that na maner of weapons be admitted in weapon-schawinges, bot speares, pikes, starke and lang, of sex elnes of length, *Leithaxes*, halbardes, hand-bowes and arrowes, croce-bowes, culverings, twa handed swordes: And everie man to be anarmed, as said is, under the paine of five pound, to be tane of everie landed-man, fiftie shillings, of everie Gentle-man, and xx. shillings of everie zea-man: als oft as they be foundin faultous in the premisses. And because it is understandin, that their weapones and harnesse may not be compleitlie gorten at the first weapon-schawing, that is to say, on the morne after *Law-sunday* nixt-to-cum: Therefore it is dispensed be the Kingis Grace, that they make their schawinges and mustures with sik harnesse and weapones, as they have, or may convenientlic get against the said day.

88. *Of armour conforme to everie mannis rent and substance.*

ITEM, It is ordained for weapon-schawinges in Burrowes, that everie man havand ane hundreth pounces iworth of geare, be anarmed in quhite harnesse, and weaponed as landed-men foresaide. And everie man within ane hundreth pounces worth of gudes, and that may spend ten pound, be anarmed as Gentle-men landed, and zea-men men, in maner foresaid, and under the paines abone written.

89. *That all persones present in weapon-schawing be written, with the maner of their armour.*

ITEM, That na fraude be maid in the making of the saidis weapon-schawinges, and that the Kingis Grace may knaw the ordour of his people: It is statute and ordained, that everie Earle, Lorde, Barronne, Laird, and others command to the saidis weapon-schawinges, give the names of the persones that

fall cum with them thereto in Bill to the Schireffe, Baillie, Stewarde, Lorde, or Baillie of Regalitie, Provest, Alderman, and Baillies to Burgh, or to ony utheris, quhome it fall please the Kingis Grace to give commission to with them, and that they roll their names in ane buike, with the maner of their harnesse and weapones zeirlie, in everie weapon-schawinge, sealed with their awin seale, and subscribed with their handes, sende and deliver the samin to the Kingis Grace, to be keiped and considered, bee quhome his Grace fall please to give the cure thereof. And that all Lordes and Baillies of Regalities, do sik-like zeirlie, within the boundes of their offices.

90. *The premonition of the weapon-schawinges.*

ITEM, That all OUR SOVERAINE LORDIS Lieges, be warned to the saidis weapon-schawinges, upon fourtie daies warning, for the first time: And zeirlie at everie time thereafter, upon twentie daies.

91. *The chusing of Captaines in everie Parochin.*

ITEM, That execution may be had throw all the Realme, amongst all OUR SOVERAINE LORDIS Lieges, for exercising of their perones in ordour, swa that be learning of ordour, and bearing of their weapons in time of peace, they may bee the mair experte to put themselves in ordour haiftielie, and keipe the samin in time of neede: It is thocht that this artickle is verie-necessarie to be provided: AND therefore staturis and ordainis, that everie Schireffe, Stewarde, Baillies, Provestes, Aldermen, and Baillies of Burrowes, Lordes and Baillies of Regalities, at everie weapon-schawing concurre and sit downe, with the Kingis Commissioners, that fall happen to be depute to them, and they togidder, to consulte with the maist able perones of the Schire: And after that they have rolled the names of everie man, with their harnesse and weapones, chuisse ane able man for everie Parochin, or maa, as it is of greatnesse, or for smaller Parochines ane, quha fall bee Captaine, or Captaines, to the cumpanies of the saidis Parochines, and fall learne them to gang in ordoure, and beare their weapons, and fall conveyne their saidis cumpanies twife at the leaste in everie Moneth, of the Monethes of Majj, June, and Julij, at quhat dayes they fall thinke maist expedient, upon Halie-daies before noone: And als in all uthers Moneths, gif they may gudlie, and there exerce them in maner foresaid. And that na man dis-obey the saidis perones, Captaines, to be depute and chofen, as said is, under the paine to bee punished at the Kingis will. And that the saide Captaine bee chofen, als oft as beis teene expedient be the Schireffe of the Schire, Commissioners, and Councill admitted to him to that effect.

92. *Ane generall remission, granted be the Kingis Grace to all his lieges.*

ALSWA, Our Sovereine Lord, understanding the great occasion and evill exemple for the time, given to his Lordes, Barronnes, and all his lieges, to commit and do the time of his lesse age, sik offenses and crimes of treason and urtherwaies, quhilk deservis great and hie punishment, quhilkis as his Grace understandis, be the gude and trew service done be them to him, sen his cunning to perfite age, they walde not have done nor committed: And because his Grace thinkis, that he will not be unremembrand and ingrate, for the gude and thankfull service done to him, be his saidis Earles, Lordes, Barronnes, and lieges of all degrees, hes remitted and forgiven, and be the tenour of this acte, remittis and forgives to all his saidis lieges, all maner of crimes of treason, done be them in our Sovereine Lordis time, that last deceased, and his Predecessours, Kingis of *Scotland*, and in his hiennesse awin time, unto the daie and date of this present act. (The intelligence with *Archebald* sum-time Earle of *Angus*, *George Douglas* his brother, and umquhile *Archebald Douglas* of *Kilspindie* their Eame, sen the time of giving of doome of fore-saltour against them, allanerly excepted) And therefore exhortis and prayis presentlie, all his Bartonnes and lieges, to be trewe and thankfull subiectes unto his Hiennesse, as he fall nor fail, to be ane gude, thankfull and loving King to them: And that the copie of this acte, sufficientie extracted, fall be sufficient remission, without ony uther particular writing.

F I N I S.

T H E S E V E N T H
P A R L I A M E N T
O F
K I N G J A M E S T H E F I F T H.

Halden at Edinburgh, the fourteenth day of March, the zeire of God, ane thousand, five hundredeth, and fourtie zeires,

93. *Ratification of the institution of the College of Justice.*



THE Kingis Grace, with advise of his three Estaites of Parliament, understanding that the institution of his College of Justice, and acts maid thereupon, ar nicht profitable to his Grace, and all the hail Realme: And therefore now after his persnate age of twentie five zeires; hes ratified and apprievd, ratifies and apprievs, for him and his Succesfoures, the instirution of the saide College of Justice, and Actes maid for administratioun of Justice therein: And likewise ratifies & apprievs the confirmation, ratification, approbation of the *Paipse*, of the erection of the said College, and of the gift of all benefices, rentes, given & to be given, assigned, & to be assigned, to the honest sustentation of the said College of Justice: And all priviledges, quahsum-ever granted, and to bee graunted thereto, bee the *Paipse*, and his hieneffe.

And wils, and ordainis for the causes foresaid, that the said College and institution thereof, remaine perpetuallie, for the administratioun of Justice, to all the lieges of this Realme, and to be honoured sik-like, as any uther College of Justice in uther Realmes. And arour; gives and grantis to the President, Vice-president, and Senatoures power to make sik actes, statutes, and ordinances, as they fall thinke expedient, for ordouring of proces, and haistie expedition of Justice: And in absence of President and Vice-president, wils; that the eldest in ordour of the saidis Senatoures, be President for the time, to the effect, that there may be na stop of Justice any time, thirou absence of the said President, and Vice-president.

94. *Hagbuttes and uther small artaillarie, to be furnished within the Realme,*

ALS WA, Because the schot of gunnes, hagbuttes, handbowes, and uther small artaillarie, nowe commounlie used in all Cuntries, baith be Sea and Lande in their weeres, is sa felloun and un-schewable to the pith of high coutage of Noble and vaizicant men, quhai actes and deedes cannot be schawin, without contrait provision bee had of instrumentes of weere and battel: IT IS Herefore statute and ordained be the Kingis Hieneffe, with advise and consent of the three Estaites of his Realme, that everie landed-man within the famin, fall have ane Hagbutte of Founde, called Hagbutte of Crochet, with their Calmes, Bulletes, and pellockes of leed or irone, with powder convenient thereto, for everie hundredth pound of land, that hee hes of newe extent: And he that hes bot ane hundredth marke land, fall have twa Culveringes: And ilk man havand fourtie pound land, fall have ane Culvering, with Calmes, Leede, and Powder, gainand thereto, with treatise to be ar all times reddie, for schutting of the saide Hagbuttes: And that everie man of living foresaide, fall have ane man or maa, as hee may furnish, for schutting of the saide Hagbuttes and Culveringes, and to learne others to schutte the famin: And that everie man have the said artaillarie esseirand to his living, substantiouse furnished, as saide is, reddie within auchteene Moneths; next after the publication of this acte, under the paine of doubling the price, that will bye ilk peice of the said artaillarie, to be applyed to the Kingis Grace use, for byeing of the famin to himselfe: And the saidis auchteene Monethes being paste, that everie man make his mustures with the said artaillarie, weil furnished, as said is, at the next weapon-schawinges. The quhilk being done, they fall not be bundin to bring their said artaillarie to any weapon-schawinges thereafter, bot gif they be speciallie required thereto, bee the Kings Grace writing, or be the Schireffe, or uthers Judges Ordinar, under the Kingis Grace. And that this acte be extended, allweill to the Lordes of Regalie, and their tennentes, as to them of Royaltie: And that everie Kirk-man furnish, sik-like artaillarie in maner abone writen, to bee schawin at weapon-schawinges, as said is, after the availe and quantirie of their Temporal landes: And that their artaillarie remaine at the Castell, Abbay, or Mansion of the Bischoppe, Prelate, or Kirk-man, to be keppep there and left to his Succesfoure, quba fall bee halden to up-hald the famin, for the defense of the Realme: And because it cannot be nowe clearly understandin of the availe and quantirie of everie Burgh; quhat artaillarie, and how meikle they may furnish: THEREFORE It is statute and ordained, that

dation of all Hospitales, and to cause the famin be kepted, conforme to the first foundation, and the said visitoures to be named be the Kingis Grace.

102. *Of the Bigging of Leith-wynde.*

ALSWA, Tuitching the reparationes and mending of deformities within the Towne of *Edinburgh*, and speciallie quhair there is common passage and entresse, quhairby all strangers and others our Sovereine Lordis lieges, passis and repassis: It is thocht expedient, and als it is ordained, that the Provest, Baillies, and Councell of *Edinburgh*, garre warne and charge all maner of persones, that hes ony landes, biggings, and waistes, upon the West-side of *Leith-wynde*, That they within zeir and daye, big and repaire honestlie their saidis waistes and ruinous houses: And that they beginne to the famin within three Monethes, and that they end the famin within zeir and day, or else sell the famin to others to be bigged, within the said space: And to charge them that ar knawin, personallie, and all others be open Proclamation at the mercat croce of *Edinburgh*, with certification to them, & they failzie, the saidis Provest & Baillies fall cause the saidis landes, tenementes, and waistes to be apprifed, and fall sell the famin to ony that will bye them, & paye the prices thereof to the awners: And gif na man will bye them, it fall be ieffull to the saidis Provest and Baillies, to caste downe the saidis waiste landes, and with the stuffe and franes thereof, bigge ane honest substantiall wall, fra the Porte of the Nether-bow, to the *Trinitie* College: And it fall not be leiffull in times cumming, to ony maner of person to perfew them, nor their Successoures therefore, nor pretende ony richt or entres thereto in time to-cum, nouthor for the principal lande, nor for annualles award fourth thereof: And because the East side of the saide Wynde, petteinis to the Abbot and Convente of *Halyrude-house*: It is ordained, that the Baillies of the *Cannon-gate*, garre siklike be done upon the said East-side: And als because of the vilitie that cummis bee slaying of fleshe be the fleschoures dwelland on the East-side, & tuming entrailles of bestes, generand corruption: It is therefore ordained, that the famin be forbidden be the Provest and Baillies of *Edinburgh* and *Cannon-gate*, under the paine of confiscation of all sik fleshe slaine be them, in maner foresaid.

103. *Anent the mercat of Edinburgh.*

ITEM, Because the mercatte of meall, and others victualles of the Towne of *Edinburgh*, is common upon the *Hie-gate*, to the sight of all maner of persones, strangers and others, and that ane multitude of vile, un-honest and miserable creatures, conveenis to the saide mercatte dailie, to get their sustentation and living: Therefore it is thocht expedient, that the said meall-mercat be removed off the *Hie-gate*, in sum honest, gainand, and convenient place, quhair the night-boures of the said Towne, and others the Kingis lieges, may conveene, for selling and byeing of sik victualles in time to-cum.

104. *The paines of Judges that dois wrang: And of them quha slander them wrangeously.*

SWA It is statute and ordained, that for-sa-meikle as it hes bene heavilie murmured to our Sovereine Lorde, that his Lieges hes bene greatlie hurte in times by-gane be judges, baith Spiritual and Temporal, quha hes not bene allanerlie judges, bot plaine sollicitares, partial Councelloures, assisters and partakers with sum of the parties, and hes tane great geare and profite.

Therefore it is statute and ordained in times cumming, that all Justice, Schireffes, Lordes of Session, Baillies of Regalities, Provest and Baillies of Burrowes, and uther depures, and all uther Judges, Spiritual and Temporal, alsweill within Regalities as Royaltie, fall do trew and equal Justice to all our Sovereine Lordis lieges, without ony partial Councell, rewardes, or buddes taking, further then is permitted of the Law, under the paine of unfeil of their honour, fame, and dignitie, gif they be tainted and convicted of the famin: And gif ony maner of person murmuris ony Judge, Temporal or Spiritual, alsweill Lordes of Session, as others, and proovis not the famin sufficientlie, hee fall be punished in semblable maner and sorte, as the saide Judge or person quhom he murmuris, and fall pay ane paine arbitrall, at the will of the Kingis Grace, or his Councell, for the infaming of sik persones: Providing alwaies, gif ony Spiritual man failzies, that he be called before his judge Ordinat.

105. *Provison and paines of them committ and fraude in alienation or uther waies.*

ITEM, For eschewing of inconvenientes, that oft and diverse times happenis in this Realme, of the new invented crafte and falsed committid and done dailie be them that sellis their landes, or disponis the famin, *exititulo oneroso*, that puttis their Bairnes or uther friend, and person in the state of the famin, before the daite of the selling or giving thereof to others, as said is: Herefore it is statute and ordained, that quha sellis and disponis ony landes or annual-rentes to ony maner of person, for ony cause, quhair warrandice may fall, and puttis others in private state thereof, not be resignation in the Kingis Grace handes, nor be confirmation with precept, past furth of the Chancellarie, nor be plaine resignation in the Over-lordes handes, or confirmation of the Over-lord, and the person that happenis to get thir landes, and bruikes the famin peaceable, zeir and daye, be labouring, manuring, and uptaking of the mailles, profits, & dewties,

as neede beis, to furnish and ende fourth the saide warke, for policie of the Realme: And that na impediment be maid to sik Crafter-men, vsaund their Craft, as saide is, be ony uther of the saide craft within this Realme, under the paine of tinsell of their freedome, and breaking of the actes of Parliament: And that the Provelt and Baillics of all Burrowes, take inquisition hereupon, and put this acte to execution in all poyntes,

112. *For drawers of Claitb.*

ALSWA, It is statute and ordained, anentis drawers of claitb, and Listtars of false coullours: That in everie Burgh, there be an qualified man ehosen, to seale all claitb, and fall have for his laboures, of ilk iteik fealling, twelve pennies. And gif ony drawers of claitb, beis apprehended, that ane halfe of the saidis gudes, to be our Sovereine Lords escheit, and the uther halfe to the Burgh, and the said drawers within Burgh, for the first faulte, to tine their freedome for zeir and day: And for the seconde fault for ever. And sik-like, of them our-with Burgh, dingand calk, creische, flailand, or cardand claitb, that the samin be escheit, and they halden to refund the skaith to the awners: And gif the saide sellar beis foundin culpable, sealland un-sufficient coullour, or drawn claitb, he to tine his freedome, and to be punished in his person and gudes.

113. *Fore-stallers within Burgh.*

ITEM, It is statute and ordained, gif ony Fore-stallers be apprehended, fore-stalland ony maner of Merchandice, victualles, pultrie, or gudes quhat-sum-ever, within the freedome of Burgh, that the Officiars of the saide Burgh, escheit the samin, the ane halfe to our Sovereine Lordis use, and the uther halfe to the Burgh, conforme to the acte of Parliament maid hereupon of before: And that na uther Officiar have power thereto, within the boundes of free Burgh.

114. *Anentis weichtes.*

ITEM, It is statute and ordained, that na Burgh have ane weicht to bye with, and ane uther to sell, different in weicht therefra, bor that all Burrowes have ane univerfall weicht of the stane, baith for byeing and selling of all stufte in time to cum.

115. *Annexation of landes to the Crowne.*

OUR SOVERAINE LORDE, With advise and consent of his three Estaites, hes annexed the Landes under written, to remaine perpetuallie with his Grace, and his Successoures, as patrimonie of his Crowne, with all clausis, restrictiones and provisones, sik-like as is contained in the annexationes of uthers landes, maid be his Hiennesse in his last Parliament, and be his Predecessoures, Kingis of Scotland: And wills that the samin be halden as for expresse in this present acte: Of the quhillkis landes the names followis: That is to say, All and hail the lands of *Cro-mar* and *Braa of Mar*: All and findrie, the landes of *Hinder-land*, with the Towre and Fortalice of the samin, and their pertinences, advocaciones and donations of Kirks and Chaplanaries: All and findrie, the lands and Barrenie of *East-weemes*, Towre and Fortalice of the samin, advocation and donation of Kirkes, tennents, tennandries, partes, pendickles, annexes, connexes, and pertinentes thereof: And all uther and findrie landes, quhillkis pertained to umquhile *James Colvill of East-weemes* Kniecht, the time of his decease, and nowe pertaining to **OUR SOVERAINE LORDE**, be reason of doome of foresaltour given thereupon: And als the landes of *Buckhaven*, except sa-mickle thereof, as please the Kingis Grace, to give to the Abbor, and convent of *Dumfermeling*, in *excambium*, for ane parte of their landes of *Wester-Kingborne* beside the *Brint-Ilande*, conforme to the Charters to be maid thereupon. And als except it fall be leasum to our said Sovereine Lorde, to set his saide annexed landes in few, for augmentation of his zeirlic rente, conforme to the acte of dissolution maid in this present Parliament.

116. *The dissolution of the union, for setting of fewes.*

ITEM, Because it is thocht be the Kingis Grace, and the hail three Estaites of this Realme, that the setting of his landes, baith annexed and un-annexed in few, is to the great profite of his Crowne, swa the samin be maid in augmentation of his rentall: It is therefore statute and ordained be our Sovereine Lorde, and his three Estaites of this present Parliament, that it fall be leasum to his Hiennesse, to set all his proper landes, baith annexed, and un-annexed in few-ferme, to ony person or persons, as he pleasis, swa that it be not in diminution of his rentall, grassumes, or ony uther dewties, bor in augmentation of the samin, and to set them with sik clausis, as he thinkis expedient, and to be given, according to the conditoun foresaide. And that the landes, that he settis in his time, as said is, stand perpetuallie to the aires, after the forme of their conditoun: And that this statute indure for the life-time of the King, our Sovereine Lord that now is, allanerly: swa that the landes that he settis in his time, with the conditions foresaidis, fall stand perpetuallie: And after his decease, the annexationes quhillkis ar maid of before, fall returne againe to the awin nature, swa that his Successoures fall not have power to annalie nor set in few, mair then they had before the making of this statute.

117. *That*

117. *That na faith be given to evidentes sealed, without subscription of the principal or Notar.*

ALSWA It is statute and ordained, that because mennis seales may of adventure be tint, quhair throw great hurt may be genered to them that awe the famin: And that mennis seales may be feinzied, or put to writings, after their deceafe, in hurte and prejudice of our Sovereine Lordis lieges: That therefore na faith be given in time cumming, to ony obligation, band, or uther writing under ane seale, without the subscription of him that awe the famin, and witnesse: or else gif the partie cannot write, with the subscription of ane Notar thereto.

118. *Anentis burning of Cornes, raising of fire, and ravishing of weemen.*

ITEM, It is statute and ordained, that the committers of the crimes of fire-raising, and ravishing of weemen, be put under sovertie to the Law, like as the crimes of slaughter and mutilation: And in case of non-finding of sovertie, to denunce them rebelles, like as men-slayers. And als because the burning of Cornes in barnes zairdes, is a greate offense against the commoun weill: That therefore there be never respect nor remission given in time to cum, to ony perones that burnis cornes in flacks or barnes, bot the committers thereof, to be justified to the death, or else banished the Realme for ever.

119. *Anentis them that breakis or passis contrair the Kingis Grace priviledges, granted to him be the seate of Rome.*

ITEM, Anentis the artickie maid to provide how the auld actes and statutes, maid against them that dois contrair the Kingis priviledges, granted to his Predecessours and Successours, be the sege of Rome, and specialtie Temporal men, that ar contrair the saidis actes, in licht-lying of the Kingis autoritie, makis finance and furnishing to the perones, breakand and hurting our Sovereine Lordis priviledge, quhat ordour shall be taken against Scottis Clerkes, remainand in Rome, that stands contrair our Sovereine Lordis priviledge: It is statute and ordained in this present Parliament, that the statutes and actes maid thereupon of before, against them, passand contrair our Sovereine Lords priviledge, be observed and kepted in time to cum: And that dirtay be taken upon the breakers of ony of the saidis actes, to underly the Law for the same, the thrid daye of the next Justice aire of the Schire, quhair the breakers dwellis, or upon fiftene daies warning, before our Sovereine Lordis Justice principall, or his deputes, quhen, and quhair they fall be summoned thereto, be our Sovereine Lordis letters, swa that Justice fall be extremelie done upon them passand in contrair the priviledge granted to the Kingis Hieneffe, and breakand the actes and statutes maid thereupon, after the forme and tenour thereof.

120. *The nearest of the Kin, to have the gudes of minors, that dies intestat, without prejudice of the Quote.*

ITEM, Anent the artickie proponed: For-sameikle as oft-times zoung perones dies, that may not make testaments, the Ordinares usis to give their executours Datives to their gudes, quihikis in troinetis therewith, and with-drawis the gudes fra the Kin and friendes, that suld have the famin be the Law: It is statute and ordained, bee the three Estaites of this present Parliament, that quhair ony sik persons dies within age, that may not make their testaments, the nearest of their Kin to succede to them, shall have their gudes, without prejudice to the Ordinares, anent the Quote of their testaments.

121. *All the Kingis Lieges may sell bread in Edinburgh on mercat dayes.*

ITEM, Because of the great repaire in Edinburgh, throw resorting of our Sovereine Lord his Lieges, and uthers strangers, and it is necessar, that they be provided of bread, gude and sufficient stuffe: Therefore it is statute and ordained, that there be ouklike three mercat dayes for selling of bread within the said Towne: That is to say, *Monday, Wednesday, and Fryday* ouklike, upon the quhilk daies, it shall be leiffull to all our Sovereine Lordis lieges, baith to burgh and to land, to cum upon the said mercat daies to the said Towne, and sell their bread for reddie money, without trouble or injuries to be done to the perones, cummaide with their bread, to the effect foresaid.

122. *All the Kingis Lieges may sell flesh in Edinburgh on the mercat dayes.*

ITEM, It is statute and ordained, that there be three mercat daies ouklike in the said Towne, for selling of flesh: That is to say, *Sunday, Monday, and Friday* ouklike all maner of perones, baith to Burgh and to Lande, shall be free to cum and sell flesh for reddie money, for the furnishing of our SOVERAINE LORD, and his Lieges, and uthers repairand to the said Towne.

123. *Tallow suld not be carried awaie, nor barvelled.*

ITEM, For-sameikle as it was statute and ordained of before, that na Tallow sulde be had foorth of the Realme, for the eschewing of the dearth of the famin, not-thelless the Tallow is caryed foorth in greate quantitie, quhilk hes raised exceedand dearth in the Cuntrie, puttand the flane of Tallow to ane double price or abone: THEREFORE It is statute and ordained in this present Parliament, that na person nor perones, take upon hande in time to cum, to carry ony Tallow foorth of the Realme, under the paine of tinsell of all their gudes moveable, cummand in contrair hereof: And that all Customers, at everie Porte of the Realme,

Realme, quhair Schippes ar frauchted, make searchoures to search and seeke all Schippes, and quhair ony Talloun beis schipped, or brocht to the Schippes, to be caryed fourth of the Realme, to escheit the samin: That is to say, that ane halfe be to their awin use that apprehendis the Talloun, and the uther halfe to OUR SOVERAINE LORDIS use. And that the Customers make compt here-upon zeirle in the Checker: And als, that they advértise OUR SOVERAINE LORDIS Thesaurar of the perones awners of sik Talloun escheitid, swa that he may in-bring the remanent of their moveable gudes, to OUR SOVERAINE LORDIS use, for their contemptioun: And in likewise, that na maner of man, flescheour, nor uthers, to Burgh nor to land, take upon hand, to rinde, melt, nor barrel talloun, under the paine of infell of all their gudes.

124. *Of them that counterfeitis the Kingis money.*

ITEM, For-sameikle as diverse wicked, evil advised perones, seinzies and counterfeitis our Sovereine Lordis money; quhilk may returne to the greate damage of this Realme, without remeid bee provided therefore in time: Therefore it is statute and ordainid, that all Provestes, Alder-men, Baillies, and Officiares of Burrowes, search and seeke upon all mercat daies, and urther times necessar, all perones that can be apprehended, havand false money, or counterfeitis the Kingis irons for cuinzie: And bring or send them to our Sovereine Lordis Justice, to be justified for their demerites, after the forme of the Lawes of the Realme, maid upon false cuinzicoures.

125. *He that takis places of Bishoppes and Abbotts, after their decease, committis treason.*

SWA In the first, for the honour of God, and halie Kirk, our Sovereine Lorde, with advise of the three Estates, ordainis that the freedomes, priviledges, and immunities of halie Kirk, and all Spiritual perones, be observed and keiped in honour, worship and dignitie, for the time of our Sovereine Lord, that now is, like as hes bene in the time of his maist Noble Progenitours of gude minde, quhome God assoilze, of before, with this addition: That for-sameikle as quhen Prelates, sik as Bishopprikes or Abbacies, happens to vaik, the nomination thereof, pertenis to our Sovereine Lord, and the provisioun of the samin, to the Paape: Nevertheless, evil disposed perones in troublous times, hes put handes, and taken Bishoppes Castellles, Palices, and Fortalices, at their awin hand, be their awin authoritie, and bur our Sovereine Lordis command, consent, or letters, at times quhen Bishopprikes vaiks and uthers: and in likewise, enters in Abbaies and takis them, and puttis the same in keiping in secular mennis handes, but consent, command, or letters of the Kingis Grace, and als but commande, advise, or desire of the Conventes of sik Abbaies, in hie displeasure of GOD Almightie, and in hie contemptioun of our Sovereine Lordis authoritie, quhair-throw the Kirk and Kirk-men ar heavily hurte and damaged: Therefore it is statute and ordainid in this present Parliament, that quhat-sum-ever person or perones, in ony time to cum, takis ony Bishoppes Places, Castellles, or strengthes, or enters be their awin authoritie in Abbaies, to halde thay places, but our Sovereine Lordis commande, letters or charges, or desire of the Conventes thereof, at times quhen sik Bishopprikes or Abbaies vaikes, or ony uther time, they not vaikand, but the Kingis authoritie, they fall incurre the crime of treason and lese-majestie, and fall be called therefore at the Kingis pleasure, upon their fore-salrour, and to tyme their lives, landes, heritages, and gudes moveable, and un-moveable, honour, and offices, because the Kingis Grace is halden and boundin, to defend the Halie Kirk, and Kirk-men, in their just actiones.

126. *Officiares of armes may be deprived be the Thesaurer.*

THE Lordes ordainis, that because the Kingis Officiares, quhen they ar charged be the Thesaurer to do service to the Kingis Grace in his earandes, alleagis that they have na Horle nor their wages not sufficient, quhair-throw diverse maters concerning the common weill of the Realme, ar postponed: That therefore the said Thesaurer fall have power to take the armes fra ony of our Sovereine Lordis Officiares, under Heraldules, that refusis to passé sik earandes, as hec layis to their charge, in the Kingis name, in time to-cum.

127. *The Clerke of Register havand the Kingis licence, suld cause imprent the actes of Parliament.*

OUR Sovereine Lord hes ordainid, that the actes of Parliament maid be his Hieneffe, be published out-throw all the Realme. And that all Schireffes, Stewardes, Baillies, Provestes and Baillies of Burrowes and uthers his Lieges, may have the copies thereof, and pretend na ignorance, throw mis-knawing of the samin; Hes ordainid his Clerke of Register, to make ane authentik extract and copy, of all the saidis acts, sa far as concernis the common weill, under his subscription manual, to be imprented, be quhat Prenter it fall please the said Clerke of Register to chuse: And it fall not be lesaun to ony uther Prenter to imprent the samin within this Realme, or without the samin, or bring hame to bee saulde, for the space of sex zeires nixt to-cum, under the paine of confiscation of the samin: Providing alwaies that the said Prenter to be chosen be the said Clerke of Register, as said is, have our said Sovereine Lordis special licence thereto.





MARIA , REG: , SCOTORVM ,



T H E F I R S T

P A R L I A M E N T

O F

MARY, QUEENE OF SCOTLAND.

Halden at Edinburgh, the XIII. day of March, the zeir of God, ane thousand, five hundredeth, fourtie and twa zeires: Be JAMES Earle of ARRANE, Lord HAMMILTON, Tutor and Governour to her, the Realme and Lieges:

i. *Passing of signatoures throw the seales, after the Kingis decease.*

THE Lord Governour, with advyse of the three Estaites of Parliament, ratifies and apprievis the acte maid at *Edinburgh*, the aughteenth day of *Januar*, last by-past, touching the passing of all signatoures, concerning intémentes throw the seales: And sik-like of respectes, remissiones, and others, as is contained in the saide acte, and after the forme and tenoure of the same: And prorogatis the terme contained in the saide acte, for raising of the saids seales: sik-like all summouthes to be raised under the quarter seale, quhill the first day of *August* next to-cum. Of the quhill acte, the tenour followis: AT *Edinburgh* the aughteenth day of *Januar*, the zeir of God, ane thousand, five hundredeth, fourtie twa zeires: The quhill day it is thought necessar and expedient, be the Lords of Councell, at the command of the saide Lord Governour, for the common weill, and weill of sundrie Lordes, Barronnes, and Landed-men, and others our Sovereine Ladies Lieges, quha obtained before the decease of our Sovereine Lord, quhom God assoilzie, signatoures of new intémentes of their landes be resignation, alienation, confirmation, and als remissiones, and maid compositiones therefore, with consent and advyse of the Thesaurer, and was subscribed be our said umquhile Sovereine Lord, and his Thesaurer, quhillik as is zit ar not past the seales: Quhairfore the saidis Lordes ordainis and statutis, that all new intémentes and signatoures foresaidis, fall passe orderly throw all our saide umquhile Sovereine Lordes Seales, and to be of als great strength, valour and effecte, as and they had bene raised afore his Grace decease. And albeit the great Seale, and privie seale ar now changed, and diverse precepts were direct of before, That is to say, to *David*, Cardinal of *Saint-Andrewes*, keiper of the privie Seale, and fra the said privie Seale, direct to *Gavin*, Arch-Bishoppe of *Glasgow*, Chancellor for the tyme: That the saidis precepts be answered be the keepers of the saidis seales, and they to be of als great strength, valour, and effect, as they were direct to *John*, Abbot of *Passlay*, now keiper of the privie seale: And to the saide *David*, Cardinal of *Saint-Andrewes*, now Chancellor and keiper of the great Seale: And als ordainis, that all precepts of saifinge els raised, upon intémentes, granted be umquhile our said Sovereine Lorde, that ar else past the great seale, and sik-like that ar to be past upon the signatoures and precepts foresaidis, fall be sufficient, and of als great valoure, strength, and effect, for giving and taking of the saidis saifinges (notwithstanding our said umquhile Sovereine Lordis decease) as they had bene put to execution, and saifing taken thereupon, afore his Grace decease: And that letters bee direct throw all the Realme, to publishe this constitution; and to

warne all maner of perfonen, that hes raised ony signatoures and preceptes there-upon, in maner forefaide, that they cum and paffe under the faidis Seales orderlie, as effeiris, betuixt this and the Feast of *Pafche* nixt to-cum, with certification and they failzie, the faidis signatoures and precepts raised thereupon, fall be of na force nor effect, fra the said day fourth, and fall not be answered of the faidis Seales, the said day being by-paft.

F I N I S.

T H E S E C O N D
P A R L I A M E N T
O F
M A R I E, Q U E E N E O F S C O T L A N D,

Halden at Edinburgh, the fifteenth day of December, the zeir of God, one thousand, five hundred, fourtie and three zeires.

2. *Ratification of the institution of the College of Justice, and payment of the contribution granted to them.*



THE Quhilk day, the Queenis Grace, with advife of the Lord Governour, and the three Eftaites of the Realme, ratifies and apprievis the institution of the College of Justice: With all privilegedges, freedomes, and liberties, given and granted to the famin, in fik-like maner, forme, and effect, as it was in unquhill our Sovereine Lords time, that last deceased, and fenfine.

AND Mair-over, the three Eftaites of Parliament, decernis and ordainis, letters to be direct, to require the Ordinaries to give their letters upon all Prelares, to cause payment be maid of all restes, awin be them to the feate of the Session, of all termes by-gane: And fik-like in time cumming zeirlic and termelic, within sex daies nixt after their charge, under the paine of cursing: quhilk vj. daies being by-paft, and they not payand: that the Queenis Grace letters be direct, to poynd and distreinzie their Temporal landes and gudes, conforme to the Actes maid of before, for in-getting of the contribution, for sustentation of the persons that dailie and continuallie remainis, for administration of Justice, to all the Lieges of this Realme.

F I N I S.

T H E T H R I D
P A R L I A M E N T
O F

MARIE, QUEENE OF SCOTLAND;

Halden at Edinburgh, the fourth daye of August, the zeire of God, ane thousand, five hundredeth, and fourtie seie zeires.

3. *Tennentes suld be removed in quiet maner, without convocation.*



THE Quhilk day the Lord Governour and the three Estaites of Parliamente, rati-fies and apprievis in this present Parliament, the acte maid at *Strivling*, the elle-venth day of *Junij*, the zeir of God, ane thousand, five hundredeth, fourty sex zeires, maid anentis the laying furth of tennentes be their Over-lordes, as at mait length is conteined in the said acte: of the quhilk the tenour followis: THE quhilk day the Lord Governour, with advise of the Queenis Grace, and Lordes of Councell, understandand that there is great convocations maid in the Realm, for putting and laying furth of men furth of their tackes and steadings, and sik-like, to resist to the Lordes of the ground, their Baillies and Officiars to lay them forth, quhilk is the occasion of great trouble and slaughter amongst our Sovereine Ladies Lieges:

Therefore it is statute and ordained, that letters be direct to all Schireffes, Stewardest, Baillies, and their de-putes, and to uthers Officiars of the Queenis; Schireffies in that parte, to passe to the mercat croce of the head Burrowes of the Schires, and there be open proclamation, commande and charge, all and findrie our Sovereine Ladies lieges, of quhat-sum-ever degree they be, that nane of them tak upon hand to make ony convoca-tion, for putting and laying furth of ony tennentes, bot that they be their Baillies and Officiars, lay furth the saidis tennentes gudes orderly, conforme to the Lawes of the Realme, observed and keiped in times by-gane: Nor zit that na maner of tennentes make ony convocation or gaddinger, for resistance to their Lords of the ground, their Baillies and Officiars, under the paines conteined in the actes of Parliament, maid against them, that makis ony gadderinges or convocations, with certification to them that dois in the contrair, that they fall be called at particular diets, and fall be punished therefore with all rigour, as accordis. And gif ony person thinkis them offended be uthers, ordainis that they fall be called outhir criminally or civilly, and justice fall be ministred, as accordis.

The DISPOSITION of BENEFICES, wardes, reliefes, and mariages, and of posses-sions of them that happenis to die in the armie: the zeir of God, ane thousand, five hundredeth, and fourtie seven zeires.

4. *Anent Kirk-men.*



T *Monk-toun-Hall*, the aucht day of *September*, the zeir of God, ane thousand, five hundredeth, and fourtie seven zeires: The quhilk day, my Lord Governour, with advise and consent of the Prelats, Kirk-men, Earles, Lordes, Barronnes, and all uthers Patrones of benefices, baith Spiritual and Temporal understandand that the hail bodie of the Realme, is passand forwarde at this time, to resist our aulde enemies of *England*; cumming in this Realme to invade the famin: Ordainis, that quhat-sum-ever Kirk-man that happenis to be slaine in this present armie, hurte to the death, or takis seicknes in the famin, and dies in the said seicknes gangand, remainand, or command therefra:

That the nearest of the said Kirk-mennis Kin, fall have the presentation, provision and collation of his benefice for that time allanerly: And the famin to be disponed to the nearest of his Kin, that happenis to be slaine, or decease, in maner foresaid, maist able therefore: And the profites of their benefices, with the fruites speciallie on the grounde, with the annat thereafter to pertaine to them and their executours, alsweill Abbottes, Priores, and all uthers Religious men, as all uther Kirk-men.

5. *Auent the warde, reliefe and mariage.*

ITEM, It is statute and ordained, that quhat-sum-ever person or persones, happenis to be slaine, hurte to the death, or take seicknesse in our Sovereine Ladies armie, now ordained in reddinesse to passe forward, for defense of the Realme, and resisting of our auld enemies of *England*, now gaddered to invade the same, and dies in the said seicknes, gangand, remainand or cummand therefra: That their aire or aires, shall have their warde, none-entresse, reliefe, and mariage, free; of our Sovereine Ladie, dispensand with their minoritie and lesse age, quhat elde that ever they be of, without payment of ony teinde-pennie: And sik-like, of all uther Lordes, Spiritual and Temporal, baith of vassalles and sub-vassalles: Providing that the aires foresaidis, persév and obtéine chétersse of their Over-lordes, within three termes after the decease of their fathers, or of quhat-sum-ever uther persone, quhom to they ar to succede, for the causes foresaidis: And gif the saidis aires be of lesse age, within tutorie, and beis not entred to their landes and heritage, before their age of foureene zeires, quhilk may be throw negligence of their tutors, and uthers their friendes: Our Sovereine Ladie privilegedis and grantis to them, that they may enter within three termes, nixt after their compleit age of foureene zeires, as said is: And this to be extended to the mediate aire, that is to succede to the person, that happenis to decease in our Sovereine Ladies armie, in maner foresaid: And because it may happen the said person, that happenis to decease in the said armie, to have maa lauchfull bairnes of his bodie by his aire: Therefore ordainis, that the profites of his waired landes be rane up be their Mothers, gif there be na tutoures Testamentars, als lang as scho remainis widow, and failzieing thereof, be the nearest and lauchfull tutoures of the saidis bairnes, to be distribute for the sustentation of the said aire, and to the utilitie and profite of the remanent of his brether and sisters, to the persite age of the saide aire or aires: That is to say, gif the aire be male of twentie ane zeires, and gif they be femal of foureene zeires, the profit of the saide aires mariage, being ay free to himselfe, his saidis Mother, tutour, and governour, findand sufficient caution before the Lordes, that they shall make compt and reckoning of their intromission, before the Lordes of Council, or in the Checker zeirlic: And gif the aires of the persones that happenis to die, as said is, have ony fewes, that they enter sik-like to their few landes, halden of quhat-sum-ever persones, Spiritual, or Temporal, within the termes foresaidis, without ony payment of the doubling of the few.

6. *Auent possessions.*

THE Quhilk day the Lorde Governour, and all the Noble-men, Barronnes, Free-halders, and Gentle-men, being convened and assembled togidder, to passe forward, for defense of this Realme, and resisting of our auld enemies of *England*, now instantlie approcheand to the Lord Governour, and his armie: Hes devised, statute and ordained, alsweill be the Lord Governours awin consente, as the consent of the Noble-men, baith Spiritual and Temporal: That gif it shall happen (as God forbid) ony Earle, Lorde, Barronne, Free-halder, vassall, sub-vassall, fewares, mailers, tackel-men, rentallars, and possessoures, or commones to be slaine, or take seicknesse, quhair-throw they happen to decease at this present armie: That their aires, executours, or assignayes, shall freelic have their awin wairdes, reliefes, and mariages in their awin handes, to be disponsed thereupon, as they shall thinke expedient: And sik-like their wives, bairnes, executours, or assignayes, shall bruik their tackes, steadings, rowmes and possessions, alsweill of Kirk-landes, as of Temporal mennis landes, and enter thereto, and remaine therewith freelic, for the space of five zeires, without ony gressum or entresse silver, payand allanertie mailles and dewties, used and wont: And the said act alsweill to extend upou Kirk-mennis vassalles, and Temporalles, as upon the Queenis.

F I N I S.

T H E F O U R T H

P A R L I A M E N T

O F

MARIE, QUEENE OF SCOTLAND,

Halden at Edinburgh, the XXIX. daye of May, the zeire of God, ane thousand, five hundredeth, and fiftie ane zeires.

7. *All the gudes moveable of them quha susteinis the processe of cursing ane zeir, or communicatis, being excommunicate fall perteine to the King, the creditour being first satisfied.*



HE Quhilk daye, the Lorde Governour, with advise of the three Estaites of Parliament, havand respect to the Noble, Catholick and Christian actes and statutes, maid bee unquhile our Sovereain Lord, King JAMES the Fifth, that last deceasid, quhom God assoilzie, for conservation and halding of his Lieges in the trewe and godlie faith ever hidertilis, not onely be him, bot also be his maist Noble Progenitours, inviolablie observed and keiped, sen they first received the samin: And in speciall, sik statutes, ordinaunces and actes maid anentis them that wilfullie, obstinatelie, or arrogantly incurris the paines of cursing, be ony maner of way, and lvis under that damnable stait lang time, schawand their ungodlie life to others the faithfull lieges of this Realme, havand na regard to be participant of the merite of the bloud of CHRIST, quha throwe their arrogancie, obstinacie, and in-obedience, wilfullie, throw

coullour and pretense of devotion, to schawe their hie hypocricie, cummis to the halie burde of CHRIST, and receivis the Sacramente, lyand under the saide Censures of cursing, to the evill example, of others the gude, trewe, simple Catholick people: And for remeid hereof, and for eschewing of sik evill, abominable, perverse, & detestable vices in times cumming, to the effect that the lieges of this Realme may live in trewe faith in our Sovereain Ladies time, that now is, as they have done in her maist Noble Progenitours times: Hes statute and ordained, that quhatsumever person or persones, ar denounced curfed, for ony maner of cause in their Paroch Kirk openlie and publicklie, on ane solemned daye, in time of divine service before noone, before the Parochin, or personally quhair-ever they be, before famous witnesse, and lvis therein obstinatelie be the space of ane zeir, or receivis the bodie of CHRIST, blessed and halie Sacrament, under the saide cursing, un-reconciled to the bosome of halie Kirk, that all their gudes moveable throw that deede, fall fall in our Sovereain Ladies handes, be reason of escheit, and that the samin be in-brocht to her use, quhair-ever they may be apprehended, to be disponed at her graces pleasure: Providing alwaies, that they at quhais instance sik persones ar denounced curfed, for summes of money, for fulfilling of ony deede, fall be first satisfied and payed of all summes, or uther things that they may crave, be vertew of the saidis letters of cursing, of the saidis escheit gudes, and thereafter the remenant to perteine to our Sovereain Ladie. And that letters be direct to make publicacion hereof at all places needefull.

8. *Declared Traitousres may be slaine: And quha quarrellis the samin, committis treason.*

THE Quhilk day, Forsameikle as the Lorde Governours Grace; and three Estaites of Parliament, havand respect to the great, heavy, and abominable crime of treason and lese-majestie, committed be diverse and sundrie OUR SOVERAINE Ladies lieges within this Realme, and out-with the samin, for quhilkis sik traitoures hes bene called, accused, and be the three Estaites declared traitoures in Parliament: Notwithstanding sik traitoures, swa banished and fugitive, without licence or tolerance of our Sovereain Lady, or the Lord Governours respect, remission, or *superfedere*, cummis and resortis againe within this Realme, and hantis and repairis amangst our Sovereain Ladies lieges, like as they, nor name of them had committed ony offense against our Sovereain Lady, the Lord Governour, the Realme, nor the authoritie, and ar receipt, fortified and maintained be OUR SOVERAINE LADIES Lieges, their assisters, favourers, mainteiners, and airt and part-takers with them in their treasonable deeds, havand na regard toward our Sovereain Lady, the Lorde Governour, nor the authoritie: And in times cumming, to schaw that foule, abominable crime of lese-majestie and treason, and for punishment of the committers thereof,

of, their assisters, favourers, maintainers, receipters, fortifiers, and partakers of all s^{ik} Traitous, and their companie, and to avoide the companie of others, OUR SOVERAINE LADIES trew and faithfull subjectes:

It is devised, statute and ordained be the Lord Governour, and three Estaites of Parliament, that in case ony s^{ik} declared traitour, or traitoures, happenis to be handled, taken, apprehended or slaine upon suddantie, or uth^r waies put to death: then and in that case, it shall nor be leiffull to the kin, friendes, assisters, fortifiers, maintainers, favourers, or airt and part-takers with s^{ik} traitoures on na wife, fra the time that s^{ik}-like traitour or traitoures happenis too be handled, apprehended or slaine fra thine soorth, to moove onie question, pick, grudge or querrell, or beare onie rancour, hatred, or envie against the person or persones, committers of the slaughter of s^{ik}-like persones traitoures, nor to perfew nor invade them for bodily harme, slaughter, or uth^rwise, to injure them in word or deed for that cause, nouth^r for times by-gane, nor to cum, under the pain of treason, with certification to quhatsumever person or persones, that cummis in the contrair of the premisses, that he fall be called and accused upon treason, like as the committar of the principall crime fall be in like maner punished, conforme to the Lawes of the Realme, with all rigour.

9. *Anent them that schuttis with gunnis at Deare and wilde-fowle.*

THE Samin daye, for-sa-meikle as it was devised, statute and ordained of before, that name of OUR SOVERAINE LADIES Lieges, sulde take upon hande to schutte with the halfe-hag, Culvering, or Pistolet, at Deare, Rae, wilde-beastes, or wilde-fowles, under the paine of death: Notwithstanding OUR SOVERAINE LADIES Lieges, daylie and continuallie in-contrair the tenour of the actes maid thereupon, incurand the paines contained in the samin, schuttis with the halfe-hag, culvering, and Pistolette at the saidis wilde-beastes, and wilde-fowles, quhair-throw the Noble-men of the Realme, can get na pastime of halking and hunting, like as hes bene had in times by-past, bee reason that all s^{ik} wilde-beastes and wilde-fowles ar exiled and banished, be occasion foresaide: And for remeid hereof: It is devised, statute and ordained be the Lorde Governouris Grace, and the three Estaites of Parliament, zit as of before, that name of OUR SOVERAINE LADIES Lieges, of quhat-sum-ever degree hee be of, take upon hande to schutte at Deare, Rae, or uth^r wilde-beasts or wilde-fowls, with half-hag, culvering or pistolet in ony times to cum, under the paine of death, and confiscation of all their gudes, for their contempion, and quhat person or persones, that happenis to take or apprehend ony maner of persones, cummand in-contrair this present acte and statute, and bringis him to the Schireffe of the Schire, or his depures, the taker fall have the escheit of all the persones gudes hee apprehendis, and fall be rewarded uth^rwaies, as accordis for his laboures.

10. *The act maid anent the annuelles of landes burnt be our auld enemies of England, within Burrowes.*

AT Edinburgh, the elleventh day of September, the zeir of God, ane thousande, five hundred, and fiftie ane zeires, in presence of the Lordes of Councell, compeired ane maist Reverand Father in GOD, *John*, Arch-Bishop of *Saint-Andrewes*, Commendator of the Abbaie of *Paslay* &c. For himselfe, and the remanent of the Clergie of this Realme on that ane part: And the Provest and Baillies of the Burgh of *Edinburgh*, on that uth^r parte, and gave in thir artickles under-written, subscribed be the hande of Maister *John Lawder*, Arche-Deane of *Teviotdale* Norar publicke, and desired the samin to bee insert in the buikes of Councell, and the saidis Lordes to interpone their autoritie to the samin. The quhilk desire, the saidis Lordes thoch reasonable, and ordained the saidis artickles to be registred in the said buikes of Councell, and to have the strength of ane act and decreet of the Lords thereof, and hes inrerponed, and interponis their autoritie to the samin: And decernis and ordainis letters executorialles to be given hereupon, for dew execution of the saidis artickles, and everie poynt thereof, as effeiris. Quhair of the tenour followis.

Of the ARTICKLES and FOUNDAMENTS to be advised upon, touching the burnt landes and tenementes, within the Burgh of Edinburgh, and uthers Burghs and Townes within the Realme of Scotland, burnt be the auld enemies of England.



ITEM, The first artickle, quhair the Chaplaine be the sight of the Maifoun, wricht, and maister of warke, and uthers discreit men sworne thereto, will contribute and pay the part of the expenses, for the rate of their annuell, and mail of the house, as it payis presentlie, that they fall have their haill annuell, after the bigging of the house.

ITEM, The ground annuell appeiris to be payed, quha ever big the grounde, & failzieing thereof, that the annuellar may recognofce the ground.

ITEM,

ITEM, In all uther annuellies, to advise gif the awners lets the ground to be un-bigged, quhat fall be the Chaplainis part gif he may recognosce the famin or not, or compell the awner to big the famin: And gif hee may do neither: gif hee may call for warrantice, after the forme of his foundation.

ITEM, Gif fa-meikle restis un-burnt of the haill tenement, that awes the annuell, as will paye the famin, gif the annuell may be craved compleitie.

ITEM, To advise, gif the Chaplaine hes the annuell under reverfion, and contributis with the biggar, conforme to the first article, to confidder how lang thereafter, the annuell fall be unredeemeable, or fa-meikle as is contribute, to be eiked in the reverfion.

ITEM, Quhair the Chaplaine was Laird of the tenement, and the same hailleie burnt, and the patron required to big the same, refusis and will not, and may not, sik-lik the Chaplaine may not, quhidder it fall be leasum to the Chaplaine to set the fame tenement in few, and require the patrone for his consent, and gif hee refusis, gif hee may be compelled thereto, or gif the Chaplaine may set the famin be his advise and consent, or not.

ITEM, Quhair the haill tenement, after it be bigged, be set in fewe within the avails thereof, for the uphold of the same, and beis burnt, gif the fewar may be compelled to big the famin upon his awin expenses or not: And quhat fall be the Chaplainis part in that case.

ITEM, Gif the conjunct-feare or life-renter of tenementes, quhilks payis annuell to the Kirk, and is burnt, as saide is, gif they may be compelled be the Chaplaine, and aires of the said tenement, to concur and big the same for their interes, and gif they be disassentand thereto, quhat fall be leasum to the aire, and Chaplaine to do in that behalfe.

Here followis the provisiõne, ordinance, and conclusiõn, maid to the articles above expreed, and to be in all times cumming observed and kept, anentis all annuelles of the burnt landes and tenementes, be the auld Enemies of England, within the Burgh of Edinburgh, and uthers Burghs and Townes within the Realme of Scotland, awand alsweill to Spirituallmen, as Temporallmen: Concorded and agreed upon, betuixt the Lordes of the Articles of Parliament, and the Provost, Baillies and Councell of the saide Burgh of Edinburgh for them, and the remanent Burghes and Townes of this Realme, to have the strenght of acties, statutes, and ordinances of Parliament in all time cumming: The quhik conclusiõn the Lord Governour, and the three Estaites of Parliament, upon the first daye of Februar, the zeir of God, one thousand, five hundreth, fiftie and ane zeir, ratified and approved.

ITEM, In the first, anent the first article, given in be the annuellaris of the Burgh of Edinburgh, and uthers Burghes within this Realme: It is concorded, statute and ordained, that gif the annuellar be the Judgement or sight of the Maïson, wricht, and maister of warke, craft-men, in the reparrelling of the tenement, quhik is astricted to the annuell, and uthers discret men sworne thereto, will contribute and paye the part of expenses, according to the rate of the annuelles, and the mailes of the houses, quhilkis it givis now presentlie, that the famin annuellaris quhatsumever they be, Spirituall or Temporal, fall haev the haill annuell of the next terme, immediatlie following the bigging and repairing of the tenement or house, and fall be free to poynd and distreinzie fra that time, alsweill for the by-gane, as to-cum, call and recognosce therefore according to Justice: Providing alwaies, that gif ony questiõn or pley fall happen to rise anent the expenses of the bigging, betuixt the annuellar and the heretour, the famin fall be decided and discussed before the Lordes of our Sovereine Ladies seate of Justice, upon ane simple supplicatiõn, but outhier diet or Table.

ITEM, Anent the second and seventh articles, quhilkis are coincident: It is statute and ordained, that quhidder the annuell be redeemeable, or unredeemeable, the annuellar havand the ground annuell upon ony burnt lande, quhik is, or beis reparrellid bee the awner thereof, that makis na contributiõn to the bigging of the famin, fall wante the sexte parte of the annuell, the few annuellaris fall in likewise wante the fifth parte of their annuelles: The toppie annuellares, fall in likewise wante the fourth parte of theirs, and the awner of the burnt Land, quaha hes bigged and reparrellid the famin, fall not bee halden to paye mair of the saidis annuellis, *respective*, then cummis to the residue thereof, the saidis sexte, fifth, and fourth partes, *respective*, being defaided.

Providing alwaies, that it fall be leasum to the annuelleres, notwithstanding the defaifance maid presentlie, gif they please to bye in againe, and redeeme, fra the said awner of the famin land, sameikle of the saide annuell, as they fall happen to want, bee particular redemption, as the saidis annuellers may cum to, and it were never sa lide, payand proportionallie for ilk marke given downe, to the proportion and rate thereof, the summe of ten poundes *Scottis* money, but onie langer processe allanerlie, the awner being required to receive his money, fall bee sufficient warning, and the annuellar to be answered fra the next terme of fa-meikle as hee payis money for, as hee offers realie, and with effect, the awner being required, and refusand; And in that case, the money to be deponed in the Provost and Baillies handes of the towne, gif they be baith Temporal: Bot gif they be baith Spirituall and Temporal, or baith Spirituall, in the Officialles hands of *Louthiane* being for

for the time, and there to remaine to his utilitie and profite, that shuld have the famin, and defaunce of payment, in maner foresaid, to be continuallie fra the bigging of the tenementes, attricted to the annuelles.

ITEM, The thrid artiekle: It is ordained, that gif the awners of the burnt landes and tenementes, rholis the same to lye unbigged twa zeirs, after the dait of thir presentis: It fall be leasum to the annuellers to performe their annuelles *respectiue*, conforme to the nature and rate of everie annuell, as is abone expremed: or to recognize the tenement for none-payment of the famin, the saidis twa zeirs being furth-runnin, and to use their proceffe for none-payment thereof, as accordis of the Lawe, and practick of this Realme.

ITEM, Anent the fourth artiekle: It is ordained, that quhat kinde of annuell that ever it be, the famin ly and upon the haill tenement, gif sameikle restis un-burnt of the haill, as will pay the famin annuell, the awner havand, by the annuell, twife als meikle as the annuell extendis to of zeirle profite, the haill annuell fall be payed: Utherwise it fall bee proportionable, effeirand to the thrid penny of the zeirly availe of the tenement that standis, and quhair the laif beis bigged, to have sik-like interpretation, conforme to thir perfect artickles.

ITEM, Anent the fifth artiekle, it is devised and concluded, that in-casse the annuellar contribute with the awner of the burnt tenement, to the reparation thereof, conforme to the first artiekle of the famin, the annuellar fall have the reversion augmented, to the quantitie, extending to the thrid part of the summe, upon the quhilk the annuell is wod-set: Swa that quhill the principall summe, and halfe sameikle with it be payed, the annuell to be unredeemeable: That is to say, in case the annuell lye upon twa hundreth markes, it is not to be redeemcd, quhill three hundreth markes be payed, in-casse foresaid.

ITEM, Anent the sext artiekle: It is provided and concluded, That gif ony Chaplaine, be haill Laird of the burnt tenemente, unire to his Chaplanrie, as patrimonie theirof, and the patrone of the Chaplanry being required to big the famin, and nouthur will not, or else may not, and in likewise the Chaplaine is not of puissance to do the same: It fall be leasum for policie, and eschewing of deformitie of the Towne, to set the famin in few, to the utilitie and profite of his Chaplanarie, to ony that will offer maist therefore, without the patronis consent, gif he refusis to give his consent: Providing alwaies, that the Patron be first required to take the famin in few himselfe, and hee to be in that case preferred to onie uther, givand als meikle to the Chaplaine therefore, to the evident utilitie of the Chaplanarie, as ony uther will, without collusion, and the Patron refusand, the Chaplaine to bee free to doe therewith, as is abone written.

ITEM, As to the seventh Artiekle, It is answered and concluded, as is contained in the response and conclusion, maid to the second artiekle abone written, because they were co-incident togidder.

ITEM, As to the acht artiekle, It is statute and ordained, that gif there beis ony conjunct-fear, or life-rentar, of ony burnt landes: Consideration being tane and had be the Provest and Baillies of the Burgh, quhat free maill the famin payed before the burning: It fall be leasum to the proprietor of the lande, to big the famin, gif he pleasis, payand the saide conjunct-fear or life-rentar, during their lifetime, the thrid part of the free male, the quhilk the saide lande payed before the burning: Bot gif the conjunct-fear, or life-rentar pleasis to big the famin, they to bee preferred to the proprietor, and to bruk the famin, during their life: And therefore fall the proprietor and land bairhe be boundin and oblished to them for to refund the thrid part of the money, quhilkis they deburse, in bigging of the saidis tenementes, in necessar and profitable expenses, to bee foorth cummand, to be given to them the time of their decease, and thereafter to their executoures and assignayes, the land being allweill bigged, as of before and neighbour like.

F I N I S.

T H E F I F T H
P A R L I A M E N T

O F

MARIE, QUEENE OF SCOTLAND,

Halden at Edinburgh, the first daye of Februar, the zeir of God, ane thousand, five hundredth, and fiftie ane zeires.

11. *Anent the prices of Wines: mixtion thereof: Of them quba keipis quiet their Wine.*



THE Quhilk daye, forsameikle as the Lord Governour and three Estaites of Parliament, being remembred of the manifalde actes of Parliament: And diverse uthers actes and statutes, maid in generall Councell, and uthervaies, for suppressing of dearth in this Realme, of vivers and wines: Like as in the saidis Actes and statutes maid thereupon, is at mair length conteneid: Notwithstanding the multiple of Wines dailie cummand within this Realme, at the Easte and West Seas, the prices thereof decayis not, bot the faide dearth remainis, and the occasion thereof is understandin to consist in our Sovereain Ladies Lieges, that forestallis and byis the famin in privie maner, & howe soone the famin ar cost, puttis the famin in secreit houfes, and not in open taverns, selland the famin upon

higher prices, nor the commoun Tavernes dois: And beside the famin, sik Wines as ar sold in commoun Tavernes, ar commounlic bee all Taverners mixt with aulde corrupte Wines, and with water, to the great appeirand danger and seicknesse of the byers, and greate perrell of the fauldes of the fellers: And for remeid hereof, & to eschew sik inconvenientes in time cumming: It is devised, statute and ordained be the Lord Governour, and the three Estaites of Parliament, That name of our Sovereain Ladies lieges, take upon hande to bye onie Wines that is cummen, or fall happen to cum at the Easte & North-lande Seas, fra this daye forth, of ony dearer prices nor twentie pounce the tun of *Burdeaux* Wine, and the *Rochel* Wine for sixteen pounce the tun, and that name of them fell the famin of ony dearer price, nor ten pennies the pinte of *Burdeaux* Wine, and the *Rochel* Wine for aucht pennies the pynt, within the boundes forefaidis: And that na Wines that is cum in at the West Seas, or is to cum in, be bocht of onie dearer price, nor sexteene pound the tun of *Burdeaux* Wine, and the *Rochel* Wine for twelve or threteen pound the tun, and that name of them fell the famin of ony dearer price, nor aucht pennies the pynt of *Burdeaux* Wine, and sex pennies the pynt of *Rochel* Wine, under the paine of escheituing of all the saidis Wines, that they fall happen to bye, togidder with the rest of their gudes moveable, for their contempton: And that na maner of Taverners take upon hand to make onie mixtion with ony auld Wines and new Wines of this zeire, or put ony water in the famin, under the paine of escheituing of the puncheon, that sik auld Wine or water fall be put into, togidder with the rest of all and findrie the Wines, being the awners of sik ane taverne, and tinsell of their freedome for ever: And in like maner, that name of our Sovereain Ladies Lieges, byears of sik Wines, and havares of taverns, take upon hande to huird or hide ony sik Wine cost bee them in their houfes and privie places, bot that they put the famin in their commoun Tavernes and Vaultes thereof, to bee faulde indifferentlic to our Sovereain Ladies lieges, upon the prices before expreeded, under the paines forefaidis: Providing alwaies that the Burgh of *Saint John-stoun*, fall have licence to sell the Wines cost be them, twa pennies of the quarte dearer, nor uthet Burrowes adjacent unto them,

12. *Of the prices of wild and tame meates.*

ITEM, It is statute and ordained, that the acte and ordinances maid upon the prices of all wilde-fowles and tame-fowles, be observed and keiped, and upon the byers and fellers thereof, to be put to execution in all poyntes, after the forme and tenour thereof, and the paines conteneid in the fame to be execute upon them: Of the quhilk the tenour followis: The quhilk daye; For-sa-meikle as the Queenis Grace, the Lorde Governour, and Lords of secreit Councell, havand respect to the great and exorbitant dearth risen in this Realme, upon the wilde and tame fowles, for putting of ordour hereto, and remeid hereof: It is devised, statute and ordained be the Queenis Grace, the Lord Governour, and Lorde of secreit Councell: That the wilde-meat, and tame-meat underwritten, be fauld in all times cumming of the prices following: That is to say, in the first, the Cran, five shillings: The Swan, five shillings: The wild Guse, of the great bind, twa shillings: The clajk, quink & rute, the price of the peece, aughtene pennies. Item,

the Plover and small mure fowle, price of the peece, foure pennies: The black Cock and gray-Hen, price of the peece, sex pennies: the doufane of Powtes twelve pennies. Item, the Quhaip, sex pennies. Item, the Cunning, ij. shillings, unto the feast of *Fasterfevin*, next to cum, and fra thine furth, xij. pennies. Item, the Lapron, twa pennies. Item, the Woodde-Cocke, foure pennies. Item, the doufane of Lavrockes, and uthers small birdes, the price of the doufane, foure pennies. Item the Snipe and quailzie, price of the peece, twa pennies: Item, the tame-gufe, xvj. pennies. Item, the Capone, twelve pennies. Item, the Hen and Pultrie, aucht pennies. Item, the chicken, foure pennies. Item, the gryse, auchteene pennies: And for observing and keeping of this act, quhatfomever person or perones, alswill byar as seller, that breakis the famin, and dois in the contrair hereof: That all his gudes fall be taken and escheitted to our Sovereine Ladies use, and their perones punished at the Lord Governours will and pleasure.

13. *Scottif-men being charged to leave assurance with English-men, and disobeyand, shall have na action against trew Scottif-men, for ony wrong done to them.*

ITEM, It is desired to bee concluded in this present Parliamente, quhair *Scottif-men* un-assured with *England*, raid upon *Scottif-men* assured with *England*, the time they were assured, and tooke their gudes and geare, quhiddir gif thay assured perones spuilzied, have just action and place to ask reftitution of their gudes, and amendis for the damages done to them or not: It is concluded, decerned and declared be the Queenis Grace, the Lord Governour, with advise of the three Estaites of Parliament, that quhair our Sovereine Ladies charges and proclamations, or the Lord Governours private letters, or command was direct, chargeing all and findrie assured perones of this Realme with *England*, and that sat under their assurance, to discharge them of the faide assurance, and leave the opinion of *England*, and to cum to the obedience of our Sovereine Ladie, the Lord Governour, and the authoritie, within ane certaine terme prefixed thereto contained in the said letters, and wald not leave the opinion foresaid, bot assisted to *England*, *English-men*, and their companie: That thay *Scottif-men*, assured in maner foresaid, fall have na place nor action to perfew the perons *Scottif-men*, un-assured, for the spoliation of their gudes, or satisfaction of ony uther damages done to them thereafter. And quhair na letters, charges, Proclamations, nor uthers private writings, nor commande of the Lorde Governours Grace were direct, chargeing sik assured perones to leave the opinion of *England*, and to cum to the obeysance of our Sovereine Ladie, the Lorde Governoure, and the authoritie, nor na sik charges come to their Eares, that thay *Scottif-men* assured, as said is, fall have place and action to perfew the perones un-assured, that spuilzied for reftitution of their gudes, and amendis for the damage and skaith susteined bee them, gif the spuilziers had na speciall commande, nouthin in writ nor worde of the Lorde Governoure, to ride upon sik assured perones.

14. *Ane Scottif-man, being spuilzied be Scottif-men, and English-men, hes gud action against the Scottif-man, albeit the English-men were fewar in number.*

ITEM, To the resolution maid upon the second artickle, makand mention, quhair men assured or un-assured, raid in particular pinzieones, and small companies of *English-men*, the *Scottif-men*, being the greatest number, and invaded the *Scottif-men*, un-assured, burnt their houfes, spuilzied their gudes, and herried them there-throw, quhiddir gif the person spuilzied and herried, hes just action to perfew sik *Scottif-men*, spuilziers, for restorance of their gudes againe, and satisfaction for the damages done to them, or not: It is decerned and declared bee the Queenis Grace, the Lord Governour, with advise of the three Estaites of Parliament foresaide, that all sik perones spuilzied, hurte, or damaged, in maner foresaid, hes just action and place to perfew the spuilziers and to desire restorance of their gudes, and satisfaction of their damages, as accordis of the Law.

15. *Ane assured Scottif-man, assistand the English armie may be perfewed for all the skaith done to Scottif-men, un-assured.*

ITEM, As to the resolution to be tane upon the thrid artickle, beirand in effect, quhair ony *Scottif-men*, assured be *England*, and raid with the armie thereof, upon ony *Scottif-men*, un-assured, for burning of their places, slaughter of themselves, their wives and bairnes, and spuilzied them of their gudes, or burning of their cornes, downe-casting of their houfes, and uthers destructiones, quhiddir gif it bee lauchfull to onie *Scottif-man* spuilzied in that sorte with the armie of *England*, to perfew ony *Scottif-man*, being in companie with the armie of *England*, the time of the spoliation and destruction foresaid, for spoliation of their gudes, and satisfaction for the damages susteined be them, or hes just cause and action to sute therefore: It is concluded and declared be the Queenis Grace, the Lord Governour, and the three Estaites foresaidis; That sik perones un-assured, burnt, herried, and destroyed be *Scottif-men* assured, and being in companie with the armie of *England*, and came with them, and were with them the time of the spoliation, burning & destruction foresaid, hes just action and cause to perfew all assured perones *Scottif-men*, that raid in maner foresaid, for reftitution and deliverance of their gudes spuilzied fra them, and satisfaction and amendis for the damages and hurtes, as accordis.

16. *Asent them that swearis abominable aithes.*

ITEM, Because notwithstanding the oft and frequent Preachings, in detestation of the grievous and abominable aithes swearing, execrations, and blasphemation of the name of God, swearand in vaine be his precious blud, bodie, passion and wotunds, Devil stick, cummer, gore, roist or riefie them, and sik uther oug-sum aithes and execrations against the command of God, zit the famin is cum in sik ane ungodlic use amongst the people of this Realme, baith of great and small Estaires, that dailie and hourelie may be heard amongst them open blasphemation of Gods name, and Majestie, to the greate contempion thereof; and bringing of the ire and wrath of God upon the people: Herefore, and for eschewing of sik inconvenientes in times cumming: It is statude and ordained, that quhat-sum-ever person or persones, swears sik abominable aithes, and detestable execrations, as is afore rehearsed, fall incur the paines after following, alsof as they failzie, *respective*: That is to say, ane Prelate of Kirk, Earle or Lorde, for everie fault to be committed for the space of three Monethes nixt-to-cum: That is to say, unto the first day of *May, exclusive*, twelwe pennies: Ane Barronne or beneficed man, constiture in dignitie Ecclesiastical, fourre pennies: Ane Landed man, Free-halder, Vassall, Fewart, Burges, and small beneficed men, twa pennies: Ane craftes-man, zea-man, ane servand man, and all uthers ane pennie. Item, the pur folkes that hes na geare, to pay the paine foresaide, to be put in the stockes or prisoned, for the space of fourre houres, and wemen to be weyed and considered, conforme to their bloude or Estaire of their parties, that they ar coupled with: And this paine to be doubled upon everie commitar, after the out-running of the saidis three Monethes, for the space of uther three Monethes thereafter: That is to say, fra the first day of *Maij*, unto the first daye of *August, exclusive*, and from the first day of *August*, unto the first day of *November, exclusive*, the paine to be tripled, that is to say, for everie pennie, three pennies: And fra the saide first day of *November*, to the first day of *Februar* thereafter, quhilke makis the zeir compleit, the paine to be quadruple; that is to saye, for everie pennie, fourre pennies, effeirand to their Estaire. And fra the compleeting of the said zeir, the first fault of ane Prelate, Earle or Lorde, to be fourre shillings, the second fault, acht shillings, and the thrid fault, sexteene shillings, and for the fourth fault; to be banished, or put in ward, for the space of zeir and daye, at the will of the Prince, and sik-like of all uther Estaites, after their qualitie foresaide, to be punished effeirandlie. And this foresaide paine to bee applied to the pur folkes; be them that fall be depute collectoures thereof.

17. *Asent them that perturbis the Kirk, the time of divine service.*

ITEM, It is statude and ordained, against all persones quhilkis contemmandlie makis perturbation in the Kirk, the time of divine service, and Preaching of the worde of GOD, stoppand the famin to be heard and seene be the devout people, and will not desist and cease thesrefra, for na Spirituall monition, that the Kirk-men may use upon them: Therefore quhat-sum-ever person makis perturbation or impediment in the Kirk, in maner foresaide, fall incurre the paines, as after followis: That is to say, for the first fault, ane Prelate, Earle or Lorde, ten pounde: ane Barronne or person, constiture in dignitie Ecclesiastical, five pound, ane Vassall, Free-halder, Burges, or small beneficed man, fourtie shillings, and uthers twentie shillings, and pur folkes that hes na gudes; to be put in prifon for fiftene daies; to fast on bread & water, and for the second faulte, the doubling thereof, and for the thrid faulte, warding of their persones, or banishing for zeir and day, and ordainis the Deane of *Gild*, Kirk-maisters; and reulers, to gar lesche baines, that perturbis the Kirk, in maner foresaid.

18. *Asent them that knawis themselves under proces of cursing.*

ITEM, That because many persones wittandlie knawand themselves under the processe of cursing, and beand charged to remove fra divine service, wilfullie enteris themselves thereto, and will not remove, quhair-throw they stop the remanent Christian people fra divine service, and incurris the great cursing of the Law.

Therefore it is statute and ordained, that quhasaever beis nored and convicted to have remained in the Kirk, the time of divine service; after that he have bene warned and charged to remove, beand under proces of cursing denounced upon him dewtie, outhere openlie in his Paroche Kirk, or personally, to be punished as perturbers of the Kirk of God, and to incur the paines of the foresaid last acte.

19. *Asent them that maries twa wives or husbands.*

ITEM, It is statute and ordained, that quhat-sum-ever person maries twa sindrie wives, or women maries twa sindrie husbandes, livand togidder un-divorced lauchfullie, contrair the aith and promise maid at the solemnization and contracting of the matrimonie, and swa ar of the Law perjured and infamous: Therefore, that the paines of perjuring be execute upon them with all rigour: That is to say, confiscation of all their gudes moveable, warding of their persones for zeir and day, and langer in-during the Queenis will, and as infamous persons, never able ro-bruik office; honour, dignitie, nor benefice in time to-cum.

20. *Awent Adulterers.*

ITEM, Awent perſones that ar married, and ar open, maniſt, commoun and incorrigible adulterers, and will not deſiſt and ceaſe therefra, for feare of ony Spirituall iurisdiction, or Cenſures of halie Kirk, to the greate perrell of their awin faules: Therefore it is ſtatute and ordained, in this preſent Parliament, that all ſik incorrigible adulterers, after that the proceſſe of halie Kirk, ſa far as the ſamin may extend to, be uſed upon them for their in-obedience and contemptum, be denounced our Sovereine Ladies rebelles, and put to the horne, and all their moveable &c. And ſwa na appellation interponed fra the ſaid Cenſures of halie Kirk, to ſuſpend the horning.

21. *How meickle fraucht ſhall be given to Ferriers.*

ITEM, For ſameikle as the Queenis Grace, the Lord Governour, and the three Eſtates of Parliament, havand reſpect to the great and heaveie oppreſſion done to the Lieges of this Realme, and ſpeciallie be Ferriers of *King-horne*, *Queenis-Ferrie*, and *Dundie*, in taking of their fraucht fra them, and that the Queenis Lieges, notwithstanding the weichtie charges and expenſes deburſed to ſik Ferriers, ar not ſerved, as apperteinis to be done: And for remeid hereof, in reſpect of the dearth of viyers, diſpenſis with the acte maid hereupon of before for anezir: It is ſtatute and ordained, that na maner of perſon, awner of anie Boates, at the Ferries foreſaid, tak upon hand to tak ony fraucht fra ony of our Sovereine Ladies Lieges for their portage, bot as after followis: That is to ſay, gif ony perſon would have ane boate be himſelſe, at the Ferrie of *King-horne*, that he take for his fraucht and portage, ten ſhillinges: And quhair companie convenis at the ſaid Ferrie, the horſe and man to pay for their portage, twelve pennies. And the man or woman be himſelſe, but horſe, to pay for their portage, ſex pennies. And that the Ferriers of the *Queenis-Ferrie*, and *Dundie*, gif ane man deſiris ane boate be himſelſe, to paye for his portage, four ſhillinges. And everie ilk man and horſe, aucht pennies. And ilk man or woman be themſelſe, four pennies, under the paine of death, and confiscation of all their gudes, with certification to them, and they do the contrair, that they ſhall be called to particular diettes and Juſtice courtes, and ſhall be puniſhed therefor with all rigour, as breakers of the actes of Parliament.

22. *The paine of falſe Notars, uſers of falſed.*

ITEM, It is ſtatute and ordained be the Lord Governour, with adviſe of the three Eſtates of Parliament, that the actes and ſtatutes maid of before, againſt falſe Notars and witneſſe, corrupters and ſeduceres of them in writ, Temporall or Spirituall courtes, to be obſerved and keiped in all poyntes, and ratifies and apprievis the ſamin of new, with this addition: That all ſik perſones ſhall be puniſhed in their perſones and gudes with all rigour: *Videlicet*, preſcription, baniſhing and diſ-membring of hande or toung, and uthir paines, provided be the diſpoſition of the commoun Law, baith Cannon, Civill, and ſtatutes of the Realme. And this acte to be extended to all maner of evidentes, actes, obligations, acquitances, or uthir writings quhat ſumever, and the makers, ſeinziars, uſers, ſeducers, corrupters, and falſars thereof, alſweill as to falſe instrumentes.

23. *The price of Craſtes-mennis wark. Of meate and drinke in tavernes.*

ITEM, For ſa-meikle as the Lorde Governour, and the three Eſtates of Parliamente, regardand the exorbitant prices that everie Craſtes-man within Burgh, raiſis upon our Sovereine Ladies Lieges, in all ſik thinges as pertainis to their Craſt, ſwa that the prices ar doubled and tripled be mony of them, to the greate hurt of the ſaidis Lieges, quhilk is conſiddered to be of practique be the Deakones of everie craſt, and the fault thereof is alway in the Proveſt and Baillies of everie Burgh, that over-ſeis the ſaidis Deakones, Craſtes-men, and correctis them not, conforme to the acte of Parliament: Therefore it is ſtatute and ordained, that all Proveſtes and Baillies of free Burrowes with all diligence, convene the ſaidis Deakones and Craſtes-men afore them, and there on everie thing pertaining to Craſtes-men, to ſtatute and ordaine reaſonable prices, eſſeirand to their craſt, and that the ſamin be put in writ, and produced afore the Lordes of the articles in the next Parliament, to be halden the thrid day of *Aprill* nixt-to-cum, to be conſiddered be them, gif they be reaſonable, and gif wabe, to be authorized, and gif they be unreaſonable, to be reformed: And ſik-like, that eſſeirand to the prices of victualles, that the ſaidis Proveſt and Baillies cauſe the Hoſtellares to take ane reaſonable price for ane mannis dinner and ſupper, that they may hald their awin, and the Queenis lieges be not ſa grieved and hurt throw the great prices, taken ſar abone all cuſtome and uſe, as hes bene in this Realme afore thir dayes, and as beis ſtatute hereupon in Burgh, that the ſamin be delivered to the Schireffe of the Schire, to garre the ſaidis prices be keiped to Landwart. And gif ony of the ſaidis Deakones or Hoſtellares obeyis not the ordinance of the ſaidis Proveſt and Baillies, that they deprive them of their Offices and priviledge, and after they be deprived, gif they meddle farther there-with, to be called to underly the Law to particular diettes, afore the great Juſtice, as for contemning and breaking of the actes of Parliament, and to be puniſhed in their perſones and gudes with all rigour.

24. *Awent*

24. *Anent the examination of Notars, be the Lordes of Session.*

ITEM, Because the acte concerning Notars, maid be the Kingis Grace, King JAMES the Fifth, Iquhom GOD assoilzie, hes not hider-titles bene put to dew execution: Therefore it is thocht expedient be the Lord Governour, and the three Estaites of Parliament, rhat the said acte be put to execution in all poyntes, after the forme and renour of the same, betaixt this and the last daye of *March*, nixt-to-cum, with this addition following: That is to say, that everie Schireffe within the boundes of his office, beuixt this and the said daye, bring, or fend all Notars, Temporal men, and the Ordinares, ro bring or fend all Spiritual Notars to the Burgh of *Edinburgh*, and there present them to the Lordes of Councill, to be examined be thera, gif they be able, worthie, and qualified for the said office of Notarie, and there to be admirted be them: thereto, suspendand fra the saide last day of *March* furth, of all Notars, unro the time of their admission foresaid: With certification to them, rhat usis the Office of Notarie, fra the said day furth, before they be admirted in maner foresaide: That their instrumentes fall have na faith, and themselves fall be punished as falsars of the Law.

25. *Anent the ordouring of everie mannis house.*

ITEM, It is statute and ordained, that the acte and ordinance maid before in Councill, anentis theeschewing of dearth, and the ordouring of everie mannis house in his courses and dishes of meate, be observed and kepted in all poyntes, after the forme and tenour thereof, and under the paines contened in the famin: Of the quhilk the tenour followis: The quhilk daye, for-sa-meikle as the Queenis Grace, the Lorde Governour, and Lordes of secreit Councill, havand respect to the great and exorbitant dearth, risen in this Realme of victualles, and uther stufte, for the sustentation of mankinde, and dailie increassand. And understandand, that the occasion thereof is the cause of the superfluous eheere, used commounlie in this Realme, alsweill amangst small, as Great-men, to the great hurte of the commoun weil of the famin, and damage to the bodie, quhilkis makis ane man unable to exerce all leiffull and gude warkes necessar. And for remeid hereof, and stanching of sik dearth and exorbitant prices foresaidis. It is devised and ordained, that na Arch-Bishops, Bishops, nor Earles, have at his meate bot aucht dishes of meate: Nor na Abbot, Lorde, Priour, nor Deane, have at his meate bot sex dishes of meate: Nor na Barronne nor Free-halder, have bot foure dishes of meate at his messe: Nor na Burges nor uther substantiall man, Spiritual nor Temporal, fall have at his meate, bot three dishes, and bot ane kinde of meate in everie dish. And for observing and keeping of this acte and ordinance foresaid: It is devised and ordained, that quhat-sum-ever Atch-Billhop, Bishop, or Earle, beis foundin breakand the famin, that he fall content and pay to the Lord Governour, and the authoritie, at everie time hee failzies, ane hundredth pound for everie failzie. And gif ony Lord, Abbot, Priour or Deane, failzies and breakis the said acte, he fall content and pay for everie failzie, ane hundredth markes, and gif onie Barronne or Free-halder failzies, he fall pay at everie time and failzie, fourtie pound: And gif ony Burges or uther substantiall man, Spiritual or Temporal failzies, hee fall paye at everie time and failzie, twentie markes in maner foresaide: And gif ony uther small person or perones, wauld presume to breake this present acte and ordinance, or do in the contrair, hee fall be taken and punished in his person and gudes, at the Lorde Governours will, for their contempton. And quhat-sum-ever uther person or perones, of quhat-sum-ever Estaire, degree, or condition that ever they be of, that failzies and breakis this ordinance, that hee fall be repute and halden, as ane man given to his voluptuousnes, and contemnar of the authoritie, and not to the commoun weil: And howbeit, that ony man of greater Estaire, nor ane Burges cum in Burgh to anie Burges ludgeing, It fall not be leasum to the said Burges to make onie ma dishes bot effeir and to the Estaire of the Maister awner of the saide ludgeing, without that the Lorde, Barronne or stranger make his awin provision and table, alwaies within the ordinance foresaid: Providing alwaies, that this present acte and ordinance stricke not upon mariages, nor banquettes to bee maid to strangers of uther Realmes, and the said banquettes to be maid allanerlie be Arch-Bishops, Bishops, Earles, Lordes, Abbottes, Priores, Deanes, Barronnes, Provestes and Baillies of Burrowes. And in likewise providing that na *Scottif-man* make banquet to ony uther *Scottif-man*, bot in maner foresaid: And for the maure sure keeping of the saide, acte and ordinance, ordainis that the Schireffe of the Schire and their deputes, Provestes, Aldermen and Baillies of Burrowes, ilk ane within his awin boundes and jurisdiction, to take inquisition of the breakers of the famin, and roll their names, and deliver the famin to the Lord Thesaurar, to the effect that the perones breakers and contemnars of the said act, may be called to Justice laires or particular diettes, as the Lord Governour and Councill fall thinké maist expedient, and punished in maner foresaid.

27. *Prenters suld prent nothing without licence.*

ITEM, For-sa-meikle as there is diverse Prenters in this Realme, that dailie and continually prentis I buikes concerning the Faith, baillates, fanges, blasphemationes, rimics, alsweill of Kirk-men, as Temporal, and uthers Tragedies, alsweill in *Latine*, as in *English* toung, not feene viewed and considered be the Superiours, as apperteinis to the defamation and selander of the Lieges of this Realme, and to put or dour to sik inconvenientes: It is devised, statute and ordained be the Lord Governour, with advise of the three

Estaites of Parliament: That na Prenter presume, attempt, or take upon hande to prent ony buikes, ballattes, fanges, blasphemationes, rimes or Tragedies, outhur in *Latine* or *Englisch* toung in ony times to-cum, unto the tird the samin befeene, viewed, and examined be some wise and discreit persons, depuare thereto be the Ordinates quhat-sum-ever. And thereaftere ane licence had and obteined fra our Sovereaine Ladie, and the Lord Governour, for imprinting of sliik buikes, under the paine of confiscation of all the Prenters gudes, and banishing him of the Realme for ever.

F I N I S.

T H E S E X T

P A R L I A M E N T

O F

MARIE, QUEENE OF SCOTLAND,

Halden at Edinburgh, the twentie day of Junij, the zeire of God, ane thousand, five hundredeth, and fiftie five zeires: Be MARIE, Quene Dowager, and Regent.

28. *The Revocation maid be our Sovereaine Ladie.*

THE Quhilk day, in presence of the Queneis Grace, *Marie* Queene Dowager, and Regent of *Scotland*, and the three Estaites in this present Parliament, compeired Maister *Henry Latwder*, Advocate to our Sovereaine Ladie, and presented unto her Grace, and the three Estaites foresaidis, our Sovereaine Ladies Revocation, subscribed with her Hieneffe hand, at *Fontaine-Bleau*, of the dait, the twentie fifth day of *April*, the zeir of GOD, ane thousand, five hundredeth, and fiftie five zeires, and of her Reigne the xij. zeir, the privie Seale hungin thereat; intimate, insinuat and declared the same, desirand the Queneis Grace, and the three Estaites abone mentioned, to cause the said Revocation to be insert and registred in the buikes of Parliamente, and the samin to have the strength and effect of an acte of

Parliament, in all times to-cum, and they to interpone their autoritie in and to the samin: The quhilk desire, the Queneis Grace, Dowager, and Regent foresaide, and the three Estaites of Parliamente thoucht reasonable, and hes ordained, and ordainis the saide Revocation to be insert and Registred in the saidis buikes of Parliament, and the samin to be of als great strength, valour, force, and effect in all times to-cum, as ony Revocation maid be ony our Sovereaine Ladies Predecessoures, Kings or Queneis of this Realme, in ony times by-gane, in their lesse age, before their compleit perfitte age: And theretipon hes interponed, and interponis their autoritie to the samin, conforme to the said Revocation, Of the quhilk the tenour followis.

Wee *MARIE*, Be the Grace of GOD, Queene of *Scotland*, having now be the three Estaites of our Realme, declared the full administration and ruling thereof, to be in our awin hands, after the demission maid be our richt traistie cousing *JAMES*, Duke of *Chassel-beyand*, Earle of *Arran*, Lord *Hammiltoun* &c. Then in our lesse age Tutor and Governour of our Realme foresaide, of his Office of Tutorie and Governement, considerand that be the priviledge of the commoun Lawe, and als that our maist Noble Progenitoures, Kings of *Scotland*, of gude minde be their actes and statutes maid in their Parliamentes, hes revoked, cassed, and annulled, all things done be them in their minorities and les ages, in hurte and detriment of their conscience, or Crowne, landes, rentes, possessiones, and others thinges quhat-sum-ever pertaining to the samin, quhair-intill they were damaged, and skaided be alienationes, donationes, presentationes, venditiones, or bee ony uthers quhat-sum-ever: THEREFORE We now being furth of our said Realme, having compleit the twelfth zeir of our age, revokis all manner of infestmentes and dispositiones quhat-sum-ever, we, or our said Cousen, as our Tutor and Governour have maid, during the time that hee had the Governement of our said Realme, in our lesse age, and all uther thinges, that hes bene done in hurte and detriment of our said Crowne, landes, rentes, possessiones, patronages of benefices, and offices pertaining to the samin: And in special, we revoke, cassis, and annullis all infestments, donationes, alienationes, and dispositiones maid bee us, with advise of our said Tutor and Governour, or be him in our name, in our lesse age ony manner of way in fee, few-ferme, franck-tenement, or lang tackes of ony landes, Lord-thips, customes, annuelles, fishinges, Burrow-mailles, Castel-wardes, or uther thinges quhat-sum-ever, annexed to our

Crowne

Crowne or ony part thereof, alsweill given be our said umquhile father, quhom God assoilzie, as be us to ony person, or persons, contrair the acts maid thereupon of before, to be reduced to us againe, and our Crowne, be vertew of the actes and statutes, maid upon annexationes, and after the forme of the samin.

ITEM, Wee revoke all alienationes of ony rentes, landes and heritages annexed to principallitie, and to the Prince, Second person of the Realme, maid be us, in maner foresaid. Principallitie.

ITEM, In likewise wee revoke, cassis, and annullis, all donaciones, alienationes, few ferme, and giftes quhat-sum-ever in life-rent, or uthervaies in our none-age, of the landes, rentes, annuelles, or uthervaies: And of all offices, like as Chalmerianries, Bailleries, and Customaries, maid for maa zeires, bot fra ane Checker, quhill the compt bee maid in the next Checker after following, and of tackes and affectationes maid for langer termes, nor five zeires. Offices and affectationes of the proprietie.

ITEM, In likewise wee revoke, cassis and annullis, all tailzieis maid fra the aires in General, to the aires mail, or ony landes within our Realme, against the Law and gude conscience. Tailzieis.

ITEM, Wee revoke all new infestmentes of landes, given in blanch-ferme, that were halden of us of before, be service of waird and reliefe. Blanch-ferme.

ITEM, Wee revoke all Regalities, confirmationes of Regalities, and of all offices given be us in heritage, or be our Father, against the acts and statutes, that na Regalities suld be given in heritage without advise and deliberation of the hail Parliament. Regalities.

ITEM, Wee revoke all maner of alienationes be infestmentes, or ony uthervaies maid or granted of ony heritages in our none-age, that become lauchfullie in our handes, be reason of fore-falour, bastardrie, or utherricht, and life-rents given thereof, in our minoritie. Bastardrie. Forsal-tour.

ITEM, Wee revoke all new creationes of lands in Barronnies, annexationes, and uniones of diverse lands in fee, in judgement of our dew service aucht to us, and our maist Noble Progenitours of before. Unions of Barronnies.

AND Sik-lik, wee revoke all discharges of service of suites of Courtes, aucht of auld to our Progenitours foresaid. Suites of Courtes.

ITEM, Wee revoke all new infestmentes given of creation of Barronnies in landes and Lord-shippes annexed to our Crowne. Union of the annexed proprietie.

ITEM, Wee revoke all giftes and confirmationes, given be us, of quhat-sum-ever landes and heritages, be false suggestion, be expreeming of false causes, quhair gif they had bene expreemed ane trew cause, and the veritie, we had not given the same, and there-throw we ar greatly and enormelie hurte. Alienations given suppressa causae veritate.

AND Generallic, we revoke, cassis, and annullis, all and quhat-sum-ever things done be us in our lesse age foresaid, in detriment and harme of our saule and conscience, hurting of the priviledge of our Crowne, prejudicial to the same, and to us in our patrimonie thereof, and all and findry things, that the Law and consuetude of our Realme leavis us to revoke. And als will and declaris, that this our Revocation extend to all things alsweill not specified, as specified therein, quhilkis pertained to us and our said Crowne, be decease of our said dearest Father, and to be extended fra his decease, in all things foresaidis, to us and our behoofe, als largelie, as the Revocation maid be our said maist Noble Father, might be extended to, fra the decease of our maist Noble Gud schir King James the Fourth, to the time, daie, and dait of his said revocation: And as the revocation maid in King James the Seconds time, might have bene extended to, fra the decease of our maist Noble Progenitour, King James the First, to the making thereof: Declarand that albeit, we of our favour and benevolence, suffer ony person or persones to use, possid, or bruike ony priviledges, possessiones of landes, rentes and offices, or of ony thing quhat-sum-ever falland under this our revocation: It sall make na richt to the users, halders, or possidars thereof, bot it sall be leiffull to us to put our handes thereto, quhen we please, bot ony contradiction, and that bee vertew of this our Revocation, Actes, and constitutiones of our Realme. Protestand solemnedlie, that our absence foorth of our saide Realme at this time, and the solemnities required in that be-halfe (gif onie bec) not being done, bee na prejudice to us, anent our fore-saide revocation, with the quhilkis we dispense and supplies all faultes thereof, gif onie be, be our Queenelic power and autoritie Royal. General revocation.

AND That this Revocation be intimat, insinuat, and declared in the next Parliament, to be halden in our Burgh of *Edinburgh*, within our Realme, in the Moneth of *Maij* or *Junij*, next thereafter. The Kings lang. petitione, pre-judges not his revocation.

29. *Anent the sealing and subscription of reversions, and writes belang and thereto.*

ITEM, In likewise it is statute and ordained, that all reversions to be maid in time to-cum, and all bandes and obligationes, for making, sealing, and delivering of reversions, be maid under the seale and subscription of the promittar and giver thereof: And gif the partie cannot subscribe, to subscribe the same with his hand, led at the pen be ane Notar. And gif ony instrument, or utherricht of writing be maid for giving of reversions, or be arand and containand reversion: that writing or instrument sall make na faith, bot gif it be insert with consent of the parties in judgement, in the buikes of some ordinar Judge: except gif it happenis within Burgh, that the time of resignation of landes in the Baillies handes, the Clerk of the Burgh, Notar to the saifing giving be the said resignation, be required then instantlie of instrument in his handes of the reversion, before the samin witnesse required in the instrument of saifing, and gives his instrument thereupon: Quhilik sall make faith as sufficient reversion, And als, that all discharges of reversions in all times to-cum, be sealed and

and subscribed in maner abone writen: And gif the partie cannot subscribe, to subscribe the samin with his hande, at the pen led, be ane authentick Notar, and sealed with his seale, as is abone writen.

30. *Anent warning fra redeemed landes, and the paine for none-removing.*

ITEM, In likewise it is statute and ordained, that gif ony persones hav and richt be reverfion to redeeme lands, or uther possessiones, makis, or causis make lauchfull warning to all parties, fra quhom the saids lands or uther possessiones aucht and sulde be redeemed, to compeir at ane certaine day, in the place named in the said reverfion, for receiving of the summes of money and tackes, gif ony be specified therein, and at the day warned, fulfilling all things, as accordis, conforme to the reverfion for his parte, gif the parties warned, as said is, compeiris, and refusis to graunt the saidis landes or possessiones lauchfullie redeemed, or absentis themselves, gif there be na tackes to run, after the redemption of the landes or possessiones, or the tackes being run out, the haver of the richt to the reverfion, causand lauchfull warning to be maid to the parties foresaidis, and all uthers occuparis, before ony *Whit-sunday* terme, after the redemption, to slit and remove fra the saidis landes and possessiones, the redemption in maner abone specified, being foundin lauchfull, and the landes be vertew thereof, decerned lauchfullie redeemed: In that case the parties quha suld have granted the redemption of the saidis landes refused and absented, fall be called as violent possessours thereof, fra the terme of *Whit-sunday*, before the quhilk lauchfull warning was maid to remooove, as said is, sik-like as the landes and possessiones had bene granted lauchfullie redeemed the day of the redemption.

31. *Ane man-slayer may be relaxed upon caution, to ane certane day: And being thereafter denounced Rebell, the daies of Relaxation, ar esteemed daies of rebellion.*

ITEM, It is statute and ordained, that gif ony person or persones slayis ane uther, the person being charged to finde soverty within sex daies, and findis not the samin, or soverty being foundin, compeiris not at the day, and swa he be put to the horne, and ony time thereafter within zeir and day, he offeris of new to underly the Law, and to finde sovertie thereupon, the paines fall be doubled, sovertie being foundin, and hee relaxed. And gif he compeiris nor at that day, and of new beis denounced rebell, his relaxation maid and given, be vertue of the last sovertie foundin, fall na-waies helpe him anent the tinsell of the life-rent of his landes, bot he fall tine the samin, as he had not bene relaxed fra the first horning: And this to be extended to all relaxationes maid within zeir and daye, after the first horning, and to air and pairt of the slaughter, with the paines ay doubled: And attour, all alienationes, contracts, obligations, and uther things quhatsum-ever, that fall be done be him, to be null and of nane availe in the selfe, without ony processe of reduction, during the time of his relaxation upon his soverties, foundin after the first horning: Swa that hee compeir not at the day, and enter to the quhilk he findis soverties: sik-like as and he had annallied, contracted, oblissed, or done uther things, beand Rebell, and at the horne. And this act to be extended in the favoures of uthers superiours, alsweill as unto the Queenis Grace. And gif it happenis ony person or persones, committers of slaughters, for none-finding of soverties, or sovertie being foundin for none-compeirance, beis denounced Rebelles, and put to the horne, and thereafter passis to Girth, and offers to finde sovertie to abide the Lawe, for the fore-thocht-fellony: In that case sovertie being foundin, and they compeirand at the day, and acquite of the fore-rhocht-fellony, to be restored againe to the Girth, and the act foresaide to have na place against them, bot upon the second horning.

32. *Anent summoning of persones passand forth of the Realme.*

ITEM, It is statute and ordained, that gif ony person or persones beis summond and warned lauchfullie, laucht dayes before their departing fourth of the Realme, and passis fourth of the samin thereafter: *Nisi Republice causa*, the partie persewar fall have processe upon his first sumounding be continuationes, in sik-like maner, as and his partie had not past out of the Realme, be warninges on fiftene dayes, langer or schorter, as the persewar fall desire, makand warning at the dwelling place of the defendar, gif he ony hes: And failzieing, that he have na dwelling place, nor hes not constitute Procuratoures, to be warned at the mercat croce of the head Burgh of the Schire, quhair he had maist resort, before his departing. And this act to have place in civil actiones allanertlie, bot not against witness.

33. *The ordour for summoning of parties to compeir before the Justice, or uthers Judges.*

ITEM, It is statute and ordained, that ony person summond to compeare before the Justice, his deputies, or uthers Judges within this Realme, hav and power of Justiciarie in criminal causes: The copie of the saidis letters or precept, quhairby hee is summond, fall be delivered to him, gif he can be personallie apprehended, and failzieing thereof, fall be delivered to his wife or servands, or affixed upon the zet of his dwelling place, gif he ony hes, and thereafter open proclamation being maid at the head Burgh of the Schire, ane uther copie to be affixed upon the mercat croce. Providing alwaies, that gif there be maa persons nor twa contained in the letter, being all called upon ane deede and crime: In that case, twa copies to be delivered to twa of the principal named in the saidis letters, or then given to their wives or servandes, or affixed upon their

zettes or dwelling places, gif they ony have, and ane copie left and affixed upon the mercat croce, quhair the publication is maid, to be sufficient to the hail perones, quhat sum-ever they bee contained in the saidis letters.

34. *Anent giving of saisinges upon precepts of the Chancellarie.*

ITEM, For-sa-meikle, as in umquhile our Sovereine Lordis time, that last deceased, It was statute and ordained, that all saisinges quhilkis passis upon precepts of the Chancellarie, to be given be the Schireffe Clerke, or his deutes: Sen the quhilk acte, there is be occasion of weir and great troubles, diverse saisinges given be uthers Notars, upon precepts past fourth of the said Chancellarie: Therefore the three Estaites of Parliamente, dispensis with that fault of all saisinges, given be uthers Notars, sen the making of the foresaid acte, and ordainis the said acte to be published, and have effect in time cumming, with this addiion: That upon all precepts past fourth of the Chancellarie, the Schireffe, Steward or Baillic, alsweill the Regalitie, as Royaltie, or their deutes, fall be required to passe to give saising with the Schireffe Clerke and his Deutes: And gif the Steward, Baillic, or their deutes refusis to passe and give saising, then the partie haver of that precept, to put ony uther Baillic to give saising, as he fall think maist expedient.

35. *Anent the ordour for giving of curatoures to Minors.*

ITEM, Because it is understandin, that be the giving of curatoures to Minores bee sundrie Judges, there hes bene great skaith susteine by the saidis Minores: Therefore it is statute and ordained, that in all times cumming, quhen onie Minor passis the zeires of his Tutorie, and desiris Curatoures: That he cum before his Judge Ordinar, and desire of him ane summons or edict, to warne twa, at the least, of the maist honest and famous of the Minor's kin, and all uthers havand interesse, quhilik fall be warned lauchfullie: That is to say, the special perones personallie, or at their dwelling places, givand ane copie to their wives or servandes, or affixand it on their zettes or dures, and uthers havand interesse generalie, at the mercat croce of the head Burgh of the Schire, quhair the saidis Minores hes their landes or gudes, to compeir at ane certaine daye, upon nine dayes warning at the least, to heare and see the Curatoures desired be the said Minor, to be given to him unto his persite age of twentie ane zeires, and caution foundin, *de fidei administratione*, quhilkis beand given in maner foresaide, they fall nor be revoked nor discharged, nor uthers chosen to the Minor, unto the time they be called before the Lordes of Coancell, or uthers Judges Ordinar, at the will of the bairne, to heare and see them discharged, and revoked for reasonable causes: Quhilkis being foundin of veritie, they then to be discharged, and uthers curatoures given in their places be the ordour foresaid, with caution, and na-uther-wife.

36. *Anent eating of flesh in Lentron, and uthers daies forbidden.*

ITEM, For-sa-meikle as there is diverse insolent and evil given perones, not regardand the Lawe of GOD, and constitution of halie Kirk, bot in high contempion thereof, and to the great slander of the Christian people, eatis flesh in *Lentron* and uthers daies forbidden be the Kirk, and Lawes thereof.

Therefore, for the repressing and punishment of the quhilk: It is statute and ordained, that na person nor perones contemndandlie and willfullie without dispensation or requiring of licence of their Ordinar, their Parson, Vicar, or Curate, eate flesh plainly or privatelie in the saidis daies and times forbidden, under the paine of confiscation of all their gudes moveable, to be applied to our Sovereine Ladies use, and gif the eaters hes na gudes, their perones to be put in prison, thereto remaine zeir and day, and further induring the Queenis Grace will, but prejudice of the Spiritual punition, conforme to the commoun Lawe.

37. *Of reverfiones conteinand tailzied gold and silver.*

ITEM, Because there is diverse and sundrie reverfiones maid and given for redemption and out-quitting of landes, beinand and conteinand gold and silver of certaine special valour and price: And the said gold and silver is not now to be gotten, quhair-throw the havers of sik reverfiones hes bene oft-times differred fra redemption of their landes: Therefore it is devised, statute and ordained, anent all reverfiones, beinand and conteinand gold and silver, or ather of them, of certaine special valour and price or cuiuzie, that gif sik gold and silver cannot be had nor gotten within the Realme, the havers of thay reverfiones may redeeme the landes specified therein, be vertew of their saidis reverfions givand golde and silver, havand course for the time, beand of the samin valour, weicht and fines, as the gold and silver specified in the saidis reverfiones, conforme to the commoun Lawe: And this act to be extended to all and quhat-sum-ever reverfiones by-gane and to-cum.

38. *The procuratorie and instrument of resignation suld be sealed and subscribed.*

ITEM, It is statute and ordained, that all resignations to be maid be vassalles in time to-cum, of their properties in the Superiours hands, *ad perpetuam remanentiam*, beand maid be procuratorie, the said procuratorie fall be sealed and subscribed be the vassalles handes: And gif hee cannot write, to be subscribed with

his hande at the pen, led be ane authentick Notar, and sealed, as said is. And gif the said resignation beis maid be the vassal personallie, *ad perpetuam remanentiam*, that the instrument thereof bee sealed with the seale of the resignar, and subscribed with his hand: And gif he cannot write, to be subscribed with his hand at the pen, led be ane Notar in maner foresaid, and na resignation *ad perpetuam remanentiam*, to have faith in time to cum, utherswaies then is abone specified.

39. *Anent the warning of tennentes.*

ITEM, It is statute and ordained, that in all time cumming, the warning of all tennentes and uthers, to slit and remove fra lands, milnes, fishinges and possessiones quhat-sum-ever, shall be used in maner following: That is to say, lauchfull warning being maid ony time within the zeir, fourtie dayes before the feast of *Whit-sunday*, outhur personally or at their dwelling places, and at the ground of the landes, and ane copie delivered to the wife or servandes, and sailzieing thereof, to be affixed upon the zettes or dures of the dwelling places of the saidis landes, gif onie be, and thereafter the samin precept of warning to bee red in the Paroch Kirk, quhair the landes lyeis, upon ane Sabbath daye before noone, the time of Preaching or Prayers: And ane copie left and affixed upon the maist parent dure of the Kirk, fourtie dayes before the terme, and na furder laying forth of strefses, and removing upon *Wednesday*, to be used in time to-cum. And gif the partie warned, in maner foresaid, removis not at the terme, in that case, the warner shall incontine, or safoone as pleasis him, cum to the Lordes of Councell, or to the Schireffe of the Schire, or uthers Judges Ordinares, havand jurisdiction, schawand his precept of warning, ordourlie execute and indorsate, and fall have letters or precept to charge the parties warned and possessoures of that ground, to compeir before the saidis Lordes, Schireffes or their deputes, or uthers Judges Ordinares foresaidis, havand jurisdiction, upon sex dayes warning, or langer, at the will and desire of the persewar, to heare and see them decerned to remove, desist and cease, conforme to the precept of warning and execution thereof, or else to schaw ane reasonable cause, quhy they suld not do the samin, with certification to them and they sailzie, that letters shall be direct *simpliciter* upon them in the said mater: At the quihilk day, gif they compeir not, the Lordes, Schireffes, or uthur Judges Ordinar havand jurisdiction, shall decerne them to remove, desist and cease fra the landes: And gif they compeir and instantlie schawis sufficient title to bruike the landes: In that case, the samin Judge to proceede and do Justice, as accordis of the Lawe: And gif the partie compeiris and schawis na thing, bot makis alleageance, and offers him to improve the indorsation: In that case he shall not be heard in judgement, bot gif he finde sufficient caution to the warner then instantlie, that gif his alleageance being foundin relevant, be not sufficientlie verified and prooven be him, that the profites, damage, and interest, quhilkis the said warner or ony uthers havand interest, hes susteined, or shall happen to susteine, be the delay of the foresaide alleageance, be refunded to him: And to the effect that this ordour may have sufficient proceesse in all times to-cum; It is devised, statute and ordained, that all Schireffes, and uthers Judges Ordinar, havand jurisdiction, as said is, be their selves, or their sufficient deputes, bee reddie to sit be fensed courtes, all the lauchfull fiteene dayes after immediate the feast of *Trinitie Sunday*, for doing of Justice in the saidis causes, in maner abone specified: And gif the Schireffes or Judges Ordinares, havand jurisdiction in maner foresaid, and their deputes sailzieis, to be reddie in granting of precepts, and doing of Justice for observing of this ordour: In that case, they shall pay to the partie their hail damage, intereste and expenses, but prejudice of the action, against the violent occupyers and possessoures foresaidis.

Advocacion of causes. AND Als, that na Advocacion of causes be taken be the Lords fra the Judge Ordinar, except it be for deadlie feede, or the Schireffe principal, or the Judge Ordinar be partie, or the causes of the Lords of Councell, and their Advocates, Scribes and members.

40. *Anent the having of talloun, victualles and flesh furth of this Realme.*

ITEM, Because ane great part of the lieges of this Realme, and uthers strangers, hes thir diverse zeires by-gane, caried furth of the samin victual and flesh, quhair-throw greate dearch dailie increasis: Therefore it is statute and ordained now, that name of our Sovereine Ladies Lieges nor strangers in time cumming, carrie onie victualles, talloun or flesh furth of this Realme, to uthur partes, except sa-meikle as fall be their necessar victualing for their voyage, under the paine of eschisiting of the saide victual or fleshe, to our Sovereine Ladies use, togidder with the rest of all their gudes moveable, to bee applied and in-brocht to our Sovereine Ladies use, as escheitte: Providing alwayes, that it fall be leiffull to the inhabitants of the Burghes of *Aire, Irving, Glasgow, Dumbertane*, and uthers our Sovereine Ladies Lieges, dwelling at the West Seas, to have baken bread, browen aile, and *Aqua-vitæ* to the Iles, to bartour with uthur Merchandice: And this acte to be extended to the Maisters and skippers of sik veschelles, as receivis sik victualles, flesh and talloun, as to the awners of the saidis gudes.

41. *In criminal causes the persewer shall have foure friendes, and the defender sex allanerlie.*

ITEM, It is statute and ordained, that gif ony person or persones being called to underlie the Law before the Justice, his deputes, or uthur havand power to sit in criminal actiones, compeirand at the day, they

ar called, quhat number that ever they bee of, being all called on ane crime: They shall have allanerlie with them at the barre, sex of their maist honest, wise, substantiall friends, able to give Councell with their Advocates to defend: And the partie perfewer of that crime, to have with them foure of their friends allanerlie: Swa that be multitude of friends cummand to the barre, the getting of ane assise fall not be stopped: And the breakers of this act, to be punished in this maner: That is to say, the Justice, or uther Judges foresaidis, to charge the breakers to enter their perones in waerd, under the paine of rebellion, and putting of them to the horne, and gif they disobey, to put them to the horne: And gif they obey and enters in waerde, there to remaine during the Queenis Grace will.

42. *Anentis nullities.*

ITEM, It is statute and ordained, that all nullities be received and have processe, be way of exceptiones or replyis, and all titles, contractes, infestmentes, or uther things quhat-sum-ever, that ar null of the Lawe, to be declared in time cumming null, and of nane availe, be exception or reply in that same instance, they ar produced: Providing alwayes, that the partie against quhom the said exceptiones or reply of nullitie is proponed, have sik-like day to call his warrant before the answering thereto, as he might or fuld have had, in-cas he had bene called be way of action, to have heard his title, contract, infestment, or uther thing produced be him, declared null of the Law.

43. *Anentis leagues and bandes.*

ITEM, Because it is thocht against all Law and obedience of subjects toward their Princesse, the making of particular leagues, outhen in Burgh or to Lande, and giving and taking of bandes of man-rent, and maintenance *respective*: Therefore it is statute and ordained, that all leagues maid in times by-gane be null, and of nane availe: And all bandes of man-rent and maintenance in likewise, bee null, and of nane availe, except heretable bandes given of before, or given for a stithment of slaughters in time by-gane: And dischargis all making of leagues or bands in time to-cum, and that the receivers and givers thereof in times by-gane, be free either of uther in time cumming, and of onie profite be life-rent of landes, tackes, teindes, Bailleries, or zeirleie payment, granted or given for the saidis bandes of man-rent, to returne to the givers, as the famin had never bene givend: For the declairing hereof, the breakers of the saidis life-rentes of landes, tackes, teindes, Bailleries, or zeirleie profite for bandes of man-rent, fall answer to the giver thereof, for the said band, upon xxj. dayes warning, but diet or rable, before the Lordes of Councell, to heare and see the saidis life-rent of landes, tackes, teindes, Bailleries, or zeirleie profite given for the saidis bandes, be decerned to returne againe to him be this act. Quhilkis being declared be the saidis Lordes, to returne to the givers: They fall make their lauchfull warning fourtie dayes before the feast of *Whit-sunday* nixt thereafter, and intromet with their awin, as accordis: And quhat-sum-ever person or persons that makis leagues, or givis or takis band of man-rent, and maintenance *respective* in ony time cumming, they fall be punished be putting of their perones in waerd, there to remaine during the Queenis Grace will.

43. *Notars fuld be examined and admitted be the Lordes of Session, and their protocoles fuld be marked.*

ITEM, The Queenis Grace Dowager, and Regent of this Realme, and the three Estaites of Parliament of the famin, considering the great and mony falltettes daylie done within this Realme be Notars, and that our Sovereine Lord, King *James* the Fifth, and in likewise our Sovereine Ladie, in her Parliament holden at *Edinburgh*, the first daye of Februar, the zeir of God, ane thousand, five hundreth, fiftie ane zeires; maid actes for ordouring of Notars, and punishment of fallars, quhilkis as zit hes tane na dew and effectual execution: Therefore it is statute and ordained, that all Notars within this Realme, baith Spiritual and Temporal, be caused to cum be their Ordinaries, Schireffes, Stewards and Baillies *respective*, to the Burgh of *Edinburgh*, there to compeir personallie before the Lordes of Councell, or that the saidis Lordes direct their letters, requiring and charging all Notars within this Realme, to compeir before them, as saide is, bringing with them their creations and haill protocoles, beuixt this and the Feast of *Whit-sunday*, nixt to-cum, at sik dayes as fall be appoynted and assigned be the saidis Lordes, to be examined, and their creations visid be them, their protocoles produced to be marked be the saidis Lordes, and the leas numbered, and the blankes marked, and the said protocol buiks not to be seene nor red, bot to be marked, in presence of the said Notar, and delivered againe to him but ony inspection: And as they be foundin qualified and admitted be the saidis Lordes of Councell, to use the office of Notarie thereafter: And that na Notar, be quhat-sum-ever power he be creat, use the office of Notarie within this Realme in time cumming, bot gif he first present himselfe to the saidis Lordes, schawand his creation, and be admitted be them, as qualified thereto: And that na Notars that fall happen to be discharged be the saidis Lordes, or not-admitted be them hereafter, use the office of Notarie, under the paine after specified. And arour, it is ordained, that all Notars to bee admitted, as saide is, givand instrumentes, and requirand witness thereto, they fall require the saidis witness quhair they dwell, or take some uther evident taikin of them, and insert the famin in their saidis instrumentes, that the witnessse may bee knowin, being present at that

time: Furder, gif onie Notars beis convict of falsed, and not admitted be the Lordes, in maner foresaid, and use the office of Notarie, they fall be punished as followis: That is to saye, their haill moveable gudes to be escheit, and applyed to our Sovereine Ladies use, and thay to want their richt hande, and to be banished the Realme for ever: And further, they fall be punished to the tinfell of their life *inclusive*, as the qualitie of the cause requiris, bee sight and discretion of the Judge: And the causers of thay falsettes to be done to receive the famin punishment in their persones and gudes. And because in the acte maid be our Sovereine Ladie, in her Parliament foresaid, all Notars were suspended fra the last day of March thereafter, unto the time of their admission, be the Lordes foresaidis, it being considered, that the said acte rooke not as zit dew execution: Therefore the Queenis Grace Regent, with the advise of the three Estaites, dispensis and supplies ony fault be that part of the said act, in all instrumentes given sensine, and all instrumentes to be given unto the feast of *Whit-sunday* nixt to-cum foresaid.

45. *Wool, and uther staple gudes customable, shuld not be caryed into England.*

ITEM, It is statute and ordained, that na person nor persones, send nor cary wool, skin, hides, or uther staple gudes customable, furth of this Realme be land, into the Realme of *England*, under the paine of escheitring of the famin, to be in-brocht to our Sovereine Ladies use. And als the breakers of this acte, to be punished in their persones, at her Grace's will, and gif thay gudes caryed, cannot be apprehended, the away taker and haver thereof furth of the Realme, as said is, fall pay als meikle as the valour of thay gudes caryed, to our Sovereine Ladie, hee being convict of the crime, and to be punished in maner abone written.

46. *Anent the giving of saisings upon precepts not past forth of the Chancellarie.*

ITEM, Anent the giving of saisings upon precepts, that passis not forth of the Chancellarie, to quhairsum-ever person or persones: **I**T IS Statute and ordained, that the takers of the saisng, either aie, vassal or sub-vassal, within zeit and day present his saisng to the Schireffe Clerke of the Schire, quhair the landes lye, he to insert the famin in his Court buikes, at the least the day and Moneth of the giving of the said saisng, the name of the landes contained in the famin: The name of the Norar and witnesse conteneid therein: And that the said Clerk bring with him in everie-ilk Checker the said court buiks, and give the double in that pairt thereof, subscribed with his hande and signe manual, to remaine in the register, togidder with the double of his awin protocoll, conforme to the act maid be King *James* the Fifth, that all persons havand interesse, may have recourse thereto: Providing alwayes that the Clerke take na mair for the inserting of the said instrument in his court buik, bot twa shillings for his laboures.

47. *Anent punishment of false witnesse.*

ITEM, It is statute and ordained, quhair ony witnesse deponis falselie, or ony manner of personne or personnes inducis them to beare false witnesse, that all sik persones in times cumming, be punished be pearsing of their tounges, and escheitring of all their gudes to our Sovereine Ladies use, and declared never to be able to breik honour, office, or dignitie fra thine forth, and furder punishment to bee maid in their persones, at the sight and discretion of the Lordes, according to the qualitie of the fault.

48. *Anent the Woodde of Falk-land.*

ITEM, For-sa-meikle as be our Sovereine Ladies letters, direct to the Schireffe of *Fife* and his deputes, for taking of cognition, gif the woodde of *Falk-land* was auld, sailzied and decayed in the growth thereof, and able to fall alluterlie: **I**T Was foundin be ane assise, that the said woodde of *Falk-land* for the maist parte thereof was auld, sailzied, and decayed, and meere to be cut downe for the commonn weill of the Realme, and to be parked, haned and keiped of new, for policie thereof: Therefore it is statute and ordained bee the Queenis Grace, and the three Estaites foresaidis, that the said Woodde of *Falk-land* be cutted, and of new parked againe, keiped and haned for rising of zoung growth thereof, to the great policie and weill of the famin.

49. *Anent the liberties and priviledges of Burrowes.*

ITEM, The Queenis Grace Dowager and Regent of this Realme, with advise of the haill three Estaites of Parliament, understanding clearelie, that the Estait of Burgesles thir mony zeires by-gane, be great trouble of weires hes susteined infinite skaith baith in their landes and gudes, and als that their priviledges granted to them, be our Sovereine Ladies maist Noble Progenitours, and actes of Parliament maid thereupon, hes not bene observed nor keiped to them, as accordis: Therefore the Queenis Grace Regent, with advise of the three Estaites foresaidis, hes ratified and apprieved, and ratifies and apprievis all priviledges and actes of Parliament, granted and maid in favoures of Burrowes, Burgesles and Merchandes: And hes statute and ordained, that letters be direct be the Lordes of Councell, at the instantces of all Burrowes, upon their priviledges and actes of Parliament maid thereupon in all times

to-cum,

to-cum, for putting of the famin to dew execution with all rigoure, against them, that dois or cummis in the contrair of their saidis priviledges and actes foresaidis, without calling of ony partie.

51. *Anent the slaying of wilde-beastes, wilde-fowles, halking and hunting.*

ITEM, For-fa-meikle, as in umquhile our Sovereine Ladies maist Noble Progenitours times, speciallic King James the First, the Second, and the Thrid, and als our Sovereine Ladies maist Nobill Father King James the Fifth, and now in hir Graces awin time, divers acts of Parliament hes bene maid, for stanching and repressing of the slaying of wilde-fowles, and wilde-beastes, and schutting at them with culverings, halfe-hag, and pistolette: Quhilks acts the three Estaites of Parliament hes ordained to be published and put to execution with all rigour in times cumming, with this addition: That na man take upon hand to ryde or gang in their nichtbouris cornes, in halking or hunting, fra the Feast of Pasche, unto the time that the famin be schorne. And that na man ryde nor gang upon quheare na time of the zeir: And that na Petrick be taken unto the feast of Michael-mes: and that na person range uther mennis Wooddes, Parkes, haninges within dikes or broomes, without licence of the awner of the grounde, under the paine of refoundement of the damage and skaith to the patties, upon quhais Cornes they gang or rides, or quhais Wooddes, Parkes, haninges within dikes or broomes, they fall happen to range. And ten poundes for the first fault to OUR SOVERAINE LADIE, twentie poundes, the nixt: and the thrid fault, escheitting of their guds moveable: And all uther paines anentis the poyntes contained in our Sovereine Ladies actes, and her maist Noble Progenitours maid of before, to be execute with all rigour, conforme to the famin.

52. *Anent the discharging of Deakones, and chusing of visitours.*

ITEM, Because it hes bene clearelie understandin to the Queenis Grace Regent, and the three Estaites, that the chusing of Deacones and men of craft within Burgh, hes bene richt dangerous, and as they have used themselves in times by-gane, hes caused great trouble in Burrowes, commotion, and rising of the Queenis Lieges in diverse partes, and bee making of ligges and bandes amangst themselves, and beruix Burgh and Burgh, quhilik deservis great punishment.

THEREFORE The Queenis Grace Regent, with advise of the three Estaites foresaidis, hes statute and ordained, that there bee na Deakones choien in times cumming within Burgh, bot the Provest, Baillies, and Councill of the Burgh to chuse the maist honest man of craft, of gude conscience, ane of everie craft, to visie their craft, that they labour sufficientlie, and that the famin bee sufficient stufte and warke: And thir perones to be called visitours of their craft, and to be elected and chosen zeirlic at Michael-mes, be the Provest, Baillies, and Councill of Burgh: And that they thereafter give their aith in Judgement, to visie lealelie and trowlie their saide craft, without ony power to mak gaddinger or assembling of them, to onie private convention, or making of ony actes or statutes, bot all Craftes-men in times cumming, to be under the Provest, Baillies, and Councill. And thir visitours choien, sworne, and admitted to have voiting in chusing of Officiars and uther things, as the Deakones voiting of before: And that na Craftes-man bruik Office within Burgh in times cumming: Except twa of them maist honest and famous to be chosen zeirlic upon the Councill: And they twa to be ane parte of the Auditours, zeirlic to the compt of the commoun gudes, according to the actes of Parliament, maid thereupon of before. And quhasaever cummis in the contrair of this acte, to be punished be warding of their perones, be the space of ane zeir, and tinfell of their Freedom within Burgh, and never to be received thereafter, as freemen, unto the time they obtene the favour and benevolence of the Provest, Baillies, and Councill, quhair the fault is committed, and the thrid part of their gudes to be escheitted and applyed to our Sovereine Ladies use, for their contempment.

53. *Anentis the commoun passage in Burrowes.*

ITEM, It is statute and ordained be the Queenis Grace Dowager, and Regent, with the advise of the three Estaites of Parliament, that all commoun Hie-gates, that free Burrowes hes bene in use of prececedant, outhir for passage fra their Burgh, or cumming thereto, and in speciall, all commoun Hie-gates, fra drie Burrowes, to the porres and Havens nixt adjacent, or proceedant to them, be observed and keiped, and that nane make them impediment, or stop there-intill: And gif onie dois, to be called and accused for oppression, and punished therefore, according to the lawes.

54. *Anent Burrowes of the West Cuntrie.*

ITEM, The hail Burrowes of the West Cuntrie, sik as Irwin, Aire, Dumbertane, Glasgow, and uther Burrowes at the West partes, hes zeirlic in times by-gane resorted to the fishing of Loch-Fine, and utheris Loches in the North Iles, for making of Herring, and utheris Fisches, and after the complecting of their businesse at their pleasure, parted freetlie, but payment of ony maner of exaction: Except the payment of the fishers allanerlie: Not-thelesse certain Cuntrie-men adjacent and dwelland beside Loch-Fine, hes

hes raised ane great custome of everie last of maid herring, that ar tane in the saide *Loch*, of als great valour as the Queenis Grace custome: Suppose the saidis Burrowes bring the saide herring, for furnishing of their awin houses, and the cuntries: Quhair custome was never payed of before: Quhairthrow the saidis free Burrowes ar heaviellie hurte: And for remeid hereof: It is devised, statute and ordained, that all sik customes and exactiones be discharged and not raised, nor up-listed fra the perones foresaidis of ony herring or fishes taken be them in the *Loches* foresaidis, for furnishing of their houses, bringing of the samin within this Realme allanerlie, under the paines to be called as oppresseours, and punished therefore, conforme to the Lawes of this Realme.

55. *Anentis horning upon Kirk-men for taxt.*

ITEM, For-sameikle, as in time by-gane, the Kirk-men and Spirituall Estaite of this Realme, hes bene required to make payment of their parte of the taxt, granted be the Estaites of this Realme, to OUR SOVERAINE LADIES Predecessours, and her Hieneffe in her time, for the furth-setting of the commoun weill of this Realme, under the paine of rebellion, and putting of them to the horne, and for none-payment thereof, some of them was denounced Rebelles and put to the Horne: Neverthelesse the Queenis Grace, for maintenance of the libertie of halie Kirk, and privileiges of Spirituall Estaite, with advise of the three Estaites of Parliament, hes statute and ordained: That na processe of horning passe upon ony Kirk-men for none-payment of their taxtes, to bee granted in times cumming: Providing alwaies, that the Lords of the Spirituallitie, provide and finde some uther fure and reasonable maner, how the samin fall be in-brocht to our Sovereain Ladic, and her Grace payed thereof.

56. *Of the finesse of Gold-smithes warke, and the marke thereof.*

ITEM, For-sameikle as there is great fraude and hurte done unto the Lieges of this Realme, be Gold-smithes, that makis silver and golde of na certain finesse, bot at their pleasure: Quhairthrow there is some silver warke maid and set forth of sik baseness of allay, *videlicet*, of sex and seven pennie fine, expresse againt the honour and publick weill of the Realme: THEREFOR E it is statute and ordained be the Queenis Grace, with advise of the three Estaites of Parliament: That na Gold-smith make in warke, nor set forth, outhir of his awin silver, or uther mennis silver, under the just finance of eleven pennie fine, under the paine of death, and confiscation of all their gudes moveable. And that everie Gold-smith marke the silver warke that hee makis with his awin marke, and with the townis marke. And gif hee makis onie silver abone the said fines, that he with his marke make ane prent of the just poynt of the fines that it is of, that it may be kend to all quhat fines it is of. And als, that na Gold-smith make in warke or set furth his awin gold, or uther mennis gold, under the just finesse of twentie twa carrat fine, under the paines foresaidis.

57. *Anent the disposition of Wine, Salt, and Timmer.*

ITEM, For-sameikle as it was statute and ordained of before, be ane acte of Parliament, maid be unquihile our Sovereain Ladies dearest Father: That the Provest, Baillies, and Councill of Burrowes, quhen onie Schippes happened to arrive ar onie Portes, laden with Wine, Salt, and Timmer, suld convene with the Merchandes that awe the saidis Wine, Salt and Timmer, and bye, or set ane price of the samin reasonable, that na maner of man, free-man, nor un-free-man, bye onie of the saidis Wines, Salt, or Timmer, bot fra the saidis Provest or Baillies, or awners thereof: And the prices maid be them, as said is, the Prince for the time to be first served, and his officiares contented of sameikle, as they take to the Princis use allanerlie: And all Prelates, Earles, Lords, Barronnes, and uthers Gentlemen, to be served of the samin prices, like as the said acte mair largelie proportis: Nor-thelesse, the Noble-men, sik as Prelates, Earles, Lordes, Barronnes, and uthers Gentle-men ar not served, according to the saide acte, bot ar constrained to bye the samin fra Merchandes upon greater prices, in-contrair the tenour of the said acte.

THEREFOR E, It is statute and ordained bee the Queenis Grace Regent, with advise of the three Estaites of Parliament, that the prices beand maid in maner foresaid, that they fall incontinent passe to the mercat-croce of that Burgh, and there be open proclamation declare the prices of the gudes foresaidis, as they ar maid. And that nane of the gudes foresaidis be disposed be the space of foure daies, to the effect, that they may be advertised and served, according to the said acte.

58. *Anentis stealing of Halikes, Howndes, Pertrickes, Dukes, and slauchter of Daes, Raes, Hunting of Deare, taking of Cunnings and fowles.*

ITEM, It is statute and ordeined be the Queenis Grace, with advise of the three Estaites of Parliamere, that the Actes maid bee King *James* the Third and Fifth, anentis the stealing of Haikes, Howndes, Pertrickes, Dukes, and slauchter of Daes, Raes, Hunting of Deare, taking of Cunnings and fowles, be of

new published, and the same be put to dew execution, and the breakers thereof to be punished conforme to the paines conteyned there-intill: And this acte to be extended alswell upon the steallers of Bee-hives, fruit-trees, peillars of barkes of trees within Wooddes, and the fowlers lyand at wait with their nettes, as to the slayers of Daes, and Raes foresaidis: And the famin paines to bee execute upon them with all rigour accordingly.

59. *Anentis libertie of Merchandes at the West Seas.*

ITEM, It is statute and ordained, that the acte maid be King JAMES the Fourth, anentis the cumming of Schippes to free Burrowes, at the West Seas, bee published of new, and the famin to be put to execution in all poyntes, after the forme and tenour thereof, and the breakers of the famin, to be punished conforme to the paines conteyned therein, with this addition: That na person take upon hande to bye onie Merchandice fra the saidis strangers, bot fra free-men, at free Portes of the Burrowes foresaidis, under the paine of confiscation of all the gudes that they bye, togidder with the rest of their moveable gudes, to be applied to OUR SOVERAINE LADIES use, gif they do in the contrair.

60. *Anentis the speaking evill of the Queenis Grace, or French-men.*

ITEM, For-sa-mickle as diverse seditious persones hes in times by-past, raised amangst the commoun people murmures and sclanders, speaking against the Queenis Grace, and sawin evill brute anent the maist Christian King of France his subjects sent in this Realme, for the commoun weill, and suppressing of the auld enemies soorth of the famin, tending throw raising of sik rumours, to steir the hearts of the subjectes to hateit against the Prince, and sending, betuixt the Lieges of this Realme, and the maist Christian Kingis Lieges foresaidis: And for eschewing of sik inconvenientes, as micht follow there-upon: **IT IS DEVISED**, Statute and ordained, that gif onie persones in times cumming bee hearde speak and sik unrea-sonable commoning, quhair-throw the people may take occasion of sik privie conspiracie against the Prince, or sedition against the maist Christian Kingis subjectes foresaidis, the famin being proven, fall be punished, according to the qualirie of the fault in their bodies and gudes, at the Queenis Grace pleasure: And in-case the hearer thereof report not the famin unto the Queenis Grace, or her Officiates, to the effect that the famin may bee punished, as accordis, that he fall incurre the saidis paines quihilkis the principall speaker or raiser of sik murmures deservis.

61. *Anentis Robert Hude, and Abbot of Un-reason.*

ITEM, It is statute and ordained, that in all times cumming, na maner of person be chosen *Robert Hude*, nor *Little John*, *Abbot of Un-reason*, *Queenis of Maij*, nor uthers, nouthir in Burgh nor to Landwart, in onie time to cum: And gif ony Provest, Baillies, Councill, and Communie, chuse sik one Personage as *Robert Hude*, *Little John*, *Abbotis of Un-reason*, or *Queenis of Maij*, within Burgh, the chusers of sik, fall tine their freedome for the space of five zeites, and uthers fall be punished at the Queenis Grace will, and the acceptor of sik-like office, fall be banished soorth of the Realme: And gif ony sik persones, sik as *Robert Hude*, *Little John*, *Abbotis of Un-reason*, *Queenis of Maij* beis chosen out-with Burgh, and uthers Landward Townes, the chusers fall pay to our Sovereine Ladie, ten poundes, and their persones put in waird, there to remaine during the Queenis Grace pleasure: And gif onie Women or uthers about Summer trees singand, makis perturbation to the Queenis Lieges in the passage throw Burrowes and uther Landward Townes: The Women perturbatoures for skafrie of money, or uthers, fall be taken, handled, and put upon the Cuck-stules of everie Burgh or Towne.

F I N I S .

T H E

T H E S E V E N T H
P A R L I A M E N T
O F

MARIE, QUEENE OF SCOTLAND,

Halden at Edinburgh, the fourteenth day of December, the zeir of God, one thousand, five hundredeth, and fiftie seven zeires: Be MARIE, Queene Dowager, and Regent.

62. *Anent the finding of caution in maters of improbation.*



ITEM, Because oft and diverse times, parties ar differred and post-poned of obteneing their intenes and sentences in their just a^ctiones, be opponing of falsctres and improbations, quhair throw proceses ar prolonged, to the great hurte of the saidis parties: It is therefore thocht expedient, statute and ordained be the Queenis Grace Dowager, Regent of this Realme, and three Estaites thereof: That in all times cumming, quhat-somever partie proponis falsct, and takis on hand to improove ony Charter, Precept, instrument of saisng, contract, obligation, acquittance, testament, or uthir writing quhat-somever, -before the Lordes of our Sovereaine Ladies Councell and Session, Schireffes, Stewardes, Baillies of Royalties or Regalities, their Deputes, Provestes, Aldermen, Baillies of Burrowes, or ony uthir Judge Spirituall or Temporall within this Realme, and sailzies in the improbation of the same, the said partie fall be condemned at the giving of the sentence in the principall mater, to paye ane pecuniall summe, as paine arbitrall, at the sight and discretion of the saidis Lordes, or uthers Judges quhat-somever: That ane halfe thereof to be applyed and payed to the Queenis Grace, and the uthir to the partie adverst. Providing alwaies, that there fall be na tyme granted, set nor affixed to the said partie takand on hand, and offering to improove, quhill they finde caution then presently acted in judgement, for payment of the said paine, gif the saidis Lordes, Schireffes, or uthers Judges understandis, that the saidis parties may get sik caution, and sailzies thereof, the saidis parties themselves to be then acted for the samin: Providing alswa, that in all sik maters of improbationes to be proponed or mooved at the Queenis Grace instance, or her Hieneffe Advocates, the promoter and instructer of the cause, finde sik caution and be acted, as saidis: And this to be extended for finding of sik caution, and acting alsweill at the raising of the summonds or precept, as objection of falsct, and offering to improove at ony part of the processe.

63. *Anent the probation of exceptions be write.*

ITEM, It is statute and ordained, that ony exception being admitted to probation, it fall be declared bee the Lordes, how meikle of it requiris probation in write. And the proponer thereof, fall produce the writ, in the terme assignd to proove, or then doe sufficient diligence to cause it be produced, gif the samin be not in his awin handes: And sailzies thereof, protestation fall be given against the probation of that part of the said exception: and gif the write be produced, it fall be leasum to the partie adverst. to say against the samin, after renuntiation of further probation be maid be the proponer of the said exception, or protestation of the partie adverst, admitted against further probation thereof.

64. *The expenses of pley to be taxed and insert in the decreetes.*

ITEM, The Lordes ordainis condemnatour or absolvitour of expenses to be maid at the decision of everilk cause, and the samin taxt to be summd in the principall decreetes to be given hereafter: Providing alwaies, that expenses used in time by-gane, to be given in ony artickle of the proces be payed, as they were wootn to be of before.

F I N I S.

T H Ê A U C H T

PARLIAMENT CURRENT,

Halden at Edinburgh, the twentieth ninth day of November, the zeir of God, ave thousand, five hundredeth, and fiftie aucht zeires: Be MARIE, Queene Dowager, and Regent.

65. *The priviledge and liberties of French-men within Scotland.*

TEM, Because the maist Christian King of France, hes granted ane letter of naturalitie, for him and his Successours, to all and findrie Scottef-men being in the Realm of France, or fall happen to be in the same in onie times to-cum: Makand them able to bruk landes, heretages, offices, dignities, and benefices: And to disponse thereupon, and their aires to succede to their landes and heretages: Like as the said letter of naturalitie, registred in the Parliament of Paris, in the great Councell, and in the Chalmer of compts, in the selfe at mair length proportis: Therefore the Queenis Grace Dowager, and Regent of this Realme, and three Estaites of the samin, thinkis it gud and agreeable, that the like letter of naturalitie be given and granted be the King and Queene of Scotland, Daulphin and Daulphineffe of Viennoy, to all and findrie the said maist Christian King of France subjects, being, or fall happen to be in the Realm of Scotland, in onie times to-cum, with sikklike priviledges and faculties as is given be the said maist Christiane King of France, to the subjectes of this Realme: And the said letter of naturalitie to be registred in the buikes of Parliament; buikes of Councell and Session, and in the Checker Rolles: Quhilks letters of naturalitie, granted be the said maist Christian King, is brocht hame and registred in the buik of Parliament, to be delivered to quhar-sum-ever that requiris the samin.

66. *The priviledges and liberties of Scottef-men within the Realm of France.*

HENRY PAR LA GRACE DE DIEU ROY DE France, *Atous presents & a venir, Salut. Comme depuis le mariage cy devant pour parlé entre nostre trescher & tresaymé fils le Roy Daulphin, & nostre treschere & tresaymée fille la Royne d'Escoffe Daulphine son espouse fait, arresté & consumé, Les deputes des Estatz dudit royaume, ayent pour & au nom desdits estatz fait à nostre dict fils le serment de fidelité comme a leur vray & naturel Seigneur qu'il est, Au moyen de quoy estans les subjectes des deux royaumes (qui ont jusques icy & des long temps ordinairement communiqué ensemble, veu en mutuelle amitié & intelligence, favorisé & secouru les uns les autres) par laproche des maisons de France & d'Escoffe tellement unis ensemble, que nous les estimons comme une mesme chose. Et desirants à ceste cause, pour mieux establir, entretenir & fortifier ceste amitié entre nosdits subjectes & ceux dudit royaume d'Escoffe, & donner ausdits habitants d'iceluy Royaume d'Escoffe plus de moyen de visiter leur Roy & Roynie quand ils seront dedeca, resider auprès d'eux, les s'uyre & servir comme à bons & fideles subjectes appartient: Les gratifier & favoriser des graces & privileges dont jouissent nos propres subjectes. Scavoir faisons que nous, ces choses considerées, & pour plusieurs autres grandes & raisonnables causes à ce nous mouvantes, avons à tous les habitants dudit royaume d'Escoffe, subjectes de nostre dit fils le Roy Daulphin, & de nostre dite fille son espouse, permis accordé & octroyé, permettons, accordons & octroyons par ces presentes, qu'ils puissent & leur loyse toutesfois et quantes que bon leur semblera soy habiter, venir, resider, et demeurer en cestuy nostre royaume, et en iceluy accepter tenir et posseder tous et chacun les benefices, dignitez et offices Ecclesiastiques, dont ils pourront estre justement et canoniquement pourueus, a bon titre, non dérogeant aux saints decretz, concordats, privileges, franchises et libertez de l'Eglise Gallicane. D'iceux prendre et apprehender la possession et jouissance, et en recevoir et percevoir les fruits, profits, et revenus a quelque somme qu'ils soient, & se puissent monter. Et d'avantage, acquerir en ce royaume pais, terres & seigneuries de nostre obeissance, tous & chacun les biens tant meubles qu'immeubles, qu'ils verront bon estre: Les tenir et posseder, Ensemble ceux qui leur pourront escheoir, competer et appartenir, soit par succession, donation ou autrement, et en ordonner et disposer par testament, ordonnance de dernière volonté, donation faicte entre vifs, et en quelque autre sorte que ce soit. Et que leurs heritiers ou autres ausquels ils en auront dispose, leur puissent succeder, prendre et apprehender la possession et jouissance de leursdits biens, tout ainsi qu'ils seroyent et faire pourroyent s'ils estoient originairment natifs de nosdits royaume et pais. Sans que nostre procureur general, ou autres nos officiers puissent doresnavant pretendre lesdits biens à nous acquis par droit d'aubeyne, ny lesdits subjectes dudit royaume d'Escoffe soyent en la jouissance d'iceux biens aucunement troublez. Et à tout ce que dessus nous les anons habilitez et dispenscz, habilitions & dispensons par ces presentes, soit qu'ils soient habituez en nostre dit royaume, pais, terres et seigneuries*

de nostre obeissance, ou au dit royaume d'Escoffe, sans qu'ils soyent tenus pour raison de ce, nous payer ou a nos successeurs aucune finance ou indemnité, de laquelle, a quelque somme, valeur, & estimation qu'elle soit & se puisse monter, nous les avons, en consideration de ce que dessus, quitez & deschargez, quitons & deschargeons, & d'icelle, en faveur de nostre dit filz & de nostre dite fille, fait & faisons don par ces presentes signés de nostre main. A la charge, que si pour raison desdits benefices se meut procès, ils ne feront tirer ny convenir aucuns de nos subjects sinon par devant ceux de nos Juges auxquels la cognoissance en appartient. Si donnons en mandement par ces mesmes presentes, a nos amez & seaux, les gens tenants nos courts de Parlement, grand Conseil, & de nos comptés a Paris, & a tous nos Baillifs, Seneschaux, Prevosts, & autres nos Justiciers & Officiers, ou leurs Lieu-tenants, presents & a venir, & a chacun d'eux comme a luy appartient, Que de nos presentes graces, congé, licence & permission, & de tout le contenu en ces dites presentes, ils fassent, souffrent & laissent lesdits subjects & habitans dudit royaume d'Escoffe jouyr & user plaimement & paciblement, cessans & faisant cesser tous troubles & empeschemens au contraire: Car tel est nostre plaisir. Non obstant que la valeur de ladite finance ne soit icy spécifiée ny declarée, Que tels dons n'ayons accoustumé faire que pour la moitié ou le tiers. Les ordonnances par nous & nos predecesseurs faites sur l'ordre & distribution de nos finances, Et mesmes celle du mois de Decembre dernier, par laquelle il est dit, que tous dons, bien-faits & recompensés, seront payez par le tresorier de nostre espargne: A quoy nous avons de nostre plaine puissance et autorité royale derogé et derogéons, et aux derogatoires y contenues, par les presentes: Et a quelconques autres ordonnances, restrictions, mandemens et defenses, a ce contraires. Et pour ce que de ces presentes l'on pourra avoir affaire en plusieurs et divers lieux, nous voulons qu'au vidimus d'icelles, fait sous seel royal, ou deüement collationé par l'un de nos amez et feaux notaires et secretares, foy soit adjoustée, comme a ce present original. Auquel, afin, que ce soit chose ferme et stable a tousiours, nous avons fait mettre et apposer nostre seel: Saus en autres choses, nostre droit, et d'autrui en toutes. Donné a Villiers cousterez, au mois de Juin, Pan de grace, mil cinq cents cinquante et huit. Et de nostre regne le douziésme.

THE Quhilk day the Queenis Grace, and haill three Estaites of Parliament, gave speciall command, all in ane voyce, bur discrepance, to Maister James Mackgill of Rankelaur-Nether, Clerk of Register, to give the authentick copies to all desirers of the acte, anent the Naturalization of *Scotfes-men in France, And of French-men in Scotland.*

F I N I S.

T H E N I N T H
P A R L I A M E N T
O F
M A R I E, Q U E E N E O F S C O T L A N D.

Halden at Edinburgh, the fourth day of Junij, the zeir of God, ane thousand, five hundreth, and threescore three zeires.

67. *The acte of Oblivion.*



UR SOVERAINE LADIE, of the great affection and love, that her Grace bearis toward her subjectes, and for conservation and containing of them, and everie one of them, in sincere amitie, and mutuall love: And for eschewing of all plead, discord, action, question, querrell, or debate, that may hereafter, or might in time by-gane arise, or to bee moved be either of them, against others, for onie cause or occasion done, or committed be onie of them, to, or against others, during the time of the late troubles in her Majeities absence, or for onie cause that her Grace may have, or moove against them, for the transgression of the Lawes of her Hiennesse Realme, or onie others received within the famin, sen, and fra the sext day of March, in the zeir of God, ane thousand, five hundreth, fiftie aucht zeires, unto the first day of September, exclusive, the zeir of God, ane thousand, five hundreth, threescore ane zeires: And for ane common peace, union, reconciliation, and quietnesse, to be perpetuallie observed be the haill Lieges and inhabitants of this Realme, swa that they may at their uttermaist power, with ane uniformite of minde,

obey

obey and serve her Majestie in all sortes, as becummis maist humble and faithfull subjectes, to the glorie of God, her Hiene contentment, and common wealth of her Native cuntrie: Be the advise, Councill, and deliberation of her Grace three Estaites, presentlie conveyed, hes found profitable and necessar for the gud government, and administration of the Realme, and commoun wealth thereof: That ane statute, Lawe and ordinance of perpetuall Oblivion, be maid and established: Like as her Hieneffe be the advise and consent of the hail three Estaites of her Majesties Realme, conveyed in this present Parliament, makis and establishis ane Law of Oblivion.

THAT All deede, occasion, counsell, and pretence of quhat-sum-ever weicht, or qualitie, that may be alleaged, or appere to have bene done, maid, given, pretended or assistit to, be quhat-sum-ever person or persones her Majesties subjectes and lieges of quhat-sum-ever qualitie, state, or condition they be of, contrair the Lawes of this Realme, statutes, ordinaances, constitutiones thereof, or quhat-sum-ever uther Lawes, received or used in the famin, in onie times by-gane, to quhat-sum-ever effect, sen, and fra the said sext daye of March, the zeir of God, ane thousand, five hundreth, fiftie aucht zeires, to the said first daye of September, *exclusiv*, the zeir of God, ane thousand, five hundreth, threescore ane zeires, and the memorie thereof with all actiones civill or criminal, that may result there-throw: To be ex-pyred, buried and extinct for ever: even as the same had never bene maid, done, counfelled, thochr, pretended, nor assistit to, swa that nather they, nor their aires, nor successours may be indicted, persewed, summoned, accused, followed, or conveyed therefore civile or criminallie, before her Hieneffe, or her Graces Successours, nor three Estaites of Parliament, nor uther Judge or Judges criminal or Civill, Spiritual or Temporal quhat-sum-ever, within this Realme, or out-with the famin, in onie time to-cum be her Hieneffe, her Gracis Successours, or their Advocates, nor be onie her Gracis subjectes, or onie uthers manner of persones quhat-sum-ever, discharging expresselly bee this present Law of Oblivion the Estaites foresaide, Justice generall, his depures: Lordes of the College of Justice and Session: All Schireffes, Stew-ardes, Baillies, alswell of Regalities as Royalties: Provestes, Baillies and Council of Burrowes: Legates, Arch-bishoppes, Bishoppes, Abbettes, Commendatars, Prioures, and all uthers Judges, Magistrates and Officiares of quhat-sum-ever Estait, degree, or condition they be of, of onie indicting, arreisting, sum-mounding, accusing, following, calling, persewing, conveying, or proceeding, against quhat-sum-ever person or persones, her Hieneffes subjectes and lieges, of quhat-sum-ever qualitie, Estait, degree, or condition they be of, for the premises, or onie poynt thereof, or depending thereupon onie maner of way, and of their offices and Jurisdiction there-ment, for now and ever.

AND FURDER, It sall not be leifull be Acte of Parliament, or utherwayes hereafter, to make onie derogation of this present Lawe, statute and ordinance of Oblivion, nor cum in the contrair of the famin, directlie, or indirectlie, without expresse advise and consent of the hail persones, and everie one of them that hes or may pretend to have entresse, priviledge, or favour; bee reason of this Law of Oblivion foresaid.

OUR SOVERAINE LADIE, With advise of her three Estaites, being willed and minded, that na person nor persones, subjectes of her Majesties Realme, being un-worthie of the priviledge and favour of the acte and statute of the Law of Oblivion, have, brui, joyis, nor use the priviledge thereof, for sik transgression, deede, or attemptate, done, or committed be them, or onie of them, fra the sext day of March, the zeir of GOD, ane thousand, five hundreth, fiftie aucht zeires, to the first day of September, the zeir of GOD, ane thousand, five hundreth, threescore ane zeires. Hes statute and ordained, and bee thir presentis, statutis and ordaines, that letters be direct, published, and proclaimed at all the head Burrowes of this Realme, alswell within Regalities, as Royalties: Commanding and charging all and findrie, OUR SAIDE SOVERAINE LADIES Lieges, of quhat-sum-ever degree, Estait, or qualitie they be of, havand or pretendand to have action, outhr criminali, or civill, for onie deede, cause, or occasion, done, committed, or assistit to, fra the foresaid sext daye of March, the zeir of God, ane thousand, five hundreth, fiftie aucht zeires, to the first day of September, the zeir of GOD, ane thousand, five hundreth, threescore ane zeires, that they and everie one of them, intent and persew the action, quhilk they pretend to have, alswell for recovering, as for reduction of decreetes, els given upon deedes done within the time foresaid, before the Judges Ordinar and competent: And gif the partie persewed be himsele, or his procuratoures, will, or may alleage, that the persewer suld not be heard, in respect of the Law of Oblivion foresaid: Then, and in that case, the Judge civill fall cease of further proceeding in that cause, and the parties defender and persewer, fall cum to the Lordes and persones under-written: That is to saye, the Noble and michtie Lords, JAMES, Duke of *Castel-Fleuard*, Lord *Hammilton* &c. ARCHEBALDE, Earle of *Ergyle*, Lord *Campbel* and *Lorne*, Justice Generall &c. JAMES, Earle of *Murray*, Lorde *Alberneby* and *Stratbarnie*. JAMES, Earle of *Mortoun*, Lorde *Dalkeith*, Chancellor &c. WILLIAM, Earle *Marchel*, Lorde *Keith* &c. ALEXANDER, Earle of *Glencarne*, Lorde *Kilmawris* &c. JOHN, Lorde *Erskin*: PATRICK, Lorde *Ruthwen*. Ane Reverend Father in GOD, HENRIE, Bishoppe of *Rosse*. President of the College of Justice and Session: Ane venerable Farher in GOD, MARK, Commendatar of the Abbey of *New-bottle*: Schir RICHARD MAITLAND, of *Lethingtoun*, Knight, Keiper of the privie Seale: Maister JAMES MACKGIL of *Ranckelour* Nether, Clerke of Register: Schir JOHN BELLENDEN, of *Auchinnowl* Knight, Justice Clerke: WILLIAM MAITLANDE, of *Lethingtoun* zounger, Secretar: M. ROBERT RICHARDSON, Commendatar of *Saint Marie Ile*, Thesaurer: Schir JOHN WISCART of *Pittarro* Knight,

Comptroller: Maister JOHN SPENSE of *Condie*, Advocate to OUR SOVERAINE LADIE, Maister THOMAS MAKCALZIEANE, Commissioner for the Burgh of *Edinburgh*; Maister JAMES HALIBURTON, Tutor of *Petur*, Provost of *Dundie*: And JOHN ERSKIN of *Dun*, Provost of *Montrose*: And give in their supplications to the haill Lordes fore-said, gif they chance to be present togidder, and sailzieing thereof, to the saidis Chancellar, President, Clerke of Register, or Advocate, within this Burgh of *Edinburgh*, beand the renour of the perfure and allegiance of the Law of Oblivion, for the defender or persewer for reduction: And the saidis Lordes, or onie sex of them, three of the saidis Earles or Lordes alwayes being of the saide number: Quha fall give their declaration upon the saide exception proponed civilie, and put the samin in writ, in the Register, quidder the defender or persewer to reduce bee worthie, and sulde bruike, joyis, and have the privileige of the said Law: And as they declair the samin to be observed, *Videlicet*, Gif they be not worthie, the Lawe to bee na sufficient exception to them, and the Judges, quhom before the saidis exceptiones fall happen to be proponed, fall incontinent thereafter proceede, according to the declaration of the saidis Lordes, to be schawen to them, extract and drawn forth of the Register, authenticklie subscribed be the Clerke of Register, or his deputies, and na utherwayes, and do Justice to the saidis persewers or defenders, and admit or repell the said exception, or admit protestations, as the Law requiris.

AND SICK-LIKE, Gif onie person or persones, callis or persewis uthers criminallie, or intendis to doe the samin, for onie crime done within the time foresaide, the partie quha is charged to underlie the Lawe, findand sovctie, fall cum with the copie of letters or sumoundes, quhair by he is charged to schaw the samin to the saidis Lordes, or onie sex of them: Three of the saidis Earles or Lordes being of them: Quha fall declair quidder the partie defendar, be worthie of the said Law or not: And as they declair, the Justice to proceede, or to desist fra proceeding, as the ordinance to be maid and given there-upon be the saidis Lordes fall beare, subscribed, as is before specified: And in case of in-lait, of onie of the number of the saidis Lordes, chosen to the effect foresaide, within the space under-written: It fall be leasum to the remanent, then being on live, to elect and chuse sa monie uthers in their places, quha fall declare the said Lawe, in maner foresaid, within the time and space within rehearsed.

PROVIDING Alwayes, thar quhat-sum-ever of OUR SOVERAINE LADIES Lieges, had, hes, or pretendis ony action criminallie or civilie, or reduction of decreetes els given in maner foresaid, quhair of the deede was done, committed or assited to, fra the foresaid sext day of March, the zeir of God, ane thousand, five hundreth, fiftie aucht zeires, to the said first daye of September, the zeir of GOD, ane thousand, five hundreth, three scoir ane zeires; that they intent and persew the samin before the Justice, his Deputes, the Judges Ordinares, alsweill in Regalitie, as Royaltie, betuixt this and the first day of August, the zeir of GOD, ane thousand, five hundreth, threescore foure zeires: Declairand be thir presentes, thar quha that persewis not within the saide space, they, their aires, executoures or assignayes fall never be heard to persew the same, or have action thereto against them, quha will alleage the foresaid Law of Oblivion.

NOTWITH-STANDING, Quhat-sum-ever Jurisdiction, priviledges, Lawes, or constitutions, quhilkis the saidis persones, or onie of them had, hes, or may pretend or acclaime, as granted be OUR said SOVERAINE LADIE, Her Grace Predecessoures, or uther Judge or Judges quhatsumever. AND SICK-LIKE Ordainis, this declaration against Minores, or uthers quhatsumever, that may pretend privileige of na prescription be the Lawes of this Realme, or uther quhatsumever Lawes, that they make persute to their saidis actiones, within the space and time foresaid: *Videlicet*, the saidis Minors with advyse of their Tutoures or Curatoures.

PROVIDING Alswa in likewise, that in case the saidis Minors be hurte be negligence of their saidis Tutoures and Curatoures in their saidis actiones, quhilkis they had, or pretendis to have, for quhatsumever deede, cause, or action, done or committed, during the space foresaid, that the saidis Tutoures and Curatoures, fall be halden to answer for the damage and skaith susteined, and to be susteined be the saidis Minors there-throw, and they to have sufficient action against them, for recovering thereof, as done in their default and negligence, and fall have na action against the principall person, committer of the said deede, at onie time hereafter. And uthers persones, that may pretend privileige in maner foresaid, never to have action in likewise in time cumming.

68. *Anent cruves and zaires.*

THE Queenis Majestie, and the three Estaites of this present Parliament, ratifies and apprievis the acte maid be her Hienesse maist Noble Gud-schir, King JAMES the Fourth of gude memorie, of the quhilk the tenour followis.

ITEM, It is statute and ordained, that all cruves and fish dammes that ar within Salt waters that ebbs and flows, be all utherlie destroyed and put downe, alsweill, they that pertainis to our Soverain Lord, as uthers throw all the Realme. And anentis cruves in fresh waters, that they be maid in sik largeness, and sik dayes kepted, as is contained in the actes and statutes maid there-upon of before, with this addition following: That is to say, that all cruves and zaires, that ar set of late upon sand, and schauldes, far within the water, quhair they were not of before, that they bee incontinente tane downe and put away,

and the remanent craves that ar set and put upon the water sandes, to stande still quhill the first day of October nixt to-cum, and incontinent after the said first day, to be destroyed and put away for ever. And for execution of this act, ordainis everie Earle, Lord, Barronne, and everie Gentle-man landed, within his awin boundes, to causeremove, destroy, put downe, and take awaye the saidis craves and zaires, in maner foresaide, *respective*, under the paine of ane hundredth poundes to bee taken up of their gudes, that puttis not this act to deve execution, and the said summe to be in-brocht and applyed to our Sovereaine Ladies use, and that everie Schireffe, Stewarde, Baillie, alswell of Regalitie as Royaltie, their deputies and others Judges within their awin Jurisdictiones, take gude attendance and see, that as is contained in this present acte be done, and put to execution in all poyntes, according to the tenour of the famin: And failzicng thereof, that everie Schireffe, Steward, Baillies, alswell of Regalities, as Royalties, and uther Judges, within their awin Jurisdiction, as saide is, up-take and in-bring the saide paine of ane hundredth poundes of everie Earle, Lorde, Barronne, Gentle-man landed, or uthers negligent in the premilles, and make compt thereof zeirlic in the Checker: And gif the saidis Schireffes, Stewards, Baillies of Regalities or Royalties, beis foundin negligent in execution of their offices, anent this acte, that the foresaid summe be up-listed of themselves, and in-brocht to our Sovereaine Ladies use, and that but prejudice of the paines to be execute upon the foresaidis Earle, Lorde, Barronne, Gentle-man, or uther contraveners of the foresaide acte: Providing alwayes, that this acte on na-wayes be extended to the craves and zaires being upon the water of *Solway*.

69. *Anentis the caryng and having of gold and silver furth of the Realme.*

ITEM, The Queenis Majestie, with the advise of the three Estaites in this present Parliament, hes ratified and apprievied, and ratifies and apprievs all Actes maid of before be her Hiensse Predecessours, anentis the caryng and away taking of Gold and Silver fourth of this Realme in all poyntes, with this addition: That na maner of person nor persones, pretend or take upon hand to take away or cary fourth of this Realme, onie golde or silver, in onie time hereafter, under the paine of escheitring of the famin, and of all the remanent of their moveable gudes that dois in the contrair, and for observing hereof, and tryal to be had there-upon. **SICK-LIKE** Ordainis, that quhat-sum-ever person or persones that will cum, reveale and schaw the famin, and give up their names, that offendis this Law and act, that person or persones, fall have the fourth parte of the saide golde and silver, and remanent of their moveable gudes, the famin being tryed be their revealing. And in-case the revealer be partener of the away-taking, and caryng of the said gold and silver fourth of this Realme: In that case, he fall be free of all paines, dangers and perrell that he may in-cur be this act: And fall have for his reward, as is before rehearsed, like as he had bene na partener thereof: And this acte for the space of five zeires to indure: Providing that all Merchandes and uthers, passand fourth of this Realme, according to the Lawes of the famin, may have sa-meikle golde and silver allanerlie, as may be their necessar expenses, quhill they cum to the partes bezond Sea, quhair they have their necessar businesse ado.

70. *Anentis the hame bringing of false cuinzie, and using of the famin within this Realme: And als anentis forgers and makers thereof within the famin.*

ITEM, Our Sovereaine Ladie, with advise of the three Estaites in this present Parliament, hes ratified and apprievied, and ratifies and apprievs all actes maid of before, touching the hame-bringing of false cuinzie of gold or silver, layed money, or uther money quhat-sum-ever within this Realme: And sik-like, anentis the makers, forgers of false cuinzie within the famin, with this addition following: That quhat-sum-ever person or persones that will cum, reveale, and declare the names of the hame-bringers of sik-like false cuinzie, uther of golde or silver, or uther layed money, or of the makers, forgers and feinziers thereof within this Realme, that that person or persones fall have that ane halie of the escheit of all his lands and gudes moveable and unmoveable, of the said person or persones, offenders of this present act and Law, the famin being tryed be his revealing: And for the scharpe execution hereof, that gude attendance be given be the Searchours and uthers Officiares throw all the Realme: And that the Conservatour in *Flanders* in likewise be advertised to make knowledge be had, gif onie sik false cuinzie cummis furth of thay partes to this Realme.

71. *Anentis the making of salt within this Realme.*

ITEM, Because the Queenis Majestie, hes be her prudencie and moyen, brocht certaine strangers of excellent ingine within this Realme, quaha hes accorded to labour, discover, and manifest ane new maner of making of salt, different from the fashon used of before within the famin: Quhilk invention is thocht to be verie profitable for the haill inhabitants of this Realme, and interteining of the traffique of Merchandice: Therefore it is statute and ordained be her Majestie, with advise of the three Estaites of Parliament, that none of her Hiensse subjectes take upon hand, for the space of fiftie zeires nixt and immediatie following here-after, to make, or cause be maid onie Salt of the newe fashon, and maner invented, or to be used be the saids strangers, different from the fashon now, & of before used within this Realm without special licence had and obtained of her Hiensse and Succesours there-upon, under the paine of death, and confiscation of the

landes, ground and houfes, quhair the faide falt fall happen to be maid, and the faidis fiftie zeires being by-paft, gif it happenis ony perfon or perfones, to make falt, or caufe falt to be maid, according to the faid new fashion, and different from the falhion now used: That that perfon or perfon, fall pay fa-meikle as the faidis strangers fulde pay for everie hundreth bolles, comptand five scoir bolles allanerly in this cafe for the hundreth, during the faid space of fiftie zeires, or onie parte thereof: That is to say, seven bolles and ane halfe to the Queenis Grace Majestie, and ane boll to the Conservatour, to be depute for keiping of the falt that beis maid in maner foresaid.

72. *Gleibes and manfes may not be set in few or lang tackes: The manse perteinis to the Minister.*

ITEM, Because it is understandin to our Sovereine Ladie, and the three Estaites of this Realme, that the parsones, Vicars, and uthers Kirk-men within the famin, hes set in few or lang-tackes ane great part of their manfes and gleibes, quhair-throw there is na sufficient dwelling place for them that servis, and full serve and minister at the Kirkes, to remaine thereat, for the instruction of the Parochiurs: For remeid hereof, it is statute and ordained be our said Sovereine Ladie, with the advyse of the Estaites foresaid, that na parson, Vicar, nor uther Ecclesiastical parson, set in few, or lang-tackes, onie of their manfes or gleibes, pertaining to the faidis Kirkes, without special licence and consent of the Queenis Grace in writ. And alwa it is statute and ordained, that they that ar appoynted or to be appoynted to serve and minister at ony Kirk in this Realm, have the principal Manse of the parson or Vicar, or sa-meikle thereof, as fall be fundin sufficient for stauking of them: to the effect that they may the better await upon the charge appointed and to be appoynted unto them, quhidder the faidis gleibes be set in few or tack of before or not: Or that ane reasonable and sufficient houe be bigged to them beside the Kirk, be the Parson or Vicar, or uthers havand the faidis Manfes in few or lang tackes: And this to be done betuixt and the first day of November, nixt to-cum. And further, sa-meikle land to be annexed to the faidis dwelling places of them that servis and Ministeris at the Kirk, as fall be hereafter with gude advisement appoynted.

73. *Avenis Witch-craftes.*

ITEM, For-sa-meikle as the Queenis Majestie and the three Estaites in this present Parliament, being informed of the heavie and abhominable superstition used be diverse of the lieges of this Realme, be using of Witch-craftes, Sorcerie and Necromancie, and credence given thereto in times by-gane, against the Law of God: And for avoyding and away-putting of all sik vaine superstition in times to-cum: It is statute and ordained be the Queenis Majestie, and the three Estaites foresaidis, that na maner of perfon nor perfones, of quhat-sum-ever Estaitie, degree, or condition they be of, take upon hand in onie times hereafter, to use onie maner of *Witch-craftes, Sorcerie or Necromancie*, nor give themselves furth to have onie sik craft or knowledge thereof, their-throw abusand the people: Nor that na perfon seik onie helpe, response or consultation at onie sik users or abusers foresaidis of *Witch-craftes, Sorceries or Necromancie*, under the paine of death, alsweill to be execute against the user, abuser, as the seiker of the response or consultation. And this to be put to execution be the Justice, Schireffis, Stewards, Baillies, Lordes of Regalities and Royalties, their Deputes, and uthers ordinar Judges competent within this Realme, with all rigour, having power to execute the famin.

74. *Avenis adulterie.*

ITEM, For-sa-meikle as the abhominabil and filthie vice and crime of adulterie, hes bene perniciously and wickedly used within this Realm in times by-gane, be findrie lieges heirof, havand na regard to the commandementes of God, bot to their awin sensualitie and filthie lustes and pleasour theirof. And for eschewing of the famin in times cumming: It is statute and ordained be the Queenis Majestie, and three Estaites in Parliament, that all notour and manifest committers of adulterie in onie time to-cum, after the dair hereof, fall be punished with all rigour unto the death, alsweill the woman as the man, doer and committer of the famin, after that dew monition be maid to absteine fra the faid manifest and notour cryme. And for uther adulterie, that the Actes and Lawes maid their-upon of before, be put to execution with all rigour. And als declaris, that this act on na wise fall prejudice onie partie to persue for divorcement, for the crymes of adulterie before committed, conforme to the Law.

75. *Raising of bands of men of weir forbidden.*

IT is statute and ordained be the Queenis Majestie, and the three Estaites in Parliament, that na maner of person nor perfones, of quhat-sum-ever qualitie, Estaitie, condition or degree they be of, lieges of this Realme, attempt to do or raise onie bandes of men of weir on horse or fute, with culverings, pistolettes, pickes, speires, jacks, splents, steil-bonettes, quhite harnes, or uther munition bellical quhat-sum-ever, for daylie, oulkie, or monethlie waiges in onie times to-cum, without speciall licence in writ had, and obtained of **OUR SOVERAINE LADIE** and her successours theiro, under

the paine of death, to be execute upon the raiseris of the saidis bands, as alswa upon them, that conuenis and ryfis in bands.

76. *Auentis the reparrelling and uphalding of Paroche Kirkes and of Kirk-zairdes of the samin, for burial of the dead.*

IT is statute and ordained for uphalding and reparrelling of the Paroche Kirkes and Kirk-zairdes of the samin, for burial of the dead within this Realme, that the Lordes of secreit Councell pur ordour thereto, and aduise and consult how the samin shall be done and uphalden in times to-cum. And quhat-sum-ever ordour that they shall happen to take for reparrelling and uphalding of the saidis Kirkes and Kirk-zairdes thereof: The Queenis Majestie, with the aduise of the three Estaites of this Realme in this present Parliament, hes declared, and declaris, that quhat-sum-ever ordour beis maid and set fourth be the saidis Lordes of secreit Councell, and execution to be declaired be them thereupon, to be sufficient; and of als greit strenght and effect, as and the samin had bene expressly contained in this present act.

77. *Auent tennents, and uther lauchfull possessours of Kirk-landes, and setting of ferwes of the samin Kirk-landes for the space of three zeires hereafter.*

THE Queenis Grace havand considered the grievous complaintes maid to her Hiènes be the lauchfull possessours, occupyars and tennentes of the Kirk-lands, and that divers of the lieges of this Realme hes raken fewes of the saidis Kirk-lands, sen the sext day of Marche, the zeir of God, ane thousand, five hundredreth, fiftie acht zeires, and hes warned them, and intends to warne, be vertew of the saidis fewes or lang tackes the lauchfull and kindlie possessours of the saidis Kirk-lands to remove: For remeid hereof: Her Hiènes with aduise of the three Estaites in this present Parliament, hes statute and ordained, that na kindlie lauchfull possessour, tennent or occupyer of onie of the saidis Kirk-lands, be removed fra their kindlie rowme, steading, or possession be the alleged fewares or takers of the samin in lang tackes, sen the said sex day of Marche, the zeir of God, ane thousand, five hundredreth, fiftie acht zeires: Bot that the lauchfull possessours, tennentes and occupiers of the said Kirk-lands, may bruke and joyis their saidis tackes, rowmes, and possessions, but violencè of onie zeiris by-gane, be warning to remove, be onie of the said alleaged titles of fewes or lang tackes, set sen the sext daye of Marche, the zeir of God, ane thousand, five hundredreth, fiftie acht zeires, or be onie warning to be maid be vertew of the foresaidis titles hereafter, unto the Feast of *Whit-sunday*, the zeir of God, ane thousand, five hundredreth, three scoir sex zeires, without licence of our said Sovereine Ladie els obtained, or to be obtained in writ their-upon. And never-the-lesse that the saidis occupyars, kindlie tennentes and possessours pay their mailles, fermes and dewties, according to their tackes, or use of payment of before, and attour it is in likewise statute and ordained be the Queenis Grace, with aduise of the Estaites foresaides, that na Elect, Postulat, Arch-bishoppe, Bishoppe, Abbot, Priour, Commendatar, Prioreffe, Dean, Archedaan, Parson, Vicar, or uther person bruiand benefices, or pretendand themselves to bruike the samin, as Kirk-men of quhat-sum-ever estate, degree or condition they be of, within this Realme, set fra thine furth ony of their Kirk-landes in few or lang tackes, to ony person or persones, for the space of three zeires next to-cum, *Videlicet*, unto the Feast of *Whit-sundaye*, the zeir of God, ane thousand, five hundredreth, threescore sex zeires, without the Queenis Grace licence els obtained, or to be obtained in writ their-upon.

78. *Auent the admission of Notares, and prorogation of the samin.*

ITEM, For-sa-meikle as it was statute and ordained of before, be ane act maid in the Parliament holden *at Edinburgh* the xxij. daye of Junij, the zeir of God, ane thousand, five hundredreth, lv. zeires, that all Notars within this Realme, baith Spiritual and Temporal, suld have bene caused to cum be their Ordinares and Schireffes, Stewardes, Baillies, *respective*, to the Burgh of *Edinburgh*, there to have compeired personally before the Lordes of Councell, or that the saidis Lordes suld direct their letters, requiring and chargeing all Notares within this Realme, to compeer before them, as said is, bringing with them their creations and haill protocollis, betuix the said xxij. day of Junij, and the Feast of *Whit-sunday* next thereafter, at sik dayes, as suld be assigned and appoynded be the saidis Lordes, to be examined, and their creations vifed be them, their protocollis produced, to be marked be the Lords, and the leaves numbered, and the blankes in likewise to be marked, and the saidis procol buikes not to be sene, nor red, bot to be marked in presence of the Notar and delivered againe to him, bur onie inspection: And as they war fundin qualified, to be admitted be the Lordes of Councell, to use office of Notarie thereafter: And that na Notar, be quhat-sum-ever power he be creat, use the office of Notarie, within this Realme thereafter, bot gif he first presented himselfe to the saidis Lordes, schawand his creation, and be admitted be them as qualified thereto: And that na Notares, that suld happen to be discharged be the saidis Lordes, or not admitted be them, thereafter sulde use the office of Notarie, under the paines after specified. And attour it was ordained, that all Notares to be admitted, as said is, giwand Instrumentes and requirand witness thereto, they suld require the said witnesses, quhair they dwelt, or sum uther evident taikin of them, and insert the samin in their said Instrumentes, that the witness maie be knawen, being present at that time. Further, gif onie Notar beis convict

of falset, or not admitted be the Lords in maner foresaid and use the office of Notarie, they fall be punished, as said is, that is to say, their hail moveabil gudis to be escheitred and applyed to our Sovereine Ladies use, and they to want their richt hand, and to be banished the Realm for ever. And further, suld be punished to the tinsell of their life *inclusive*, as the qualitie of the cause required, be sicht and discretion of the Judge, And the causers of the falsettes to be done, to receive the samin punition in their persones and gudis: And because in ane uther act, maid be our Sovereine Ladic in the Parliament foresaid, all Notares were suspended to the last day of March thereafter, unto the time of their admission be the Lordes foresaid, it being considered, that the said act tuike not then dew execution: Therefore the Queenis Grace with advise of the three Estaites, dispensed and supplid onie fault be that part of the said act, and all instrumentes given sensyne and thereafter, unto the Feast of *Whit-sunday* nixt after the daie of the said act, as at mair length is conteneid in the samin: And it being now understandin to the Queenis Majestie, and the three Estaites of this Realme, in this present Parliament, that the said act hes not bin dewlie observed nor universallie cum in use, and that be reason the samin came not to the knowledge of the hail lieges of this Realme, quhair-throw they may be prejudged and hurt be taking and receiving of sik instrumentes, by the tenour of the foresaid act, therefore and for uther reasonable considerations, the Queenis Hienes and the three Estaites foresaidis, hes dispensed and dispensis with the said act, and declairis all Instrumentes, tane and maid be quhat-sum-ever Notar or Notares, sen the daie of the said act, to be sufficient and vailzeable in the selfe, swa the said Instrumentes be maid be loyal Notares, not improven nor defamed, before the making of sik-like Instrumentes, like as her Majestie and Estaites foresaidis dispenses with the samin act and contentes thereof, anent all Instrumentes maid in onie times by-gane be loyal Notares, as said is, sen the twentie twa daye of Junij, the zeir of God foresaid, and to be maid hereafter, quhill the first day of March nixt to-cum, in this instant zeir of God, ane thousand, five hundreth, threescore three zeires. And in the meane time ordainis letters to be direct to command and charge all Notares, quhilk are not as zit examined, and admitted be the Lordes of Council, according to the tenour of the said act, be open proclamation at the mercat croce of the head Burrowes of all Schires, within this Realme, to compeir within the Burgh of *Edinburgh*, and there to be examined be the saides Lordes in maner foresaid, benixt and the said first daye of March nixt to-cum, with certification to them and they failzie, the pains conteneid in the said acte fall be execute upon them with all rigoure, and all Instrumentes taken in Notares handes not admitted and examined be the saidis Lordes, before the said day to be null and of nane availe, and to have na faith thereafter.

79. *All Notares suld be presented be the Queene, and admitted be the Lordes of Session.*

ITEM, Because our Sovereine Ladies lieges are greatumlie hurt be unworthy and in sufficient Notares, not qualified, as effeiris to be, in making of Instrumentes and uthers writtings, according to their office: IT is statute and ordained be our Sovereine Ladic, with the advise of the three Estaites, that na person tak upon hand to use nor exerce the office of Notarie, be na maner of creation, to be maid in onie time to-cum fra this day furth, under the paine of death, without they be maid and creat be the Queenes Majesties special letters, and thereafter examined and admitted be the Lordes of Session and Colledge of Justice, quha fall tak their aithes for dew and lauchfull using of the said office of Notarie, and cause register their signe and subscription, quhilk they fall use in all times after their said admission. And gif onie person or persones, attemptis or dois in contrair heirof, in creating or making Notares, or using of the said office utherwaies nor said is, they fall be punished to the death, and their instrumentes, nor notes to mak na faith.

80. *Anent giving of saisinges.*

ITEM, For-sa-meikle as in umquhile our Sovereine Ladies dearest Fathers time that last deceased, It was statute and ordained, that all saisinges, quhilkis passis upon precepts of the Chancellarie, to be given be the Schireffe Clerk or his depures: Sen the quhilk acte, there is be occasion of weires and great troubles, divers saisinges given be uthers Notars, upon preceptes past furth of the said Chancellarie: Therefore our Sovereine Ladic, with advise of the three Estaites of Parliament, dispensed with that fault of all saisinges given be uthers Notares, sen the making of the foresaid acte, and ordained the said acte to be published and have effect in times cumming, with this addition, that upon all precepts past fourth of the Chancellarie, the Schireffe, Steward, or Baillie, alsweill Regalitie as Royaltie, or their depures, suld be required to passe and give saisinges with the Schireffe Clerk, and his Depures, and gif the Schireffe, Steward, or Baillie, or their depures, refused to passe and give the saisng, then the party, haver of that precept, to put ony uther Baillie to give saisng as he fall think maist expedient, as at mair length is conteneid in the said acte, of the daie the twenty daie of *Junij*, the zeir of God, ane thousand, five hundreth, fiftie five zeires: And now the Queenis Grace and the three Estaites of this Realme understandand that the said acte lies nor bene dewlie observed nor universallie cum in use, and that be reason the samin comes not to the knowledge of the hail lieges of this Realme, quhair-throw they may be prejudged and hurte be taking of sik saisinges, by the ordour of the said acte: Therefore, and for uther reasonabill considerations, the Queenis Hienes and the three Estaites foresaidis, hes dispensed, and dispensis with the said acte, and declairis all saisinges tane and given be quhat-sum-ever person

or persones, sen the dates of the saides actes *respective*, be authentick Notares, to be sufficient and vailzieable in the selfe, swa that the Notares givers theirow be loyal, nor improven nor defamed before the giving of sik saifinges, like as her Majestie and Estaites foresaidis, dispensis with the famin acte and conving thereof, anent all saifinges tane in ony times by-gane, the Clerkes and Notares thereof, beand loyal, as saidis, sen the said twentie day of *Junij*, in the zeir of God foresaid, and to be maid hereafter, quhill the first daie of *March*, nixt to-cum, in this instant zeir of God, ane thousand, five hundreth, three-score three zeires.

81. *Anent resignations maid ad perpetuam remanentiam.*

ITEM, For-sa-meikil as it was statute and ordained of before be ane acte maid in the Parliament holden at *Edinburg*, the twentie daie of *Junij*, the zeir of God, ane thousand, five hundreth, fiftie five zeires, that all resignations to be maid be vassalles of their proprieties in the superiours hands, *ad perpetuam remanentiam*, being maid be procuratorie, the said procuratorie sulde bee sealed and subscribed bee the vassalles hands, and gif he coulde not write to be subscribed with his awin hand at the pen, led be ane authentick Notar, and sealed with his seale, and gif the said resignation beis maid be the vassal personallie, *ad perpetuam remanentiam*, that the instrument theirow be sealed with the seale of the resigner, and subscribed with his awin hand, and gif he cannot write, to be subscribed with his hand at the pen, led be ane Notar in maner foresaid, and na resignation *ad remanentiam* to have strength in times to cum, utherwaies nor is abone specified: And it being now understand to the Queenis Majestie, and the three Estaites of this Realme, that the said acte hes not bene dewlie observed, nor universallly cum in use, and that be reason the famin came not to the knowledge of the hail Lieges of this Realme, quhair-throw they may be prejudged and hurt in making and receiving of sik resignations, be the tenour of the foresaid Acte: Therefore, and for uther reasonable considerations, the Queenes Hienes and the three Estaites foresaides, hes dispensed, and dispensis with the said acte, and declaris all resignations maid in the superiours handes, be quhat-sum-ever vassal, tennent or uther person *ad perpetuam remanentiam*, sen the daie of the said acte, to be sufficient and vailzieable in the selfe, not-with-standing the said acte, swa that the famin may be verified and provin to have bene maid be instruments, or uther authentick writings, or sufficient probation, that wald have maid faith and sufficient and lauchfull verification theirow, be the use and consuetude of this Realme, observed and keiped in sik-like case, anent the making of resignations *ad perpetuam remanentiam*, before the making of the said acte, like as her Grace and Estaites foresaides, dispensis with the said acte and contentis theirow, anent all resignations *ad remanentiam* maid in onie time by-gane, sen the said xx. day of *Junij*, and to be maid hereafter, quhill the first daye of *March*, nixt to-cum, in this instant zeir of God, ane thousand, five hundreth, three-score three zeires.

82. *That five or sex of the principal Burrowes be warned, for concluding of weir, peace, or taxationes.*

ITEM, The Queenis Grace being of will and minde, that all Provestes, Alder-men, Baillies, Councell and communitie, and inhabitantes of Burrowes of this Realme, be rather augmented in their privileges maid be her Grace and her predecesours to them, nor diminished their-intill: Hes statute and ordained be the advife of the three Estaites of this present Parliament, that five or sex of the principalls, Provestes, Alder-men, and Baillies of this Realme, fall in all times to-cum be warned to all conventions that fall happen the Queenis Grace and hir successeours to conclude upon peace or weir, with quhat-sum-ever her Hienes confederates, or Enemies, or making or granting of generall taxationes of this Realme. And that her Hienes or Councell, fall not conclude nor decerne upon peace, weir, nor taxationes foresaidis, without five or sex of the saidis principalles, Provestes, Aldermen, and Baillies of Burrowis be warned theirow lauchfullie, as effectis.

83. *Anent the stancheing of tumultes within Burrowes.*

ITEM, It is statute and ordained be our said Sovereine Ladie, with advife of the three Estaites foresaidis, for stancheing and suppressing of tumultes, uproares and troubles, that hes happened within Burrowes in all times by-past: That nane of our Sovereine Ladies Lieges presume, pretende, or take upon hand to make onie privie conventions nor assemblies within Burgh, put on armour, cleith themselves with weapons or make sound of Trumper or Talbrone, or use culveringes, displayed banners, hand seinzeirs, or uthers instruments bellical quhat-sum-ever, in onie time heireafter, without the special licence of our said Sovereine Lady, and her Hienes Magistrates within the Burgh, quhair the said tumult and uproare chauncis to be, had and obtained theirow, under the paine of death: Providing, that the raising and conving of the inhabitantes of the saidis Burrowes be the Magistrates, for execution or repressing of malefactours be Justice, be not comprehended under this acte.

84. *That na coales be had furth of the Reaime.*

ITEM, Our Sovereaine Ladie and Estaites foresaides, havand consideration of the great multitude of Icoales continuallic caried furth of this Reaime, not onlic be strangers, bor alsua be the lieges and inhabitants of the famin, quhilk is now becummin the commoun ballast of emptie Schippes, and gives occasione of maist exorbitant dearth, and scantnesse of fewall within the famin: Therefore it is statute and ordained, that na maner of person, stranger nor liege, nor inhabitants in this Realm, take upon hand to transport, carie or tak furth onic coales be Schippe, Crayer or onie bair, or uther vessell quhat-sum-ever, in onic time hereafter, under the paine of finnell and confiscation of the Schip, coales and all the guds that the awner of the coales hes within the said Schip, to our said Sovereaine Ladies use, except sa monie as are neidfull for fire during the time of their voyage.

85. *That beiff and mutton cum to the mercat with skin and birne.*

ITEM, It is statute and ordained be our said Sovereaine Ladie with advise of the three Estaites foresaides: That all beiff, muttoun, veale and like bestial, slaine to land-wart, and Burgh, or presented to free Burrowes or free mercattes, bring wirth them in all times cumming their hide, skin, and birne, under the paine of confiscation, and escheiting of sik-like bestial, and gudes, as wantis the said hide, skin and birne, to be applyed to our Sovereaine Ladies use.

86. *The ratification of the priviledges of Burrowes.*

ITEM, Our said Sovereaine Ladie, with advise of hir saidis three Estaites in this present Parliament, ratifies, apprievs, and confirmis all actes of Parliament, statutes, priviledges, and immunities quhat-sum-ever given and granted be our said Sovereaine Ladie, or uthers her predeceffoures quhat-sum-ever, in favoures of the Burrowes, Provestes, Aldermen, Baillies, Communities, and indwellers within the famin, with all letters and excuratorialles, that hes past or may passe theirupon, givand expresse command be thir presentes, to the Lordes of our Sovereaine Ladies College of Justice and Session, to give and direct sik reasonable letters, as they or onie of them will desire, or hes had of before: Commanding and chargeing all our Sovereaine Ladies lieges and subjectes, that nane of them take upon hand to attempt, or pretend to attempt, violate or breake the foresaides Lawes, actes of Parliament, statutes, ordinances, immunities, or uthers priviledges quhat-sum-ever, given and granted in favoures of the saides Burrowes, under the paines contened in the famin, and under all paine and offense, that they and everie ane of them may incur, against our Sovereaine Ladies authority royal their-throw.

F I N I S.

T H E T E N T H

P A R L I A M E N T

O F

MARIE, QUEENE OF SCOTLAND,

Halden at Edinburgh, the fiftene day of December, the zeir of God, ane thousand, five hundredeth, and sextie foure zeires.

87. *Declaration of our Sovereaine Ladies perfite age.*

NENT The articlle proponed to the Queenis Majestie and to the Lordes of the Articlls, makand mention of ane acte of Parliament, maid be King James the Second of gude memorie, of the dait, the twentie daie of *March*, the zeir of God, ane thousand, foure hundredeth, thirty seven zeires, and of ane uther acte maid be King James the fourth in his Revocation, makand mention of xxj. zeires of his age, of the dait the fiftene day of *Februar*, the zeir of God, ane thousand, foure hundredeth, fourefcore nine zeires, like as the saidis actes *respective*, at mair length proportis: Desirand therefore the saides Lordes of articlls to declair the saides actes and uthers actes following, anent the lauchfull and perfite age of the Prince, gif it be at xxj. zeires compleit: Quha hes declared

clairied and declairis, that the Queenis Majesties predecessoures, Kinges of this Realme, wer be the saides actes halden of lauchfull and perfite age at xxj. zeires compleit, like as her Hienes being of xxj. zeires of age compleit, is of perfite and lauchfull age, Swa that her Hienes Predecessoures, and successoures, after the said age of xxj. zeires, compleit, might have done and may do all thinges, that thereafter ane Prince of lauchfull and perfite age, might have done, or may doe of the Lawe.

88. *Auent the confirmation of sewes.*

THE Quhilk day the Queenis Majestie, having considered the earnest sute of her subiectes, maid to hir Hienes, for hor Grace's confirmation to be obtained upon infestmentes of few-ferme of the Kirk-landes set be the Prelates of her Hienes Realme, sen the aucht daie of *March*, the zeir of God, ane thousand, five hundreth, fiftie aucht zeires, in time of trouble, contrair the tenour of her Graces letters of inhibition, published and proclaimed in diverse partes of her Realme, and als of uthers infestmentes of Kirk-landes obtained before the said aucht daie of *March*, and now is adviced, and intendis to grant sik confirmationes, willing that the samin be sure to sik as fall obtaine them: Therefore her Hienes with advise of her three Estaites in Parliament, will's, grantis, statutis and ordajnis that all confirmationes to be granted be her Majestie of the said infestmentes, fall be als lauchfull, and of als great strength and availe, as gif the samin had bene obtained and purchased fra the Pape or fate of Rome, and of als great strength and effect, as onie uther confirmationes of sik infestmentes obtained be onie uthers persones within this Realme, be authoritie of the Pape, or fate Apostolik in onie times by-gane: Providing that the infestmentes of Kirk-landes obtained be onie person or persones, sen the said aucht daie of *March*, not dewlic confirmed be hir Hienes, be of nane availe, force, nor effect.

F I N I S.

A N E T A B L E

Of the

*PARTICULAR ACTS and others omitted in the Parliametes maid be
QUEENE MARIE.*

V. Parliament. 1. Februar. 1551.

THE Declaration of the Lord Angus.
Anent cursed persones that compellis Priestes to say messe in their presence.
Anent Malt-makers.
Anent Beggars.
Anent slaying of Daes, and Raes.
Anent packing and peilling.
Anent fore-stallers.
Anent the having of quibite fishe furth of the Realme.
Anent Monsieur Dosell.
Ratification of the contract maid betuixt the Lord Governour and Sir James Hammitoun.
Ratification of the act maid betuixt the Queenis Grace and the Lord Governour.

VI. Parliament. 20. Junij. 1555.

Anent the libertie of halie Kirk.
The acte maid anent the slaughters of parties in persute and defence of their actions and causes.
Anentis all measuris and weichtes.
Anentis Lambes.
Anentis ferriares.
Anentis the slauchter of powtes and pertricks &c.
Anentis planting of wooddes, Parkes, Forrestes and Orchardes.
Anentis Beggars.

VII. Parliament. 14. December. 1557.

*The disposition of the wards mariages, non-entresses, benefices, tackes and steadings waikand throw
their deceis.*
Na proces to be led against them during their service.

IX. Parliament. 4. Junij. 1563.

For eschewing of dearth of vivers and victualles.
Anentis measures and weichtes.
Anentis schutting wilde beastes, and soules.
Anent the letters of Marque.
Ane provision to be maid for the instruction of the zouth.
For sendinge ane Ambassadour to the King of Denmarke.

F I N I S.





IACOBVS. VI REX SCOTORVM,



T H E F I R S T
P A R L I A M E N T
O F
K I N G J A M E S T H E S E X T .

Halden at Edinburgh the XV. day of December, 1567. Be JAMES Earle of MURRAY, &c. Regent to this Realme and Liegis:

1. *Avient the constitution of James Earle of Murray in Regent, to our Sovereine Lord, his Realme and Liegis:*



TEM, It is foundin, declared, and decerned be our Sovereine Lord, with advise of the three Estaitis, and hail bodie of this present Parliament, that he nominatioun, constitution, and ordination of our said Sovereine Lords dearest Cousing, JAMES Earle of Murray, Lord Abernetbie, in Regent to his Hiennes, his Realme and Liegis thereof, during the tme of his Majesties minoritie, and lesse age, specified and expressed in the Queenes Majesties Letters, under her subscripcioun and privie seale, of the date the 24. day of Julij last py-past, togidder als w with the consent and approbation of the Earles, Lordes, Prelates, Commissioners of Burrowes, Barronnes, and uthers faithfull subjects, convened and assembled to that effect. And the acceptation of the said office of Regentrie, be the saide JAMES Earle of Murray, upon the 22. day of August last by-past, was, is, and in all times cumming fall be halden, repete, &

estee medlawfull, sufficient, and perfite. And all and whatsumever things, quhilks he hes done be vettew of his said office of Regentrie, sen his acceptatioun thereof, or quhilks he fall do hereafter, in our said Sovereine Lords name and authoritie, during the time of his hiennes Minoritie, specified in the said commissioun and procuratioun produced, advised and considered, be the said three Estaites, to be as dewlie, lawfullie; sufficiently, and righteously done, and to have als great avaiill, strength, force & effect, in all respects and conditions, as ony things done be quhat-sumever Regents, Governours or Protectours of this Realme, in the minorities and lesse aiges of ony uthers native Princes of the same. And ratifies, apprevis and confitmis, the same nominatioun and acceptatioun, for now and in time cumming.

MARIE Be the Grace of God Queene of Scots, to all and findrie our Judges, & ministers of our Lawes; liegis & subjects, quhom it effeiris, to quhais knowledge thir our letters fall cum; greeting: For-sameikle, as after lang, greate and intollerable paines, and labours taken bee us, sen our arrivall within our Realme, for Government thereof, and keeping of the Liegis of the famin in quietnes, we have not onely bene vexed in our spirite, body, and senses thereby, bor als at length are atogidder sa wearyed thereof, that our habilitie, and strength of body, is not abill langer to indure the famin.

TH E R E F O I R, and because na thing earthlie can be mair comfortabill and happy to us in this Earth, nor in our life time to see our deare Sonne, the native Prince of this our Realme, placed in the Kingdome thereof, and the Crowne Royall set on his head, we of our awin free-will, and speciall motive, have dimitted and renounced the Government, guying and governing of this our Realme of

SCOTLAND, lieges and subjects thereof, in favours of our said Sonne, to that effect that in all times hereafter, he may peaceable and quietlie enjoy the famin, without trouble, and bee obeyed as native King and Prince of the famin, be the lieges thereof. And understanding, that be reason of his tender zouth, he is not of habilitie in his awin pertoun, to administrate in his Kingly roome and government, as equitie requyres, quhill that hereafter he come to the zeires of discretioun. And als knowing the proximitie of blude standand betwix us, our said Sonne, and our dearest Brother JAMES Earle of *Murray*, Lord *Abernetbie*, &c. And havand experience of the natural affection and tenderlie love, he hes in all times borne, and presentie beares towards us, honour and estait of our said Sonne. Of quahis love and faviour towards him, wee cannot bot assure our selfe. To quhome na greater honour, joy, nor felicitie in earth can come, nor to see our said Sonne inaugurate in his Kingdome, feared, reverenced and obeyed be his lieges thereof. In respect quhair of, and of the certaintie, and notoriety of the honestie, habilitie, qualification and sufficiencie of our said dearest Brother, to have the cure and regiment of our said Sonne, Realme and lieges foresaid, during our said Sonnes Minoritie: Wee have made, named, appointed, constitute, and ordained, and be thir our Letters, names, appointes, makes, constitutes and ordains our said dearest Brother JAMES Earle of *Murray*, Regent to our said dearest Sonne, Realme, and lieges foresaid, during his Minoritie and les age, and ay and quhill he be of the age of sevenetene zeirs compleit. And that our said Brother be called during the said space, Regent to our said Sonne, his Realme and Lieges. Swa that our said Sonne, after the compleeting of the zeirs foresaid, in his awin persoun, may tak upon him the said government, and use and exerce all and findrie priviledges, honouris and utheris immunitis, that appertains to the office of a King, alsweill in governing his Realme and people, according to the Lawis, as in represing the violence of sik as wald invade, or unjustlie resist him or them, or his Authoritie royall: With power to our said dearest Brother JAMES Earle of *Murray*, in Name, Authoritie and behalfe, of our said maist deare Sonne, to receive resignatiounis of quhat-sum-ever Lands holden of him, or zit of Offices, Castles, Towres, Fortalices, Mynes, Fishings, Woods, Benefices, or pertinentis quhat-sum-ever: the famin againe in our said Sonnes Name, to give and deliver: signaturis thereupon, and upon the gifts of Wardes, non-entrefis, and relevis of Landis, and Mariages of Airis falland, or that fall happen to fall in our said Sonnes hands as superiour thereof. And als upon presentatioun of Lands, Benefices, Escheitis of guddis movabill and un-movabill, debtris and takkis, respittis, remissounis, superfedereis, and upon the dispositioun of Offices vacand, or quhen they fall happen to vaik, to subscribe, and cause be past the seillis. The said Office of Regentrie, to use and exerce in all thingis, priviledges, and commodities, sik-like als freely, and with als great libertie, as ony Regent or Governour to us, or our Predecessouris used in ony times by-gane, and sik-like as gif every head, priviledge and Article, concerning the said Office, were at length expresed and amplified in thir our Letters. PROMISAND to hold firme and stabill, in the word and faith of ane Prince, quhat-sum-ever things our said dearest Brother in the premissis happinnis to doe. Charging heirfore zou all and findrie, our Judges and Ministers of Law, Liegis and subjectis foresaidis, to answer and obey to our said dearest Brother, in all and findrie things, concerning the said office of Regentrie, as ze and ilk ane of zou, will declar zou loving subjectis, to our said maist deare Sonne, and under all paine, charge and offense, that ze and ilk ane of zou may commit and inrinne, against his Majestie in that part. Subscribed with our hand, and given under our privie seill, At *Lochevin* the 24. day of Julij, And of our Reigne, the twentie five zeir.

2. *Anent the abolishing of the Pape, and his usurped autoritie.*

ITEM, Our Sovereine Lord, with advise of his dearest Regent, and three Estaitis of this present Parliament, ratifyis and apprievs the Act under writen, maid in the Parliament haldin at *Edinburgh* the 24. day of August, the zeir of God 1560 zeiris. And of new in this present Parliament, statutis and ordains the said Act to be as ane perpetual Law, to all our Sovereine Lordis Lieges, in all times cumming. Of the quhillk the tenour followis. ITEM, the three Estaites understanding that the jurisdiction and autoritie of the Bischop of *Rome*, called the Pape, used within this Realme in times by-past, hes not onely bene contumelious to the Eternall God, but also very hurtfull and prejudiciall to our Sovereines autoritie, and common weill of this Realme: THEIR FOIR It is statute and ordained, that the Bischop of *Rome*, called the Pape, have na Jurisdiction nor autoritie within this Realme, in ony time cumming. And that name of our said Sovereines subjectis, in ony times heirafter, sute or desire title or richt of the said Bischop of *Rome*, or his seet, to ony thing within this Realme, under the paines of Barrarie, that is to say, proscription, banishment, and never to bruike honour, office, nor dignitie within this Realme. And the contraveners heir of to be called before the Justice or his deputies, or before the Lords of the Session, and punished therefor, conforme to the Lawes of this Realme. And the furnischers of them, with finance of money, and purchassers of their title of right, or maintainers, or defenders of them, fall incurre the samis paines. And that na Bischop nor uther Prelat of this Realme, use ony Jurisdiction in time cumming, be the said Bischop of *Romes* autoritie, under the paine foresaid. And therefore of newe decernis and ordains, the contraveners of the famin, in ony time hereafter, to be punished according to the paines in the foresaid Act above rehearsed.

3. *Asent the annulling of the Actes of Parliament, made against God his word, and maintenance of Idolatrie in ony times bypast.*

ITEM, Our Sovereine Lord, with advise of his dearest Regent, and three Estaites of this present Parliament, ratifyis and apprevis the Acte under-written, made in the Parliament holdin at *Edinburgh*, the 24. day of August, the zeir of God, ane thousand, five hundredeth, threecore zeires. And of new in this present Parliament statutis and ordainis the said Act, to be as a perpetuall Law to all our Sovereine Lordis liegis in all times cumming. Of the quhilk the tenour followis. THE quhilk day, For-sameikle as there hes bene divers and findrie Actes of Parliament, made in King JAMES the First, Second, Thrid, Fourth and Fifth's times, Kinges of SCOTLAND for the time, and als in our Sovereine Ladies tyme, not agreeing with Gods haly word, and be them divers persones tuke occasion to maintaine Idolatrie and superstition within the Kirk of GOD, and repressing of sik persones, as were professours of the said word, quhairthrow divers innocents did suffer. And for eschewing of sik inconvenientes in time cumming, the three Estaites of Parliament, hes annulled, and declared all sik Actes made in times bypast, not agreeing with God his word, and now contrary to the Confession of Faith, according to the said word, published in this Parliament, to be of nane availe, force nor effect. And decernis the said Actes, and every ane of them, to have na effect nor strength in time to cum, bot the samin to be abolished and extinguished for ever, in sa far as any of the foirsaidis Actes are repugnant, and contrarie to the Confessioun of Faith, and word of GOD foirsaid, ratified and approved be the Estaites in this present Parliament. And therefore decernis and ordainis, the contraveners of the samin Act, in ony time hereafter, to be punished, according to the Lawes. Of the quhilk Confession of the Faith, the tenour followes.

T H E

C O N F E S S I O N

Of the

F A I T H A N D D O C T R I N E.

Beleeved and Professed be the Protestantes of SCOTLAND, exhibited to the Estatis of the same in Parliament, and be their publick votis authorized, as a doctrine grounded upon the infallible Word of God.

I. Of God.



W E confesse and acknowledge ane onelie GOD, to whom onelie we must cleave, whome onelie we must serve, whome onelie we must worship, and in whom onelie we must put our trust. Who is Eternal, Infinir, Unmeasurable, Incomprehensible, Omnipotent, Invisible, ane in substance, and yet distinct in three personis, the Father, the Sonne, and the Holie Ghost. Be whom we confesse and beleve all thingis in heaven and earth, aswell Visible as Invisible, to have bene created, to be retained in their being, and to be ruled and guyded be his inscrutable Providence, to sik end, as his Eternal Wisdom, Goodnes, and Justice hes appoynted them, to the manifestation of his awin glorie.

Mat. 28. 19. 1 John 5. 7. Gen. 1. 1. Heb. 11. 3. Act. 24. 21. Prov. 16. 4.

2. Of the Creation of man.

WE confesse and acknowledge, this our GOD to have created man, to wir, our first Father *Adam*, to his awin Image and similitude, to whome he gave wisdom, Lordship, Justice, Free-will, & clear knowledge of himselfe, sa that in the haill nature of man, there could be noted no imperfection. Fra quhilk honour and perfection, man and woman did both fall: the woman being deceived be the Serpent, and man obeying the voyce of the woman, both conspyring against the Sovereine Majestie of GOD, who in expressed words had before threatned death, gif they presumed to eat of the forbidden tree.

Gen. 1. 26, 27, 28, &c. Colof. 3. 10. Eph. 4. 24. Gen. 3. 6. Gen. 3. 17.

3. Of Originall sinne.

BE Quhilk transgressioun, commounlie called Originall sinne, wes the Image of God utterlie defaced in man, and he and his posteritie, of nature, become Enimies to GOD, slaves to Sathan, and servandis

Phil. 3. 5. Rom. 7. 5.

unto

unto sin, in fameikle that death everlasting hes had, and fall have power and dominioun, over all that have not been, ar not, or fall not be regenerated from above, quihlk regeneration is wrocht be the power of the holie Ghost, working in the hartes of the elect of God, an assured faith in the promise of God, reveiled to us in his word, be quihlk Faith we apprehend Christ Jesus, with the graces and benefites promised in him.

4. *Of the Revelation of the promise.*

FOR This we constantlie beleeve, that God, after the feirfull and horrible defection of man fra his obedience, did seek *Adam* againe, call upon him, rebuke his sin, convict him of the same, and in the end made unto him ane most joyfull promise, to wit, that the seed of the woman sould break down the Serpents head, that is, he sould destroy the works of the devill. Quihlk promise, as it was repeated, and made mair cleare from time to time: so was it imbraced with joy, and maist constantlie received of all the faithfull, from *Adam* to *Noe*, from *Noe* to *Abraham*, from *Abraham* to *David*, and so fourth to the incarnation of Christ Jesus, all (we meane the faithfull Fathers under the Law) did see the joyfull daie of Christ Jesus, and did rejoyce.

5. *The continuance, increase, and preservatioun of the Kirk.*

WE Maist constantly beleeve, that God preserved, instructed, multiplied, honoured, decored, & from death called to life, his Kirk in all ages fra *Adam*, till the cumming of Christ Jesus in the flesh. For *Abraham* he called from his Fathers cuntry, him he instructed, his seede he multiplied, the same he marvellouslie preserved, and mair marvellouslie delivered, from the bondage and tyrannie of *Pbarash*, to them he gave his Lawes, constitutions and ceremonies, them he possessed in the Land of *Canaan*, to them after Judges and after *Saul*, he gave *David* to be King, to whome hee made promise, that of the fruite of his loynes sould ene sit for ever upon his Regall seat. To this same people from time to time he sent Prophets, to reduce them to the right way of their God: from the quihlk oftentimes they declined, be Idolatry, and albeit that for their stubborne contempt of Justice, he was compelled to give them into the hands of their enemies, as befor was threatned be the mouth of *Moses*, in sa-meikle that the haly Cirtie was destroyed, the Temple burnt with fire, and the haill Land left desolate the space of lxx. zears: Zit of mercy did he reduce them againe to *Jerusalem*, where the Cirtie and Temple were reedified, and they against all temptations and assaultes of Sathan did abide, till the Messias came, according to the promise.

6. *Of the incarnation of Christ Jesus.*

QUHEN The fulnes of time came, God sent his Sonne, his eternall Wisdome, the substance of his awin glory, in this world, quha take the nature of man-head of the substance of woman, to wit, of a Virgine, and that be operation of the holie Ghost: And so was borne the just seede of *David*, the Angel of the great Counsell of God, the very Messias promised, whome we confesse and acknowledge, *Emmanuel*, very God and very man, two perfitt natures united, and joyned in one person. Be quihlk our Confessioun we condemne the damnable and pestilent heresies of *Arius*, *Marcion*, *Eutyches*, *Nestorius*, and sik others, as either did denie the eternitie of his God-head, or the veritie of his humaine nature, or confounded them, or zit devided them.

7. *Why it behoved the Mediator to be very God and very Man.*

WE Acknowledge and confesse, that this maist wonderous conjunction betwixt the God-head and the man-head in Christ Jesus, did proceed from the eternall and immutable decree of God, from quihlk all our Salvation springs and depends.

8. *Election.*

FOR that same Eternall God and Father, who of meere grace elected us in Christ Jesus his Sonne, befor the foundation of the world was laide, appointed him to be our head, our Brother, our Pastor, and great Bishop of our fauls. Bor because that the enimitie betwixt the Justice of God and our sins was sik, that na flesh be it selfe culd, or might have attained unto God: It behoved that the Sonne of God sould descend unto us, and take himself a bodie of our bodie, flesh of our flesh, and bone of our bones, and so become the Mediator betwixt God and man, giving power to so many as beleeve in him to be the Sonnes of God, as himselfe dois witnesse. I passe up to my Father, and unto zour Father, to my God, and unto zour God. Be quihlk maist holie fraternitie, quhatsoever wee have tynt in *Adam*, is restored unto us againe. And for this cause, ar we not affrayed to call God our Father, nor sa-meikle because he hes created us (quihlk we have common with the Reprobate) as for that, that he hes given to us his onely Sonne, to be our Brother, and given unto us grace, to acknowledge and imbrace him for our onlic Mediatour, as before is said. It be-
hooved

booyed farther the Messias and Redeemer to be very God, and very man, because he was ro underlie the punishment due for our transgressions, and to present himselfe in the presence of his Fathers Judgement, as in our person, ro suffer for our transgression and inobedience, be death to overcome him that was author of death. Bot because the onely God-head culd nor suffer death, neither zit culd the onlie man-head overcome the famin, he joynted both together in one persone, that the imbecillitie of the ane, suld suffer and be subject to death, (quihilk we had deserved) And the infinit and invincible power of the uther, ro wit, of the God-head; suld triumph and purchesse to us life, libertie and perpetual victory: And so we confesse, and maist undoubtedly beleve.

Heb. 2. 11.
12.
1 Pet. 3. 18.
Eph. 5. 2.
Act. 2. 24.
1 Joh. 1. 2.
Act. 20. 28.
1 Tim. 3. 16.
Job. 3. 16.

9. *Christ's death, Passion and Burial.*

THAT Our Lord Jesus offered himselfe a voluntary Sacrifice unto his Father for us, that he suffered contradiction of sinners, that he was wounded and plagued for our transgressions; rhar hee being the cleane innocent Lamb of GOD, was damned in the presence of ane earthlie Judge, Thar we suld be absolved befor the tribunal feare of our God. That he suffered not onlie the cruel death of the Crosse (quihilk was accounted be the sentence of God) bot also that he suffered for a feason the wrath of his Father, quihilk sinners had deserved. Bot zit we avow that he remained the only well beloved and blessed Sonne of his Father, even in the midst of his anguish and torment, quihilk hee suffered in bodie and saule, to make the full satisfaction for the finnes of the people. After the quihilk we confesse and avow, that there remains na uther Sacrifice for sinne, quihilk gif ony affirme, we nathing doubt to avow, that they ar blasphemous against Christs death, and the everlasting purgation and satisfaction, purchased to us be the same.

Heb. 10. 1.
12. Sec.
Eph. 5. 5.
Heb. 12. 3.
Job. 1. 20.
Mat. 21. 21.
Deu. 21. 23.
Mat. 25. 12.
Gal. 3. 13.
Luk. 24. 12.
Mat. 27. 52.
2 Cor. 5.
Heb. 9. 12.
Heb. 10. 5.

10. *Resurrection.*

WE undoubtedlie beleive, that insameikle as it was impossible; that the dolours of death sulde reitene in bondage the Author of life, that our LORD JESUS crucified, dead and buried, quha descended into Hell, did ryse againe for our Justification, and destroying of him quha wes the Author of death, brocht life againe to us, that wer subject to death, and to the bondage of the same. We know tht his Resurrection, was confirmed be the testimonie of his verie Enemies, be the Resurrection of the dead, quha is Sepultures did open, and they did rise, and appeared to mony, within the Citie of Jerusalem. It was also confirmed be the testimonie of his Angels, and be the senses and Judgements of his Apostles, and of uthers, quha had conversation, and did eate and drink with him, after his Resurrection:

Act. 2. 23.
Act. 1. 26.
Rom. 6. 5, 9.
Act. 2. 24.
Rom. 4. 25.
Heb. 2. 14, 15
Mat. 28. 9.
Mat. 27. 52.
13.
Mat. 28. 5.
Job. 20. 27.
Act. 21. 7.
Luk. 24. 41,
47. 43.
Joh. 21. 12.
13.

11. *Ascension.*

WE nathing doubt, bot the self same bodie, quihilk was borne of the Virgine, was crucified, dead, and buried, and quihilk did rise againe, did ascend into the heavens, for the accomplishment of all things: quherein our names, and for our comfort, he hes received all power in heaven and earth, quhere he sittes at the rich hand of the Father inaugurate in his Kingdome, Advocate and onlie Mediator for us. Quihilk Glorie, honour, and prerogative, he alone amonges the Brethren sall possess, till that all his Enemies be made his futehule, as that we undoubtedlie beleve, they sall be in the final Judgement: To the Execution whereof we certainlie beleve, that the same our Lord JESUS sall visiblie returne, as that hee was sene to ascend. And then wee firmly believe, that the time of refreshing and restitution of all things fall cum, in sa-meikle that thir, that fra the beginning have suffered violence, injurie, and wrang, for righteousness sake, sall inherit that blessed immortalitie promised fra the beginning. Bot contrairwise the stubbornes sake, in-obedient, cruel oppressours, filthie personis, Idolaters, and all such sortes of unfaithfull, sall be cast in the dungeoun of utter darkeness, where the worme sall not die, neither zit their fyre sall be extinguished. The remembrance of quihilk day, and of the Judgement to be executed in the same, is not onlie to us ane brydle, whereby our carnal lustes are restrained, bot alswa sik inestimable comfort, that nether may the threatening of worldly Princes; nether zit the feare of temporal death and present danger, move us to renounce and forsake that blessed societie, quihilk we the members have with our head and onlie Mediator CHRIST JESUS; whom we confesse and avow to be the Messias promised, the onlie head of his Kirk, our just Lawgiver, our onlie hie Priest, Advocate, and Mediator. In quihilk honours and offices, gif man or Angel presume to intrude themself, we urther detest and abhorre them; as blasphemous to our Sovraine and supreme Governour CHRIST JESUS.

Luk. 24. 41.
Act. 1. 9.
Mat. 28. 6.
Job. 20. 5.
Mat. 28. 18.
1 Joh. 3. 1.
Eph. 2. 7. 5.
Eph. 1. 10. 1.
Mat. 22. 44.
Luk. 12. 16.
Luk. 20. 42.
43.
Act. 1. 1.
Act. 1. 19.
2 The. 1. 4.
5. 6, 7, 8.
Mat. 25. 34.
Rev. 21. 27.
Eph. 66. 24.
Mat. 25. 41.
Marc. 9. 44.
45, 48.
Mat. 22. 13.
2 Pet. 2. 11.
2 Cor. 5. 11.
2 Luk. 21. 28.
Job. 15. 13.
Occ.
Eph. 7. 14.
Eph. 1. 22.
Col. 1. 18.
Heb. 9. 11. 15
Heb. 10. 21.
1 Joh. 2. 1.
1 Tim. 2. 5.

12. *Faith in the holy Ghost.*

THIS Our Faith and the assurance of the same, proceeds not fra flesh and blude, that is to say, fra natural powers within us, bot is the inspiration of the holy Ghost: whome we confesse GOD equal with the Father, and with his Sonne, quha sanctifyis us, and brings us in all veritie be his awin operation. without whome we sulde remaine for ever enemies to GOD, and ignorant of his Sonne Christ Jesus. For of nature we are so dead, so blind, and so perverse, that nether can we feill when we ar pricked, nor assent to the will of God when it is revealed, unless the Spirit of the

Mat. 16. 17.
Joh. 14. 26.
Joh. 15. 24.
Act. 5. 4.
Joh. 14. 11.
Joh. 16. 13.
Col. 2. 18.
Eph. 2. 1.
Joh. 9. 39.
Revel. 1. 17.

Lord Iesus quicken that quihilk is dead, remove the darknesse from our myndes, and bowe our stubburne hearts to the obedience of his blessed will. And so as we confesse, that God the Father created us, when we were not: as his Sonne our LORD JESUS redeemed us, when we were enemies to him: so also do we confesse that the holy Ghost doth sanctifie and regenerat us, without all respect of ony merite proceeding from us: be it before, or be it after our Regeneration. To speake this one thing zit in maine plaine words: As we willingly spoyle our selves of all honour, and gloir of our awin creation, and redemption: so do we also of our Regeneration and Sanctification: for of our selves we ar not sufficient to think one gude thoct, bot he quaha hes begun the wark in us, is onlie he that continewis us in the same, to the praite and glorie of his un-deserved grace.

14. *The cause of gude warkes.*

SA That the cause of gude warkes, we confesse to be not our free-will, bot the Spirit of the LORD JESUS, who dwelling in our hearts be trewe faith, bringis furth sik warkes, as God hes prepared for us to walke in. For this wee maist boldelie affirme, that blasphemie it is to say, that Christ abydes in the heartes of sik, as in whome there is no Spirit of sanctification. And therefore we feir not to affirme, that murderers, oppressers, cruell persecuters, adulterers, huremongers, filthy persons, Idolaters, drunkards, thieves, and all workers of iniquity, have nether trewe faith, nether ony portion of the Spirit of the LORD JESUS: so long as obstinatlie they continew in their wickednes. For how soone that ever the Spirit of the Lord Iesus (quihilk Gods elect children receive be trewe faith) taks possession in the heart of ony man, so soone dois he regenerate and renew the same man. So that he beginnis to haite that quihilk before he loved, & begins to love that quihilk before he hated, and fra thine cummis that continuall battell, quihilk is betwixt the flesh and the Spirit in Gods Children: while the flesh and naturall man, according to the awin corruption, lustes for things pleisand and delectable unto the self, and grudges in adversity, is lysted up in prosperitie, and at every moment is prone and reddie to offend the Majestie of God. Bot the Spirit of God, quihilk gives witnessing to our Spirit, that we are the Sonnes of God, makis us to resist filthie pleasures, and to groane in Gods presence, for deliverance fra this bondage of corruption: And finally to triumph over sin, that it reigne not in our mortall bodyis. This battell hes not the camall men, being destitute of Gods Spirit, bot dois follow and obey sinne with greedines, and without repentance, even as the Devill, and their corrupt lustes do prick them. Bot the Sonnes of God, as before wes said, do secht against sinne, do sob and murne, when they perceive themselves tempted in iniquitie: and gif they fall, they rise againe with earnest and unfained repentance, and thir thingis they do not be their awin power, bot be the power of the Lord JESUS, without whom they were able to do nothing.

15. *What warkes ar reputed gude befor God.*

WE Confesse and acknowledge, that God hes given to man his holy Law, in quihilk not ony ar forbidden all sik warkes as displeis and offend his Godly Majestie, bot also ar commanded all sik as pleis him, and as he hes promised to rewaird. And thir warkes be of twa sortes. The ane are done to the honour of God, the uther to the profite of our Nichtbouris: and both have the reveiled will of God for their assurance. To have ane God, to worship and honour him, to call upon him in all our troubles, reverence his holy name, to heare his word, to beleive the same, to communicate with his holy Sacraments, are the warkes of the first Tabill. To honour Father, Mother, Princes, Rulers, and superiour powers: to love them, to support them, zea to obey their charges (not repugning to the commandment of God) to save the lives of Innocents, to repress tyrannie, to defend the oppressed, to keepe our bodies cleane and halie, to live in sobernes and temperance, to deal justlie with all men both in word and deed: and finally, to repress all appetite of our Nichtbouris hurt, are the gude warkes of the secund Tabill, quihilk are maist pleasing and acceptabil unto God, as the warkes that are commanded be himselfe. The contrary quahirof, is sinne maist odious, quihilk alwayes displeis him, and provokes him to anger: As not to call upon him alone, when we have need, nor to hear his word with reverence, to contemne and despise it, to have or worship Idols, to maintene and defend Idolatrie, lichtlie to esteeme the reverend name of God, to prophane, abuse, or contemne the Sacraments of Christ Iesus, to disobey or resist ony that God hes placed in Authority (quihilk they passe not over the boundes of their office) to murder, or to consent thereto, to beare hatred, or to let Innocent blude be shed, gif wee may withstand it. And finally, the transgression of ony uther commandment in the first or secund Tabill; we confesse and affirme to be sinne, by the quihilk Gods anger and displeasure is kindled against the proud unthankfull world. So that gude warkes we affirme to be thir onie, that are done in faith, and at Gods commandment, quaha in his Lawe hes expressed what the thingis be that pleis him. And evill warkis we affirme not ony thir, that expressly ar done against Gods commandment: bot thir also that in materis of Religion, and worshipping of God, hes na uther assurance bot the inventioun and opinioun of man: quihilk God fra the beginning hes ever rejected, as be the Prophet *Ezay*, and be our Maister CHRIST JESUS we ar taucht in thir words, *In vaine do they worship me, teaching for doctrines the precepts of men.*

16. *The perfection of the Law, and the imperfection of man.*

THE Law of God we confesse and acknowledge maist just, maist equall, maist halie, and maist perfite, commaunding thir things, quhilk being wrocht in perfection, were abill to give life, and abill to bring man to Eternal felicitie. Bot our nature is sa corrupt, sa weake, and sa unperfite, that we ar never abill to fulfill the warkes of the Law in perfection. Zea, gif we say we have na sinne, evin after we ar regenerated, we deceive our selves, and the veritie of God is not in us. And therefore, it behoovis us to apprehend Christ Jesus with his Justice and satisfaction, quha is the end and accomplishment of the Law, be quhome we ar set at this liberty, that the curse and malediction of God fall not upon us, albeit we fulfill not the same in all poyntes. For God the Father beholding us, in the body of his Sonne Christ Jesus, acceptis our imperfite obedience, as it were perfite, and covers our warkes, quhilk ar defyled with mony spots, with the Justice of his Sonne. We do not meane that we ar set at liberty, that wee ave na obedience to the Law (for that before wee have plainly confessed) bot this we affirme, that na man in earth (Christ Jesus onlie except) hes given, gives, or fall give in worke, that obedience to the Law, quhilk the Law requiris. Bot when we have done all things, we must fall downe and unfeinedly confesse, that we are unprofitable servants. And therefore, quhosever boastis themselves of the merits of their awin works, or put their trust in the works of Supererogation, boast themselves in that, quhilk is nocht, and put their trust in damnable Idolatry.

Lev. 18. 5.
Gal. 3. 12.
1 Tim. 1. 10.
Rom. 7. 12.
Hid. 10. 7.
Deut. 5. 29.
Rom. 10. 3.
1 Kin. 8. 46.
2 Chr. 6. 36.
Eccl. 7. 23.
Prov. 20. 9.
1 Joh. 1. 8.
Rom. 10. 4.
Gal. 3. 13.
Deut. 27. 26.
Phil. 2. 15.
Eph. 6. 6.
Luk. 17. 10.

17. *Of the Kirk.*

AS We believe in ane God, Father, Sonne, and halie Ghaist: sa do we maist constantly believe, that from the beginning there hes bene, and now is, and to the end of the world fall be, ane Kirk, that is to say, ane company and multitude of men chofen of God, who richtly worship and imbrace him, be trow faith in Christ Jesus, quha is the only head of the same Kirk, quhilk als wa is the bodie and spouse of Christ Jesus, quhilk Kirk is Catholike, that is, universall, because it continis the Elect of all ages, of all Realmes, Nations, and Tounes, be they of the Jewes, or be they of the Gentiles, quha have communion & societie with God the Father, and with his Son Christ Jesus, throw the sanctificatioun of his haly Spirit, and therefore is it called the Communion, not of prophane persons, bot of Sanctis, quha as citizenis of the heavenly *Jerusalem*, have the fruitioun of the maist inestimable benefites, to wit, of ane God, ane LORD JESUS, ane Faith, and ane Baptisme: out of the quhilk Kirk, there is nouthier lyfe, nor Eternal felicitie. And therefore we utterly abhorre the blasphemie of them that affirme, that men quhilk live according to equitie and Justice, fall be saved, quhat Religioun that ever they have professed. For as without CHRIST JESUS, there is nouthier life nor Salvation: so fall there nane be participant thereof, bot sik as the Father hes given unto his Sonne CHRIST JESUS, and they that in time cum unto him, avowe his doctrine and beleve into him, (we comprehend the Children with the faithfull parentes) this Kirk is invisible, knawen onlie to God, quha alane knawis whom he hes chofen, and comprehends alswieill (as said is) the Elect that be departed, commonlie called the Kirk Triumphant, and they that zit live and fecht against sin and Sathan, as they that fall live hereafter.

Mat. 28. 20.
Eph. 1. 4.
Col. 1. 18.
Eph. 5. 23.
24. 25. 29.
Apo. 7. 9.
Eph. 2. 19.
Eph. 4. 5.
Job. 15. 24.
Job. 17. 4.
1 Tim. 2. 19.
Job. 13. 14.
Eph. 1. 10.
Luk. 16. 24.
Heb. 12. 4.

18. *The immortalitie of the Soules.*

THE Elect departed are in peace and rest fra their labours: not that they sleep, and come to a certaine Oblivion, as some Phantasticks do affirme: bot that they are delivered fra all feare and torment, and all temptatioun, to quhilk we and all God his Elect are subject in this life, and therefore do beare the name of the Kirk Militant: As contrariwise, the reprobate, and un-faithfull departed have anguish, torment, & paine, that cannot be expressed. Sa that neither are the ane nor the uthir in sik sleepe, that they feele not their torment, as the Parable of Christ Jesus in the 16. of *Luke*, his words to the thiefe, and thir wordes of the faules crying under the Altar: *O Lord, thou that art righteous and just, How lang fall thou not revenge our blude upon thir that dwellis in the Earth*, dois declar.

Apo. 14. 13.
Eph. 25. 8.
Apo. 7. 16.
17.
Apo. 21. 4.
Apo. 16. 10.
11.
Eph. 66. 24.
Mar. 5. 24.
46. 48.
Luk. 23. 43.
Luk. 16. 24.
25.
Apo. 6. 9. 10.

19. *Of the notes, be the quibilk the ired Kirk is decerned fra the false, and quha fall be Judge of the doctrine.*

BECAUSE That Sathan from the beginning, hes laboured to deck his pestilent Synagoge with the title of the Kirk of GOD, and hes inflamed the heartes of cruell murtherers, to persecute, trouble and molest, the trowe Kirk, and members thereof, as *Cain* did *Abel*, *Ismael* *Isaac*, *Eseaw* *Jacob*, and the haill Priesthead of the Jewes; Christ Jesus himselfe, and his Apostles after him. It is ane thing maist requisite, that the true Kirk be decerned fra the filthy Synagogues. be cleare and perfite nores, least we being deceived, receive and imbrace to our awin condemnatoun, the ane for the uthir. The nores, signes, and assured takens, whereby the immaculate Spouse of Christ Jesus is knawen fra the horrible harlot, the Kirk Malignant: We affirme are neither Antiquitie, Title usurped, Lineal descent, place appoynted, nor Multitude of men approving ane error: for *Cain* in age and title was preferred to *Abel* and *Setb*: nor

Gen. 4. 8.
Gen. 21. 9.
Gen. 27. 41.
Mat. 23. 34.
Job. 15. 18.
19.
Job. 11. 35.
Job. 15. 20.
Eph. 1. 10.
Act. 4. 1. &c.
Act. 5. 17.
Eccl. 1.
Phil. 4. 1.
Tit. 2. 11.
Mat. 5. 11.

Jerusalem had prerogative above all places of the Earth, where also were the Priestes lineally descended fra *Aaron*, And greater number followed the Scribes, Pharises, and Priestes, then unfainedly belceved and approved *Christ Jesus* and his doctrine: and zit as we suppose, no man of sound Judgement, will grant that ony of the forenamed, were the Kirk of God. The notes therefore of the trew Kirk of God, we beleve, confesse and avow to be, first the trew preaching of the word of God, unto the quhilk God hes revealed himselfe unto us, as the writings of the Prophets and Apostles dois declair. Secondly, the right administration of the Sacraments of *Christ Jesus*, quhilk mon be annexed unto the word and promise of God, to seale and confirme the same in our hearts. Last, Ecclesiastical discipline uprightlie ministred, as God his word prescribes, whereby vice is repressed, and vertew nursed. Wherefoever then thir former notes are scene, and of ony time continue (be the number never so fewe about two or three) there without all doubt is the trew Kirk of *Christ*: who according unto his promise, is in the midst of them. Nor that universal, of quhilk we have before spoken, bot particular, sik as was in *Corinthus*, *Galatia*, *Ephesus*, and other places, in quhilk the Ministrie was plantred by Paul, and were of himselfe named the Kirks of God: and sik Kirks, we the inhabitantis of the Realme of *SCOTLAND*, professors of *Christ Jesus*, professis ourselfis to have in our Citties, Townes, and places reformed, for the doctrine taucht in our Kirks, contained in the written worde of God, to wit, in the buiks of the auld, and new Testaments, in those buiks we meane, quhilk of the ancient have bene reputed canonical. In the quhilk we affirme, that all thingis necessary to be beleved, for the salvation of man-kinde, is sufficiently expressed. The interpretation quhair of, we confesse, neither appertaines to private, nor publick persone, neither zit to ony Kirk, for ony preheminance, or prerogative personallie or localle, quhilk ane hes above ane uther, bot appertaines to the Spirite of God, be the quhilk also the Scripture was written. When controversie then happinis, for the right understanding of ony place or sentence of Scripture, or for the reformation of ony abuse within the Kirk of God, we ought not fa-meikle to like what men before us have said or done, as unto that quhilk the haly Ghaist uniformelic speakes, within the body of the Scriptures, and unto that quhilk *Christ Jesus* himselfe did, and commanded to be done. For this is ane thing universallie granted, that the Spirite of God, quhilk is the Spirite of Unitie, is in nathing contrarious unto himselfe. Gif then the interpretation, determination, or sentence of ony Doctor, Kirk, or Councell, repugne to the plaine worde of God, written in ony uther placé of the Scripture, it is a thing maist certaine, that there is not the true understanding and meaning of the haly Ghaist, although that Councils, Realmes, and Nations have approved and received the same: For we darenot receive nor admit ony interpretation, quhilk repugnes to ony principal poynt of our faith, or to ony uther plaine text of Scripture, or zit unto the rule of charitie.

20. The authoritie for the Scriptures.

AS We beleve and confesse the Scriptures of God sufficient to instruct, and make the man of God per-site: so do we affirme, and avow the authoritie of the same, to be of God, and nether to depend on men, nor Angels. Wee affirme therefore, that sik as allege the Scripture, to have na uther authoritie, bot that quhilk it hes received from the Kirk, to be blasphemous against God, and injurious to the trew Kirk, quhilk alwayes heares and obeyis the voyce of her awin spouse and Pastor, bot takes not upon her to be Maistres over the famin.

21. Of general Councils, of their Power, Authoritie, and cause of their Convention.

AS We do not rashlie damne that quhilk godly men assembled together in generall Council lawfully gathered, have proponed unto us, so without just examination, dare we not receive quhairfoever is obrudged unto us by men under the name of general Councils: for plaine it is, as they wer men, so have some of them manifestlie erred, and that in matters of great weight and importaunce. So farre then, as the Council previs the determination and commandment that it gives, bee the plaine worde of God: so soone do we reverence and embrace the same. Bot gif men under the name of a Councell, pretend to forge unto us, new Articleles of our faith, or to make constitutionis repugning to the word of God: then utterlie we must refuse the same, as the doctrine of Devils, quhilk drawis our faules from the voyce of our oilie God, to follow the doctrines and constitutiones of men. The cause then quhy that generall Councils convened, was nether to make ony perpetual Law, quhilk God before had not maid, nether zit to forge new Articleles of our beleife, nor to give the word of God authoritie, meikle les to make that to be his word, or zit the trew interpretation of the same, quhilk was not before, be his haly will, expressed in his word: bot the cause of Councils (we meane of sik as merite the name of Councils) was partlie for confutation of heresies, and for giving publick confession of their faith, to the posterite following, quhilk baith they did by the authoritie of Gods written word; and not by ony opinion or prerogative, that they culd not erre, be reason of their general assemble: And this we judge to have bene the chiefe cause of general Councils. The uther was for gude policie and ordour, to be constitute and observed in the Kirk, quhilk (as in the house of God) it be-cummis all thingis to be done decently and in ordour. Nor that we think, that any policie, and an ordour in Ceremonies, can be appoynted for all ages, times and places: for as ceremonies, sik as men have devised, ar bot temporal: so may and aucht they to be changed, when they rather foster superstition, then that they edifie the Kirk, using the same.

22. *Of the Sacramentes.*

AS The Fatheris under the Law, besides the veritie of the Sacrifices, had twa chiefe Sacramentes, to wit, Circumcision, and the Passe-over, the despisers and contemners whereof, were not reputed of Gods people: so do we acknowledge and confesse, that we now in the time of the Evangell, have twa chiefe Sacramentes, onelie instituted be the Lord Jesus, & commanded to be used of all they, that will be reputed members of his body: To wit, Baptisme, and the supper or Table of the Lord Jesus, called the Communion of his body and blude. And thir Sacramentes alsweill of auld, as of new I estament, now instituted of God, not onelie to make ane visible difference, betwixt his people, and they that was without his league: but also to exerce the faith of his Children, and be participation of the same Sacramentes, to seill in their hearts the assurance of his promise, and of that most blessed conjunctioun, union and societie, quhilk the elect have with their head Christ Jesus. And thus wee utterlie damne the vanitie of they, that affirme Sacramentes to be nothing else bot naked and baire signes. No, wee assuredlie beleeve, that be Baptisme, we ar ingrafted in Christ Jesus, to be made partakers of his Justice, be quhilk our sinnes ar covered and remitted. And alsua, that in the Supper richtlie used, CHRIST JESUS is so joynd with us, that hee becummis very nourishment and fude of our faules. Not that we magine anie transubstantiatioun of Bread into Christes body, and of Wine into his naturall blude, as the Papisfes have perniciouslie taucht, and damnable beleeved: bot this unioin and conjunctioun, quhilk we have with the body and blude of Christ Jesus in the richt use of the Sacraments, is wrocht be operatioun of the haly Ghaist, who by trew faith carrys us above all things that are visible, carnall, and earthly, and makes us to feede upon the body and blude of Christ Jesus, quhilk wes anes broken and shed for us, quhilk now is in heaven, and appears in the presence of his Father for us: And zit notwithstanding the far distance of place, quhilk is betwixt his body, now glorified in Heaven, and us now mortall in this earth: zit we man assuredlie beleeve, that the bread quhilk we break, is the communion of Christes bodie, and the cupe quhilk we blesse, is the communion of his blude. So that we confesse, and undoubtedlie believe, that the faithfull in the richt use of the Lords Table, do fo eat the bodie and drinke the blude of the Lord Jesus, that he remains in them, and they in him. Zea, they are so maid flesch of his flesh, and bone of his bones, that as the eternall God-head hes given to the flesch of Christ Jesus (quhilk of the awin condition and nature wes mortall and corruptible) lite and immortalitie: so dois Christ Jesus his flesh and blude eatin and drun kin be us, give unto us the same prerogatives. Quhilk albeit we confesse, ar nether given unto us at that time onelie, nether zit be the proper power and vertue of the Sacrament onelie: zit we affirme that the faithfull, in the richt use of the Lords Table, hes conjunctioun with Christ Jesus: as the naturall man cannot apprehend: zea, and farther wee affirme, that albeit the faithfull oppressed be negligence, and namelie infirmitie, dois not profite fameikle, as they wald, in the verie instant action of the Supper: zit fall it after bring frute forth, as livelie seid fawin in gude ground. For the haly Spirit, quhilk can never be divided fra the richt institutioun of the Lord Jesus, will not fruttrat the faithfull of the fruit of that mysticall action, bot all thir we say cummis of trew faith, quhilk apprehendis Christ Jesus; who only makis this Sacrament effectuall unto us. And therefore whosoever sclanders us, as that we affirme or belevis Sacraments to be naked and bair Signes, do injurie unto us, and speaks against the manifest truth. Bot this liberallie and franklie wee confesse, that we make ane distinctioun betwixt Christ Jesus in his eternall substance, and betwixt rhe Elements of the Sacramental Signes. So that wee will nether worship the Signes, in place of that quhilk is signified be them, nether zit doe we despise and interpret them, as unprofitable and vaine, bot do use them with all reverence, examining our selves diligentlie, before that so we do. Because we are assured be the mouth of the Apostle, that sik as eat of that bread, and drink of that cupe unworthelie, are guiltie of the bodie and blude of Christ Jesus.

23. *Of the richt administratioun of the Sacramentes.*

THAT Sacraments be richtlie ministrat, we Judge twa things requisite: The ane, that they be ministrat be lauchfull Ministers, whom we affirme to be onely they, that ar appointed to the preaching of the word, into quahais mowthes God hes put sum Sermon of exhortation, they being men lauchfullie chosen thereto be sum Kirk. The uther, that they be ministrat in sik elements, and in sik fort, as God hes appointed, else we affirme that they cease to be the richt Sacraments of Christ Jesus. And therefore it is, that we sly the doctrine of the Papisficall Kirk, in participation of their Sacraments: first, because their Ministers are na Ministers of Christ Jesus, zea (quhilk is mair horrible) they suffer wemen, whome the haly Ghaist will not suffer to teache in the Congregatioun, to Baptize: and secundly, because they have so adulterated both the one Sacrament and the uther, with their awin inventions, that no part of Christs action abydes in the originall puritie. For Oyle, Salt, Spittil, and sik-lyke in Baptisme, ar bot mennis inventions. Adoration, Veneration, bearing throw streitis and townes, and keiping of bread in boxes or buistes, ar phanatioun of Christs Sacraments, and na use of the same. For Christ Jesus saide, Take, eat &c. do ze this in remembrance of me. Be quhilk word and charge, he sanctified bread and wine, to the Sacrament of his halie bodie and blude, to the end, that the ane suld be eaten, and that all suld drinke of the uther, and of that thay suld be keiped to be worshipped and honoured, as God, as the Papisfes have done heirtofore. Who also committed Sacrilege, steilling from the people the ane parte of the Sacrament, to wit, the blessed

blesſed cupe. Moreover, that the Sacraments be rightly uſed, it is required, that the end and cauſe, why the Sacraments were inſtitute, be underſtand and obſerved, alſweill of the Miniſter, as of the receivers. For gif the opinion be changed in the receiver, the right uſe ceaſſis, quihik is maiſt evident, be the rejection of the Sacrifice, as alſo gif the teacher plainly teache ſals doctrine, quihik were odious and abhominable before God (albeit they were his awin ordinance) becauſe that wicked men uſe them to an uther end, then God hes ordained. The ſame affirme we of the Sacraments in the Papiſticall Kirk: in quihik we affirme the hail action of the Lord Jeſus to be aduiterated, alſweill in the externall forme, as in the end and opinion. Quhat Chriſt Jeſus did, and commanded to be done, is evident, be the Evangeliftes, and be Saint Paul: quhat the Preiſt dois at his Altar, we neid not to rehearſe. The end and cauſe of Chriſts inſtitution, and why the ſelſe ſame ſuld be uſed, is expreſſed in thir words, Doe ze this in remembrance of me, and oft as ze fall eat of this bread, and drinke of this Cupe, ze fall ſhaw furth, that is, extol, preach, magnifie, and praife the Lords death, till he cum. Bot to quhat end, and in what opinioun the Prieſtes ſay their Meſſe, let the worde of the ſame, their awin Doctouris and wrytings witnes. To wit, that they, as Mediatores betuixt Chriſt, and his Kirk, do offer unto God the Father, a Sacrifice propitiatorie, for the Sinnes of the quick and the dead. Quihik doctrine, as blaſphemous to Chriſt Jeſus, and making derogation to the ſufficiencie of his only Sacrifice, once offered for purgation of all they that fall be ſanctified, we utterlly abhorre, deteſt and renounce.

24. To whome Sacraments appertaine.

WE Confeſſe and acknowledge, that Baptiſme apperteinis alſweill to the infants of the faithfull, as unto them that be of age and diſcretion, and ſo we damne the error of the Anabaptiſts, who denies baptiſme to appertaine to Children, before that they have faith and underſtanding: bot the Supper of the Lord, we confeſſe to appertaine to ſik onely, as be of the houſhold of Faith, and can trie and examine themſelves, alſweill in their faith, as in their dewtie towards their Nichtbouris. Sik as eate and drink at that haly Table without faith, or being at diſſention and diſuſion with their Brethren; do eat unworthelie: And therefore it is that in our Kirk, our Miniſters take publick and particular examination, of the knowlege and converſation of ſik, as are to be admitted to the Table of the Lord Jeſus.

25. Of the Civill Magiſtrate.

WE Confeſſe and acknowledge Emphytes, Kingdomes, Dominions, and Cities, to be diſtincted and obtained be God: the powers and authoritie in the ſame, be it of Emperours in their Emphytes, of Kings in their Realmes, of Dukes and Princes in their Dominions, and of uthers Magiſtrates in the Cities, to be Gods haly ordinance, ordained for manifeſtation of his awin glory, and for the ſingular profite and commoditie of mankind: So that whoſoever goeth about to take away, or to confound the hail ſtate of Civile policies, now long eſtabliſhed: we affirme the ſame men, nor onely to be enimies to mankinde, bur alſo wickedly to ſecht againſt God his expreſſed will. Wee farther confeſſe and acknowledge, that ſik perfourns, as are placed in authoritie, ar to be loved, honoured, feared, and halden in moſt reverent eſtimation: becauſe that they are the Lieutenents of God, in whoſe Selliſions, God himſelf dois ſit, and Judge: zea, even the Judges and Princes themſelves, to whom be God is given the ſword, to the praife and deſenſe of gude men, and to revenge and puniſh all open malefactors. Maitover to Kings, Princes, Rulers and Magiſtrates. wee affirme that chieflie and moſt principallie rhe conſervation and purgation of the Religious appertaines, ſo that not onlie they are appointed for Civill policie, bot alſo for maintenance of the trew Religioun, and for ſuppreſſing of Idolatrie and Superſtitious whatſoever. As in *David, Joſaphat, Ezechias, Joſias*, and uthers highlie commended for their zeale in that caice, may be eſpyed. And therefore wee confeſſe and avow, that ſik as reſiſt the ſupreme power, doing that thing quihik appertains to his charge, do reſiſt God his ordinance: And therefore cannot be guiltles. And farther we affirme, that whoſoever denies unto them ayde, their Counſell and comfort, quihies the Princes and Rulers vigilantly travell in execution of their office, that the ſame men deny their help, ſupport and Counſell to God, quaha be the preſence of his Lieu-tennent, dots crave it of them.

26. The giſtes freeлие given to the Kirk.

ALBEIT That the word of God trewly preached, and the Sacraments richtlie miſtred, and Diſcipline executed, according to the word of God, be the certaine and infallible Signes of the trew Kirk, we meane not that everie particular perſon joynd with ſik company, be an Elect member of CHRIST JESUS: For we acknowledge and confeſſe, that Dornell, Cockell, and Caſſe, may be ſawen, grow, and in great abundance lie in the miſt of the Wheat, that is, the Reprobate may be joynd in the ſocietie of the Elect, and may externally uſe with them the benefites of the word and Sacraments. Bot ſik being bot temporall profeſſours in mouth, bot not in heart, do fall backe and continew not to the end. And therefore have they na fruite of Chriſts death, Reſurrection, nor Aſcenſion: bot ſik as with heart unfainedly beleeve, and with mouth bauldely confeſſe the Lord Jeſus, as before we have ſaid, fall moſt aſſuredly receive thir giſtes. Firſt in this liſe remiſſion of finnes, and that be onely faith in Chriſts blude.

In fameikle, that albeit sinne remaine and continuallie abyde, in thir our mortall bodies, zit it is not imputed unto us, bot is remitted, and covered with Christs Justice. Secundly, in the generall Judgement, there fall be given to every man and woman resurrection of the flesh. For the Sea sail give her dead; the Earth they that therein be inclosed, zea the Eternal our God fall stretche out his hand on the dust, and the deade fall arise uncorruptible, and that in the substance of the selfe same flesh that every man now beiris, to receive according to their workes, glory, or punishment. For sik as now delyte in vauity, cruelty, filthyynes, superstition; or Idolatry, fall be adjudged to the fire unquenecheable. In quihilk they fall be tormented for ever, allswell in their awin bodyes, as in their saules, quihilk now they give to serve the Devill in all abhominacion. Bot sik as continew in weill doing to the end, bauidely profesing the Lord Jesus: we constantly beleeve, that they fall receive glorie, honour, and immortality, to reigne for ever in life everlasting, with Christ Jesus, to whose glorified body all his Elect, fall be made lyke, when he fall appeit againe in Judgement, and fall rander up the Kingdome to God his Father, who then fall bee, and ever fall remaine all in all things God blessed for ever. To whome with the Sonne, and with the haly Ghaist, be all honour and glorie, now and ever. So be it.

Rom. 7. 8.
2 Cor. 5. 21
Job. 5. 27.
29.
Apo. 20. 23.
Job 19. 25.
26. 27.
Mat. 25. 37.
Apo. 14. 10

Rom. 7. 6.
7. 8. 9. 10.
Phil. 3. 21.
1 Cor. 15.
24. 25.

Nun. 2. 33.
Ecl. 6. 1.
Ab. 4. 27.

Arise (O Lord) and let thy enimies be confounded, let them flee from thy presence, that bate thy godlie Name. Give thy servands strength, to speake thy word in baulness, and let all Nations cleave to thy trew knowledge. Amen.

Thir Acts and Artickles ar red in the face of Parliament, and ratified be the three Estaitis, At *Edin-burgh* the 17. day of August, the zeir of God 1560. zeiris.

5. *Auent the Messe abolished, and punishing of all that bear is or sayis the samin.*

ITEM, Our Sovereine Lord, with advise of his dearest Regent, and the three Estaitis of this Parliament ratifis and approves the Act under written, maid in the Parliament halden at *Edinburgh* the 23. day of August, the zeir 1560. zeiris. And of new in this present Parliament statuis and ordainis, the said Act to be as an perpetuall Law, to all our Sovereine Lords lieges in all times to cum; Of the quihilk, the tenour followes. The quihilk day, for sameikle as almichty God be his maist trew and blessed word, hes declared the reverence, and honour quihilk suld be given unto him. And be his Sonne JESUS CHRIST hes declared the trew use of the Sacraments, willing the same to be used, according to his will and word. Be quihilk it is notour, and perfitelie knawen, that the Sacraments of Baptisme, and of the Bodie and Blend of JESUS CHRIST, hes bene in all times by-past corrupted, be the Papistick Kirk, and be their usurped Ministers. And presentlie, notwithstanding the reformatioun already made, according to Gods word: Zit there is sum of the said Papist Kirk, that stubbumely prefeveris in their wicked Idolatrie, sayand Messe, and Baptizand, conforme to the Papist Kirk, prophand and therethrow the Sacraments soirsafdes, in quiet and secreete places, therethrow nouthir regardand God, nor his word. **T H E R E F O I R E**, It is statute and ordained in this present Parliament, that na maner of persoun, or persounis, in onie time cumming, administrat ony of the Sacraments soirsafdes, secretly, or ony uthir maner of way, but they that are admitted, and havand power to that effect. And that na maner of persoun nor persounis, say Messe, nor zit hear Messe, nor be present therat, under the paine of confiscatioun of all their gudis movabill, and unmovabill, and punishing of their bodyes at the discretioun of the Magistrat, within quhais Jurisdiction sik personnis happinnis to be apprehended, for the first fault. Banishment of the Realme, for the second fault: And Justifying to the death, for the thrid fault. And ordainis all Schireffes, Stewards, Baillies, and their deputies, Provestes, and Baillies of Burrowes, and uthers Judges quhatsumever, within this Realme, to take diligent sute and inquisition, within their bounds, quhair ony sik usurped Ministerie is used, Messe saying, or they that beis present at the doing thereof, ratifyand, and approovand the samin, take and apprehend them, to the effect, that the paines above written may be execute upon them. And therefore of new decernis, and ordaines the contraveners of the samin, in ony tyme heirafter, to be punished according to the paines of the foresaid Acte above reheard.

6. *Auent the trew and haly Kirk, and of them that ar declared not to be of the samin.*

ITEM, For sameikle as the Ministers of the blessed Evangell of JESUS CHRIST whom God of his mercie hes now raised up amangst us, or heirafter fall raise, agreeing with them that now livis, in doctrine and administratioun of the Sacraments, and the peopill of this Realme, that profess CHRIST, as he now is offered in his Evangell, and do communicat with the haly Sacraments (as in the reformed Kirkes of this Realme they are publickly administrat) according to the Confessioun of the Faith: Our Sovereine Lord, with advise of my Lord Regent, and three Estaitis of this present Parliament, hes declared, and declaris, the foresaid persones, to be the onely true and haly Kirk of JESUS CHRIST Within this Realme. And decernis and declaris, that all and findric, quha outhir gainfayis the word of the Evangell, received and approved, as the heades of the Confessioun of Faith professed in Parliament before, in the zeir of God 1560. zeiris, as also specified in the Actes of this Parliament mair particularlie

dois expresse, and now ratified and approved in this present Parliament, or that refusis the participatioun of the halie Sacramentes, as they are now Ministrat, To be na members of the said Kirke, within this Realme now presently professed, sa long as they keep themselves sa divided fra the Society of Christs Bodie.

7. *Admission of Ministers: of laick Patronages.*

ITEM, It is statute, and ordained be our Sovereine Lord, with advise of his dearest Regent, and three Estaitis of this present Parliament, that the examination and admission of Ministers, within this Realme, be only in the power of the Kirk, now openlie, and publickly professed within the samin. The presentation of laick Patronages alwaies reserved to the Just and auncient Patrones. And that the Patroun present ane qualified person, within sex Monethes (after it may cum to his knowledge, of the decease of him, quha bruiked the Benefice before) to the Superintendent of thay partis, quhair the Benefice lyes, or others havand commission of the Kirk to that effect; utherwaies the Kirk to have power to dispone the samin to ane qualified person for that time.

PROVIDING that in caise the Patroun present ane person qualified to his understanding, and failing of ane, ane uther within the said sex Moneths, and the said Superintendent or Commissioner of the Kirk, refusis to receive and admit the person presented be the Patroun, as said is: It fall be lesum to the Patroun to appeal to the Superintendent, and Ministers of that Province quhair the Benefice lyes, and desire the person presented to be admitted, quhilke gif they refuse, to appeal to the generall Assëmbly of this hailie Realme, be quhome the cause beand decyded, fall take end, as thay decerne and declair.

8. *Auent the Kingis aith, to be given at his Coronation.*

ITEM, Because that the increafe of vertew, and suppressing of Idolatrie craves, that the Prince and the people be of ane persite Religiou, quhilke of Gods mercie is now presently professed within this Realme: **THEREFORE** It is statute, and ordained be our Sovereine Lord, my Lord Regent, and the three Estaites of this present Parliament, that all Kinges and Princes, or Magistrates whatsoever, holding their place, quhilkis hereafter in any time fall happen to reigne, and beare rule over this Realme, at the time of their Coronatioun, and receipt of their Princely authoritie, make their faithfull promise be aith, in presence of the Eternall God, That induring the hailie cours of their lives, they fall serve the samin Eternall God, to the uttermost of their power, according as he hes required in his maist haly word, reveiled and contained in the new and auld Testaments. And according to the samin worde fall mainteine the trew Religion of Christ Jesus, the preaching of his halie word, and dew and richt ministratioun of the Sacraments now received, and preached within this Realme: And fall abolish and gainstand all fals Religiou contrare to the samin: And fall rule the peopill committed to their charge, according to the will and command of God, reveiled in his foresaid word, and according to the lovabill Lawes, and constitutions received in this Realme, na wise repugnant to the said word of the Eternall God. And fall procure to the uttermaist of their power, to the Kirk of God; and hail Christian peopill, trew and persite peace in all time cumming. The richtis and rentis, with all just priviledges of the Crowne of SCOTLAND, to preserve and keip inviolated, nouthier fall they transfer nor alienate the samin. They fall forbid and repress in all Estaites, and degriès, reise, oppression, and all kinde of wiang. In all judgements, they fall command, and procure that Justice and equitie be kept to all creatures, without exception, as the Lord and Father of all mercycis, be mercifull to them. And out of their landes and Empyre, they fall be carefull to rute out all herenikes, and enimies to the trew worship of God, that fall be conviet be the trew Kirk of God, of the foirsaidis crymes. And that they fall faithfullie affirme the things above written, be their solemnè aith.

9. *Na person may be Judge Procurator, Notar, nor member of Court, quha professis not the Religion.*

ITEM; The Kingis Grace with advise of my Lord Regent, and the three Estaites of this present Parliament, statutes and ordainis, that no maner of person nor persons, be received in any times heirafter, to bear publicke office remoyabill of Judgement, within this Realme, bot sik as professis the puritie of Religion and doctrine, now presentlie established. And that nane be permitted to procure, nor admitted Notar, or created a member of Court, in any time cumming, without he in likewise professis the Evangel, and Religion foirsaid. Providing alwayes, that this Act be on na wise extended, to any maner of person or persons, havand their offices heritable or in life-rent, bot that they may use the samin, conforme to their infetmencs, and dispositions granred to them thierof.

10. *Auent the thridis of benefices, granted in the Month of December, the zeir of God 1561. zeires, for sustaining of the Ministers and uther affairs of the Prince.*

ITEM, Because the Ministers lyes beie lang defrauded of their stipendis, swa that they ar becummin in great povertie and necessitie. And notwithstanding lies continued in their vocation, without payment of

of their stipendis, be an great space. Quhair-throw they ar and fall be constrained to leive their vocation without remeid be provided. THEREFORE our Sovereine Lord, with advife of my Lord Regent, and the three Estaites of this present Parliament, hes statute and ordained, that the hail thrids of the hail and the three Estaites of this present Parliament, fall now instantlie, and in all times to cum, first bee payed to the Ministers of the Benefices of this Realme, fall now instantlie, and in all times to cum, first bee payed to the Ministers of the Evangel of Jesus Christ, and their successeours. And ordaines the Lords of the Session to grant, and give letters, charging all and fundric intromettours, or that beis adebted in payment of the famin, to answere and to obey the saidis Ministers and their Collectours, to be nominate be the saidis Ministers, with advife of my Lord Regent, in forme as effeiris, Notwithstanding anie discharge given be our Sovereine Lordis Mother, to quhat-sum-ever person or persons, of the said thride, or ony part thereof, ay and quhill the Kirk come to quhat-sum-ever person or persons, of the said thride, or ony part thereof, ay and quhill the Kirk come to the full possessioun of their proper Patrimonie, quhilk is the reindes. PROVIDING alwayes, that the Collectours of the saidis Ministers, make zeirhe compt in the Checker of their intromission. Swa, that the Ministers may be first answered of their stipendis, apperteyning to everie ane of them. And the rest and super-plus to be applied to our Sovetaine Lords use.

11. *The teacheris of zouth shuld be tryed be the visitoris of the Kirk.*

ITEM, For-sa-meikle, as be all Lawes and constitutionis, it is provided, that the zouth be brocht up and instructed in the feare of God, and gude maneris: and gif it be utherwise, it is tinsel baith of their bodies and faules, gif Gods word be not ruted in them. QUHEIRFOIRE, our Sovereigne Lorde, with advife of my Lorde Regent, and the three Estaites of this present Parliament, hes statute and ordained, that all Schulis to Burgh and land, and all Universteis and Colleges be reformed: And that name be permitted nor admitted, to have charge and cure their of in time cumming, nor to instruct the zouth privadlie or openlie: bot sik as fall be tryed be the Super-intendentes or visitousis of the Kirk.

12. *Anent the disposition of Provestries, Prebendaries, and Chaplaneries, to burfaris be found in Colleges.*

ITEM, For-sa-meikle as the zouth is not onelie feene to preserve the commoun weil, bot alwa of them mon rise sik, as after this mon serve in the Kirk of God, within this Realme, and to the commoun weil of the famin. And because the povertie of many is in sик fort, that they may not hald their Children at letteris, quhairby the maist part of the zouth of this Realme wantis the giftis and graces of learning, requisite to that charge. For remeid heirof: OUR SOVERAINE LORD, with advife and consent of my Lord Regent, and the three Estaites of this present Parliament, hes statute and ordained, that all Patronis havand Provestries, or Prebendaries of Colleges, Alterages or Chaplaneries, at their giftis and disposition, may in all times cumming, at their pleasure present the famin to Burfaris, quhorit they pleise to name, to studie vertew and letteris, within ane College of ony of the Universties of this Realme, there to remaine for sик space, as the Patron soirsaid pleasis to hald him at vertew and learning, within the soirsaid College, and as fall be aggried upon be the Patronis of the saidis Provestries, or Prebendaries, with the Principal and Maisters of the College of the Universties. And after the Patron removeth that Burfar furth of the said College, to present ane uther. And swa furth fra ane to ane uther, to the effect soirsaid, at the Patronis pleasure, notwithstanding ony fundatioun, or confirmatioun past, be quhat-sum-ever autoritie in ony times by-gane. Anent the quhilk our Sovereine Lord, my Lord Regent, and the three Estaites of this present Parliament, dispensis: Swa that the saidis Patronis may dispoine their Provestries, and Prebendaries, to sик Burfaris, as they fall think expedient, also oft as neid beis. Quhilk fall be na hurt, nor prejudice to their Patronage, notwithstanding their fundatiounes, and Confirmationes quhat-sum-ever, or ony provisioun containede there-intill. And therefore our SOVERAINE LORD, my Lord Regent, and the three Estaites foresaides, heartelie requests all Patrones of Colleges, Prebendaries, and Provestries, to graunt and dispoine their Provestries and Prebendaries to the Burfaris foresaidis, in maner above specified. Swa that letters may be authorized, and the zouth sufficientie brought up in vertew and learning, to the glory of God, and comfort of the common weil of this Realme.

13. *Anent the filthie vice of Fornication, and punishment of the famin.*

ITEM, Itis statute, and ordained be our Sovereine Lord, with advife and consent of his dearest Regent, and the three Estaites of this present Parliament, that gif ony person, or personis within this Realme, to Burgh or to land, fall commit the filthie vice of Fornication, and beis convict thereof, that the commiteris thereof, fall be punished in maner following. That is to say, for the first fault, alswell the man, as the woman, fall pay the summe of fourtie pundis: Or then baith he, and she, fall be imprisoned for the space of aucht dayes, their fude to be breade and small drinke. And thereafter presented to the mercat place of the Towne or Parochin bair-headed, and there stand fastened, that they may not remove, for the space of twa houres: as fra ten houres to twelve houres at noon. For the second fault being convict, they fall pay the summe of ane hundredth markes, or then the foirnamed dayis of their imprisonment fall be doubled, their fude to be bread and water allanerlie. And in the end, to be presented to the said mercat place, and baith the headis of the man and the woman to be schaven. And for the thrid fault, being convict thereof, fall pay

ane hundreth pundis, Or else their above imprisonment to be tripled, their fude to be breade and water allanerlic. And in the end, to be tane to the deapest and fouleest pule, or water of the Towne, or Parochin, there to be thrife dowed, and thereafter banished the said Towne, or Parochin for ever. And fra thine furth, how oft that ever they be convict, of the foresaide vice of Fornication, that sa oft the said thrid penaltie be execute upon them. And that the Provest and Baillies of ilk Burgh, the Justice general, and his depures, or sik uthers perones, as fall please our said Sovereine Lord to give commissioun unto, be Judges to the perones suspect, and delated of Fornication: and being convict, they fall lift and uptake the above written pecunial paines, of the perones responfal, and rather willing to pay the samin, nor to be demaied in their perones. And that the saidis corporal paines of imprisonment, banishing, and uthers above specified, be execute upon all sik perones, as ourther refusis to pay the pecunial paines, or that ar not responfal to pay the samin. And that the samin pecunial paines, quhilkis fall happen to be received, be surelie keiped in aue close box, and be converted *ad pios usus*, in they parits, quhair the cryme is committed, as it fall please our said Sovereine Lord, and his dearest Regent to commande. And the receivers of the said paynes, to be ready to give accompt thereof, quhen ever they fall be requyred thereunto.

14. *Auent them that committis Incest.*

ITEM, For-sa-meikle as the abhominable, vile, and sithie lust of Incest, is sa abhominable in the presence of God, and that the samin Eternal God, be his expresse word, hes condemned the samin, and Zit never the lesse the said vice is sa used within this Realme, and the word of God is in sik sort contemned be the users thereof, that God be his just Judgements hes occasioun to plague the Realme, where the said vice is committed, without God of his mercie be mair gracious, and remeid be provided, that the said vice cease in time cumming. **THEREFOR** our Sovereine Lord, with advise and consent of my Lord Regent, and the three Estaites of this present Parliament, statutes and ordaines, that quhat-sum-ever person or perones, that committes the said abhominable cryme of Incest, That is to say, quhat-sum-ever person or perones they be, that abuses their bodie with sik perones in degrie, as God in his word hes expresse forbidden, in ony time cumming, as is contained in the xvij. Chapter of *Leviticus*, fall be punished to the death.

15. *Auent lawfull marriage of the awin blude, in degries not forbidden be God in his word.*

ITEM, Our Sovereine Lord, with advise and consent of my Lord Regent, and the three Estaites of this present Parliament, hes statute, and ordained, that the haire band of marriage, made be all Estaites and sorts of men and women, to be als lawfull and als frie, as the Lawe of God hes permitted the samin, to be done, without exception of person or perones. And hes declared, and declares, that secunds in degrees of consanguinitie, and affinitie, and all degries outwith the samin contained in the word of the Eternal God, and that are not repugnant to the said word, might, and may lawfully marry at all times sen the vij. day of March, the zeir of God, ane thousand, five hundreth, fiftie aucht zeiris, notwithstanding ony Law, statute, or constitution maid in the contrare. And ratifyis and appreis all the said mariages done sen the said day. And the bairnis gottin, or to be gottin in sik Mariage, to be as lauchfull, as weill toward their successioun to landis, heritages, or ony uthir liberties, as ony bairnes gottin in Mariage, and to be repute and esteemed, in all time to come, lauchfullie gottin, in lauchfull Mariage, notwithstanding any Lawes, statutes, constitutionis, or Actis, maid, or to be maid in the contrare.

16. *Auent slaying of Hart, Hynde, and utberis beastes and foules with Culveringis.*

ITEM, For-sa-meikle as there hes bene divers Acts and statutes made of before, that na maner of person, nor peronis suld schut with Culveringis, Crosbow, or handbow ony time, at Dae, Rae, Hart, Hynde, Hair, Cuning, Dow, Herron or foule of river, under special pains, contained in the saidis acts and statutes. And notwithstanding the samin, and that na execution hes followed of before, upon the perones contraveners of the saidis Actes, they ar sa lichtlie esteemed, that the saidis Beastes and Foules, are at all times slaine down, and destroyed be sik perones, that nouthir hes regard to the commoun weill, nor policie of the countrie.

Theirfoir it is statute and ordained, be our Sovereine Lord, with advise of his Regent, and the three Estaites of this Realme, that quhat-sum-ever person or peronis, of quhat Estaitie, degrie or condition that ever they be of, schurtis in ony times cumming, with Culvering, Crosbow, or Handbow, at Dae, Rae, Hart, Hynde, Hair, Cuning, Dow, Herron, or foule of river, within this Realme, fall soirfault and tye their haill moveabil gudis, that ane halfe thereof to our Sovereine Lordis use, and the uthir halfe to be applied to the Judge, and apprehender of him that committis the crime, to be divided equallie betuixt them. And to that effect, ordains all Schireffes, Stewards, Baillies of Regalitie, and all uthir ordinar Judges, with sik uthers, as fall please our Sovereine Lord, and his Regent to give power and commissioun to, to call the contraveners of this present Act, at particular diettis. And gif they be convict of the crime, to escheit all their moveabil gudis, to be applied in maner soirsaid. And gif the committer of the cryme be ane vagabound not havand

19. *Falſe Cunzie ſuld be clypped.*

ITEM, For-ſa-meikle for the abolifhing of great quantitie of falſe cunzie, quhairwith the common weill of this Realme is greatlie troubled, to the heavie damage, and ſkaiith of the haill lieges thereof; **T**HEREFOIRE, It is deviced, ſtatute, and ordained, be our Sovereigne Lorde, with adviſe of his Regent, and the three Eſtates of this preſent Parliament, that certain men of Judgement, having underſtanding of cunzie, be choſen and elected, within everie Burgh of this Realme. Quha being ſworne thereto, all ſummes of money ſhall be delivered in their preſence, and quhair ever they apprehend, or finde any falſe money, to clip the ſamin. And the deliverer to tyne the ſaid falſe money, and the clipper to have a penny of ſix pound, for his labouris of the receiver of the money, quhilk ſhall be received. And to that effect, ordaines the Proveſt and Baillies, and all uthers officiaris of Burrowes, to make ſufficient clipping houſes, in ſik places of their Burgh, as ſhall be ſufficient for the premiſſes. And the perſonis, quhom to they commit that charge, that they be able to anſwer for their office in that behaife.

20. *Approbation of giftis of benefices and penſionis, ſen the Moneth of Auguſt 1560. zeiris, granted and given, be our Sovereaine Lordis Mother.*

ITEM, It is found, declared, ſtatute, and ordained, be our Sovereaine Lord, his Regentes Grace, and the three Eſtates of this preſent Parliament, that all giftes and proviſionis of benefices elective, penſionis, or uthers quhat-ſum ever, given and diſponed under the privie ſeill, be the Queens Grace, our Sovereaine Lordis Mother, in her Reigne, ſen the Parliament halden, in the zeir of God 1560. zeiris, unto the Coronation of our ſaide Sovereaine Lord, were, ar, and in all time cumming ſhall be, to the poſſeſſouris, beverteu thereof; lauchfull, full, and perſite cytles and richtis, and als valzeabil in all reſpectis, quhair ever they be produced, as gif the ſaidis proviſionis, and giftis had paſt upon ſupplicationis, direct to the Court of Rome, and Bullis paſt thereupon, in maift ample forme.

Providing, that this preſent Act be not prejudicial to the Act of ſecretit Councell, granted in favouris of the Miniſters, anent the giving to them of all benefices, within zeirlike rent of three hundreth markis, ſen the daif of the ſaid Act, nor zit be prejudicial to laick Patronages.

21. *Anent thieft, and receipt of thieft, taking of prifoneris be thievis, or bandis for ranſomis, and puniſhment of the ſamin.*

ITEM, Anent the Article proponed be the Barronnes, Free-halderis, and Inhabitanes of the Schireffdomes of Selkirk, Roxburgh, Lanark, Peblis, Dumfreis, Edinburgh, and uthers inhabitantis of the remanent Schires of this Realme: beirand, that it is not unknowin of the continual thieft, reif, and oppreſſion, committed and done, within the boundis of the ſaidis Schireffdomes, be thieves, traitouris, and uthers ungodlie perſones, havand nouthir feare of GOD nor man, and ſpeciallie in thir troublis, be receperis, forſifieris, and mainteneris of the ſaidis evil given perſonis, amangis the inhabitantis and indwelleris of the ſaidis Schireffdomes *reſpective*, within divers partis of the ſamin, quhilk is the chiefe cauſe, and fortification of the ſaid thieft. And ſik-like, that the thieves, and broken men, inhabitants of the ſaidis Schireffdomes, and uthers boundis of the marches of this Realme, fornentis the partis of England, not onlie committis daylie thieftis, reiffis, heircſhippes, murtheris, and fyre-raifings, upon the peaceable ſubjects of the countrie: bot als takis ſindrie of them, deteinis them in captivity as prifoners, ranſoumis them, or lettis them to borrowis for their entrie againe. And in like maner, divers ſubjects of the Inland, takis and fitris under their aſſurance, payand them black-maill, and permitand them to reif, herrie, and oppreſſe their Nichtbouris, with their knowledge, and in their ſicht, without reſiſtance or contradiction. For eſchewing and ſtopping of the quhilkis inconvenientis foirſaid:

ITEM, It is ſtatute and ordained, be our Sovereaine Lord, his deareſt Regent, and the three Eſtates of this preſent Parliament, that quhat-ſum-ever perſon, or perſones, receiptis, fortifyis, mainteinis, or givis meate, harbourie, or aſſiſtance to any thievis in their thieftous ſtealing, and deedes, outhir in their cumming thereto, or paſſing therefra, at any time cumming, or intercommonis, or tryſtis with them to that effect, any maner of way, without licence of the keeper of the countrie, quhair the thieft remaines, had thereto, to the effect it may be knawin, for quhat purpoſe they intercommoned with the ſaidis thieves within xlviij. houris after, or before the committing of the ſaid cryme, that the receiver, fortifier, maintener, aſſiſter, meat-giver, and intercommoner with ſik perſones, ſhall be called therefore at particular dietis criminally, as air and pairt of their thieftous deidis, or utherwayis civilie at the inſtance of the partie offended upon 15. dayis warning allanerlie, without diet or tabill. And als that the Schireffis of all Schires, Stewartes, Baillies of Regalitie, and their deputes, and all uthir Judges ordinar, at every head Court, put the ſaidis matters to the inquisition of ane aſſyſe of the countrie, at the deſire and complainte of the partie, and as beis foundin, to report the ſamin to the Juſtice, Juſtice Clerk and their deputes, within 15. dayis nixt after the matter be tryed. Swa that this preſent Act and ſtatute, may be put to execution upon them, as the ſaidis Schireffes, Stewartes, Baillies of Regalitie, and Judges ordinar foirſaidis, will anſwer to our Sovereaine Lord, and his deareſt Regent, upon the execution of their office. And alſwa for etchewing of the ſaid great,

great, continual, and odious crimes and offenses, and pacifying of the lieges in all partis oppressed within this Realme, and for the commoun weill thereof,

It is statute and ordained that na thief, take ony Scottisman, at onie time heireafter, under the paine of treason and lese-majestie. And that nane of our Sovereine Lordes trow and faithfull liegis, quhilks have bene takin be the saids thieves and broken men, fall be halden to enter to them, notwithstanding ony band given for their entrie, discharging them and their foverties *simpliciter* in that behalfe.

And gif ony of the saids thievis callis or charges the principal men takin be them, or their foverry for their entres, for paymente of the paines contained in the bands, or ony parte thereof, be ranfoum or band, not payed to the saids thieves, outhir bygane or in time cumming, they fall (be the doing of the same) incurre and underlie the paines of treason, and lese-majestie forsaide.

And als that our said Sovereine Lordis faithfull, and obedient subjectis, quhilks heirefter fall happin to take and apprehende ony of the saids thievis, in their passing to committe theft, or in the actual doing thereof, or in their returning therefra, on na wise let them to libertie and freedome, bot presente them before the Justice, and his deputis in the Tolbuth of *Edinburgh*, within fiteene dayis after their apprehension, gif their takeris (havand power) Justifye them not to the death themselfis. And als that nane take assurance, or sute under assurance of the saids thievis, or pay them blak mail, or give them meate, drinke, receipt, maintenance, or supply in their thieftous deidis in time cumming, under the paine of death, and confiscation of all their gudis movabil. And in like maner, quhen ony thieves repairs in steilling or reising, within the Incountrie, that all our Sovereine Lordis liegis, dwelland in the bounds, quhair they resort; rise, crye, raise the fray, and follow them, alsweill in their cumming as outpassing, on horse and fute, for redding and recovering of the guddis stollin and rest, & apprehending of their persones to be brocht to Justice, and concurre with the awners of the guddis, and uthers followers to that effect, under the paine to be halden pattakers of the said thift. And quhafoever beis suspected, or delated to doe in the contrare, that the Justice Clerke grant letters, at the instance of any partie, for calling of them to underly the Law therefore, at ane particular dyet, compleand upon the premises, or ony poynt thereof. Or accuse them, for the samin at general Justice airis, executand the paines contained in this present Act, against the contravenetis thereof, but favour or delay. And gif it fall happen ony open notorious thief, to resort, or cum to ony maner of personis house, it fall be lawfull to the awner of the saide house, to take and apprehend that thief, without reproch or dishonour, and bring him to the Justice, to be punished conforme to the Lawis.

22. *That na horse be caried furth of the Realme, as common Merchandice.*

ITEM, For-sa-meikle as albeith there was divers Actes and ordinances maid of before, inhibiting the carying of ony Horfe soorth of this Realme, zit thir twa zeiris last bypast, divers persones, partlie under pretence of priviledges and licences: and partlie without ony lease, hes transported Horfe soorth of this countrie, to *Bourdeaux*, and uthers partes bezond sea, and maid an common trade and mercat thereof, to the great skaith of the common weill, and raysing of death of Horfe, git remeid be not provided.

THEIR FOIR, It is statute and ordained, by the Kings Grace with advife of his dearest Regent, and the three Estaites of Parliament, that nane of the liegis of this Realme, take upon hand, privatlie or openlie, to cary or transport soorth of the samin by Sea, ony maner of Horfe in time cumming. And in likewise, that na skipperis and maisteris of Schippis, indwellit of this Realme, or strangers, receive within their Schippes ony Horfe, to bee transported to uthir Countreis, under the paine of confiscation of the Horfe, Schippes and tenement guddis movabil, of the transporteris, and punishing of their persones, at the Kingis Majesties will, and his said Regentis.

23. *The denunciation of the Rebellion suld preccid the gift of escheit.*

ITEM, Our Sovereigne Lorde, with advife and consent of his dearest Regent, and the three Estaites of this present Parliament, hes statute and ordained, that in all times cumming, na gift of escheit passe, with this clause following, (Or quhen it fall happen the offendar to bee denounced rebell, and put to the home) bot that the horning, be execute befor the gift of the escheit bee disposed, utherswise the gift of escheit to be of nane effect.

24. *Anent priviledges granted to Kirk-men.*

ITEM, Our Sovereigne Lord, with advife and consent of his Regent and the three Estaites of this present Parliament, hes ratified, and ratifies, all civil priviledges, granted and given be our Sovereigne Lordis Predecessouris to the spiritual estate of this Realme, in all poynts, after the forme and tenour thereof.

25. *The ratification of the priviledge of the Barronnes.*

ITEM, Our Sovereigne Lord, with advife and consent of his dearest Regent, and the three Estaites of this present Parliament, hes ratified and approved, all priviledges, and liberties, granted and given to the Nobilitie

Nobilitie and Barronnes of this Realme, and actes of Parliament, made in their favouris, and ordainis the same to be put to execution in all poyntes, after the forme and tenour thetEOF.

26. *Anent priviledges granted to Burrowes.*

ITEM, Our Sovereigne Lord, with advise of his Regent, and the three Estaites of this present Parliament, hes ratified and approved, and be thir presentes ratifies and appoves, all Actes and constitutions of Parliament, maid bee quhat-sum-ever our Sovereigne Lordis predeceffours of befor, in favouris of the Burrowes and Burgeses of all this Realme, inhabitantes of the famin, with all priviledges, freedomes, immunities and libertics, granted and given to them, and everie ane of them, in ony times by-past. And decernis and declaris, the famin to have full strength, force, and effect, in all times heirafter, swa that the famin may be put to full and dew execution in all poyntes, and to stand as ane perpetual Law to them and their successouris.

27. *Saisings within Burghs, suld be given be ane Baillie, and the Clerke.*

ITEM, For-sa-meikle as the great hurt, done of befor within Burgh, be giving of saisings privatlie, without anic Baillie, and ane common Clerke of Burgh, quhair-throw our Sovereigne Lordis liegis, may bee defrauded greatie: **T**HEIRFORE it is statute, and ordained be our Sovereigne Lord, with advise and consent of his Regent, and the three Estaites of this present Parliament, that na saisng begiven within Burgh of ony maner of land, or tenement within the famin, in ony time cumming, bot be ane of the Baillies of the Burgh, and common Clerke theirow. And gif ony saisng beis utherwaies given heirafter to be null, and of nane avail, force nor effect.

28. *Anent the declaratioun of the Commisseris, how they sall proceed in beneficial materis.*

ITEM, Anent the Artickle proponed be the Commisseris of EDINBURGH, beirand that there is divers and fundrie beneficial Actiounes depending before them, upon the richt and propertie of the Benefices. Quhairin the ane part hes their provisioun of the gift of the Queene, and the uther of the ordinar, partlie bee dimisioun in his handes, partlie be collation, as vacand. And sum given be the ordinar, with the Queenes confirmation thereupon, and that sen the reformation of the Religion. And therefore desiring the determination to be given to them, quihilk of the gifts fall have place in time by-gane, sen the said reformation, as alswa in time cumming. Our Sovereigne Lorde with advise of his Regent, and the three Estaites of this present Parliament, hes decerned and declared, and decernis and declaris, that the saidis Commisseris, sall at all times procede, and minister Justice in the saidis causis, be verrev of all giftis and dispositions, granted and given be our Sovereigne Lords dearest Mother, sen the Moneth of August, the zeir of God, ane thousand, five hundred, threescor zeiris, and na utherwise. And sik-like, conforme to the giftes, to be granted be our Sovereigne Lord, and his Regent hereafter. And ordainis all giftis, and dispositions, given be her, sen the said time, to have place, and to procede according thereto, but prejudice to the benefices of the laick patronages, quihilkis ar not comprehended in this Act.

29. *Malt-men suld not have ane Deakon.*

ITEM, It is statute and ordained, be our Sovereigne Lorde, his Regent, and the three Estaites of this present Parliament, for the common weill of this Realm, that there be na Deakon of Craft of Malt-men, outhor to Burgh or to land, or ony uther part within this Realme. And gif ony writing, gift, or priviledge be given ony time befor: Our Sovereigne Lorde, with advise of his Regent, and the three Estaites foirsaidis, decernis and declaris the famin to have bene fra the beginning, and to be in all time cumming null, and of nane avail, force nor effect. Sa that it fall never be lesum to ony of the Malt-men of this Realme, to have Deakons, bot to be repute na Craft.

30. *Anent black fish, cutting of greene-wood, and slauchter of Smoltes.*

ITEM, It is statute and ordained, be our Sovereigne Lord, be advise of his Regent, and the three Estaites of this present Parliament, that the Acts of Parliament, made be our Sovereigne Lordis Predeceffours of befor, anent the slauchter of black fishe, Smoltes, and cutting of greene-wood, be put in execution in all poyntes. And that, the paynes be execute upon them with all extremite, and with this addition: That all Judges ordinar, alswa in Regalitie as Royaltie, and sik utheris, as fall please our Sovereigne Lord, and his Regent to give power and commission to that effect, to take up ditray of the persons contravenaris of the saidis Actis, and hauld twa Courts ilk zeir, that is to say, ane Court at Pasche, and ane uther at Martine-messe, for punishment to be maid, in maner foirsaid. (Providing alwaies, that this present Act be na wife extended to the slaying of reid fishe in the water of Tweede) and quha beis convict of the said crime, fall pay the paines contained in the said Act. And als fall finde caution, to pay an hundred pundis, als oft as be contravenis the saidis Actis, to be applied to our Sovereigne Lordis use.

31. *Anent abrogating of all actes contrarie to the Religioun.*

IN The Parliament halden at *Edinburgh*, the 19. day of April, the zeir of God 1567. zeiris. The quihill day, the Queens Majestie having considered the Estate of hir Majesties Realm, that it stude ar, the time of hir arrival furth of *France*, and zir presently standis at. Foirseing alsua the common weill of hir countrie greatumlie to be increased, and established be the keeping of the common peace and quietnes, amangs all her subjects: and like as hir hienes sen hir foirsaid arrival, hes attempted nothing contrare the estate of religion, quihill her Majestie fand publikke and univiersallie standing, at hir arrival foirsaid, quhair by hir Majestie is maist worthy to be served, honored, and obeyed. Richt sa hir Hienes intends to continew in the samin gudnes and government, in all times cumming, quhairby all her gude subjects, professouris of the religion foirsaid, fall have occasion to praise God, for her gude, happy and gracious government. And to crave of God fra the bottom of their hearts, that he wald of his infir gudnes, prosper and blis hir Majestie and hir posterity, with lang life, gude and happy government, to rule and reigne over them. And to the effect alsua, that all hir Hienes gude subjects, professouris of the religion foirsaid, may assure themselves to be in full suretie therof, and of their landis, lives, benefices, dignities, jurisdictions, privilegedges, guddis, fame, and honouris in time cumming. And with the better will jeopardde and hazard their lives and guddes in her Hienes service, against all enemies to hir Majestie, and to the commoun weill of this Realm at all times neidfull as their predecessours hes maist frankly done heirtofoir. And that without fear of any paine, punishment, tinfell of landis, benefices, and guddis, for professing, exercising and using of the said religion, in times by-gane, and to be impute unto them, or their aires, notwithstanding any lawes, actis, and constitutionis, canon, civil or municipal, or uther quhat-sum-ever ordinance heirtofoir institute in the contrare. And for their great surety foirsaid, our Sovereine with the advise of the hail three Estaites of this Parliament, hes thoct neidfull, and convenient to dispense, casse, abrogat, and annull, like as her Majestie presently dispensis, cassis, abrogatis, and annullis all and quhat-sum-ever lawis, acts and constitutionis, canon, civil, or municipal with all other constitutionis and practicks penall, introduced contrair to the foirsaid religion and professors of the samin: and ordainis them, and their posterity, in all times to cum, to be free, and exceded from all paine corporal, infamie, reproch, depriving fra benefices, dignities, or offices, or uther crime or paine quhat-sum-ever, that may be incurred; or imputed to them, be vertew of the saidis acts, lawes, ordinance, canon, civil or Municipal, and practique, for contravening of the samin: renunceand the samin, and strength therof, in favoris of our saidis subjects, to the effect foirsaid. And sik-like, the Queenis Majestie of her authoritie royal, granted to hir be God, with the advise of the three Estaites foirsaidis, takis to hir selfe, and her posteritie, all her gude subjects, their benefices, lands, offices, guddis, and honouris, to be under sure saiffard, maintenance, protection, and defence perpetually, against quhat-sum-ever forreine authority, power, jurisdiction, and persute be it Ecclesiastical or temporal. Eximand hir foirsaidis subjects, fra all comperance, summoning or obedience, pretended heirtofoir jurisdiction, or authoritie throw them: Willing hir subjects to dwell in perpetual security, and quietnes within this Realme, be making of their maist humble and faithfull obedience to hir Hienes and hir posterity, in all times cumming heirtofoir allanerly. Likeas alsua her Majestie (God willing) in times convenient, fall rake further ordour, in all uther poyns, concerning the estate of Religion, as may best serve for the glorie of God, commoun weill of this Realme, and continuing of commoun peace and quietnesse univiersallie amangs all her subjects. Commanding them, and everie one of them, in all times heirtofoir, to keep mutual, perfite, and maist heartie kindnesse, love, friendship, and Nichtbourhead, ilke one to uthers, under all hiest paine and charge, that heirtofoir may follow, for breaking of this present Act of Parliament, and her Majesties maist lawfull commandement.

32. *Anent the prenting of the Actis, maid in this present Parliament, and of the Act maid in our Sovereines Grandschirs time, anent the raising of fire and burning.*

ITEM, The xxix. day of December, the zeir of God, 1567. zeires, quihill was the last day of this Parliament, the samin being continued, to the xj. day of Julij next-to-cum: Our Sovereine Lord, with advise of his Regent, and the three Estaites of Parliament, hes ordained, and ordainis, all and sindrie the foirsaidis Actis of Parliament, to be authenticklie imprented: As alsua, ordainis the Act of Parliament, maid in our Sovereine Lordis unquihill dearest Gudschirs Parliament, halden at *Edinburgh*, the xij. day of November, the zeir of God 1526. zeiris, made anent burning of houses, and uthers specified therein, to be alsua imprented. Swa that name of our Sovereine Lordis liegis, may pretend ignorance of the samin.

33. *Anent the raising of fire, and burning.*

ITEM, In the Parliament halden at *Edinburgh*, the xij. day of November, the zeir of God 1526. zeires. The quihill day, Anent the Artickle of slauchteris, murderis, burning: IT IS statute and ordained, that the acts maid thereupon of before, and the auld Lawes be kept, with this addition, that quha cummis and burnis folkis in their houses, and cornes, and wilfull fyre-raising, be treason, and lese-majestie, because sik deides ar exorbitant, and mair against the common weill, then uther crymes. And particular Justice aires, or general Justice aires, be set thereto, as fall pleis the Kings Majestie, his Cuncil, and

the Justice for the time, with their consent. Providing, that it fall be lesum, to ony man to persew, and follow common thieves, and rebellis to take them. And gif they enter in houses, that it fall be lawfull to invade, break or destroy the saidis houfis, be fyre or utherwise, to the intent and effect of taking, or slaying of the saidis thieves, or rebelles, for the quhilk there fall follow upon the doeris, na paine, accusation, cryme, bot to be free theirof at all times.

F I N I S.

A C T S Omitted in this First PARLIAMENT

O F

KING JAMES THE SEXT.

A Nent the dmission of the Crown in favoures of our Soveraine Lord, and his Majesties Coronatioun.
A nent the jurisdiction of the Kirk.
A nent the Act of Parliament maid of befoir of the declaratioun of our Soveraine Lordis Mothers persite age.
A nent the retentioun of our Soveraine Lords Mother in prison.
T he declaratioun of Parliament maid to the Laird of Lochlevin, *A* nent the keeping of the Kingis Mother in the house and fortalice of Lochlevin.
A commission to certaine Lordes of the Estaites, to consider sik Artikles as ar committed to them, and to report the samin againe in the next Parliament.
A nent the residence and sitting of the Lords of Sessoun for ministratioun of Justice.
A nent the demolishing of the Castel of Dumbar, and Forte of Inchekeith.

F I N I S.

T H E S E C O N D

P A R L I A M E N T

O F

K I N G J A M E S T H E S E X T ,

Halden at Striviling, the 28. daie of August, 1571. and the fifth zeir of his Reigne: Be his Gudseir of gude memorie, MATTHEW Earle of LENNOX &c. And ended the 7. day of September followand thereafter, be JOHN Earle of MAR, &c. Regents to his hiennesse, Realme and lieges.

34. *Anent the nomination, election, acceptation, and approbation, of the Earle of MAR in Regent.*



IT IS found, declared, and decerned, be our Sovereine Lord, with advife of the three Estaites, and haill body of this present Parliament, that the nomination, constitution, election, and ordination of the Nobill & mightie Lord, *John*, Earle of MAR, Lord ERSKIN, &c. in Regent to our Sovereine Lord, this his Realme and liegis theirof, during the time of his Majesties minoritie and lesse age, specified and expressed in the Queene his hiennesse mothers letters, under hir subscription and privie-seale, of the dait the xxij. day of Julij, the zeir of God, 1567. zeiris. Togidder als wa with the consent, and approbation of the Earles, Lordes, Prelates, Commissioneres of Burrowes, Barronnes, and utheres faithfull subjects, conveyed and assembled to that effect. And the acceptation of the said office of Regentrie be the said Earle of MAR, upon the vj. daie of September instant, wes, is, and in all time cumming fall be

halden, repure, and esteemed lauchfull, sufficient, and persite. And all, and quhat-sumever things quhilkes he hes done, be vertew of his said office of Regentrie, sen his acceptation theirof, or quhilkes he fall do heirafter, in our Sovereine Lordis name and autoritie, during the time of his hiennesse minoritie, specified in the said Commission, to be als dewlie, lauchfullie, sufficientie, and richteously done, and to have als great availl, strength, force and effect, in all respects and conditions, as ony thing done, be quhat-sumever Regentes, Governers, or Protectours of this Realme, in the minorities and les ages of ony uthers native Princes of the same. And ratifies, appoves, and confirms the same nomination, election, constitution, and acceptation for now, and in time cumming.

35. *Ratification of the freedome, and libertie of the trew Kirk of God.*

ITEM, Our Sovereine Lord, with advife and consent of his said Regent, the three Estaites, and haill bodie of this present Parliament, hes ratified, and be this present acte ratifies and appoves, all, and quhat-sumever actes, and statutes made of befoir, be our Sovereine Lord, or his predecessoures, anent the freedome and libertie of the trew Kirk of God, and Religion, now publicklic professed within this Realme.

36. *Anent Alienatimes, and dispositiones of persones foresald for the slauchteris of our Sovereine Lordis Father, or Regentes.*

ITEM, It is decerned, and declared be our Sovereine Lord, with advife of his Regentis Grace, and the three Estaits, that all Alienationes, Resignationes, dimissiones, and uthers dispositiones quhat-sumever, maid or to be maid, be any person, or persones convict, or that heirafter fall happen in ony wise to be convict, or foresald for airt and pairt of the treasonabill murtheres, and slanchteris of umquhile our Sovereine Lordis dearest Father, or Regentis, of quhat-sumever landes, heritages, offices, benefices, rowmes, or possessiones, sen the times *respectrue*, fra the committing thereof, ar, and fall be null of them-selves, and of nane availl, strength, force, nor effect in all times cumming, with all that followed, or fall happen to follow thereupon.

37. *Auent the Vassalles and free tenentes, of sik as ar foresald in this Parliament.*

ITEM, It is statute, ordained, and declared in plaine Parliament, be our Sovereine Lord, with advife and consent of his said Regent, three Estaites, and haill bodie of this present Parliament, that all per-sones, our Sovereine Lordis trew and faithfull subiectes, quhilk hes served, and serves his hienes, in main-tenance of his authoritie: having landes, heritage, annual-rentes, life-rentes, pensiones, or possessiones quhat-somever, halden of ony persones, called and foresald in this present Parliament, of quhat-somever crymes of treason, and lese-majestie, fall bruk and joys their tenandries quhat-somever, notwithstanding the foresalking of their superiouris their of, and hald the samin of their nixt immediat su--periour.

Providing alwaies, that in-case ony of the saidis Vassalles, or uthers that fall happen to claime ony bene-fite, be vetwey of this Act, at ony time heirafter, make defection fra our Sovereine Lordis authoritie, & obedience, or cum in the contrair their of, that they, nor nane of them fall have, nor bruike the priviledge, and benefite of this present Act, and the samin fall na wife be extended unto them.

38. *Auent Landes, rowmes, and possessiones halden of Frieres, or Nunnes within this Realme.*

ITEM, For-sameikle as there ar diverse lieges, and subiectes of this Realme, quhilkes hes sundrie landes, rowmes and possessiones, obtained be them, or their predecessouris, in fewe and heritage, of the Prioures or Prioresse, Mothes, and Convenes of sundrie Frieres and Nunnes places, within this Realme, hal-den of them and their successeours. And now sen the reformation of Religion the saidis superiouris, ar for the maist part deceassed, and na uthers placed, nor to be placed in their rowmes, swa that within schort space, they fall all decay, quhairthrow the airis of the saidis feweis, and uthers heritable tenentes of the saides places, fall get na entrie to their lands and heritages, halden of Frioures and Nunnes. For remeid thereof, it is statute and ordained in this present Parliament, that all persones, fevris or heritabill tenentes of sik Frioures and Nunnes places, and their aires after the decease, decay or inlaik of their said superiouris, hald, and fall hald their fewes, and tenandries of the samin, of our Sovereine Lord, and his successeours, in all times cumming sik-like, and as freely as they held the samin, of the places foirsaidis, Prioures, Prio-resses, or uthers being theirin for the time. And the few mailles services and dewties specified, and con-tained in their infestments, to pertaine to our Sovereine Lord, and his successeours, to be intronmetred, up-taken, and disposed at their pleasure. And that the aires of the saidis feweis, and heritabill tenentes foirsaidis, fall enter to their fewes and tenandries, be brieves of our Sovereine Lordis Chappell sik-like, and als freeilie, and in the samin maner as the feweis, and heritabill tenentes of our Sovereine Lordis proper-tie, in all times cumming.

39. *Auent alienationes, and uthers dispositiones, maid be ony Burgesse, within this Realme, that hes maid defection, fra the Kings authoritie.*

ITEM, Our Sovereine Lord, with advife and consent of his said Regent, the three Estaites, and haill bodie of this present Parliament, hes statute, ordained, declared, and declared, that all and sundrie a-lienationes, resignationes and uthers dispositiones, quhat-somever maid, and given in ony wise, be ony per-sones Burgesse, or inhabitantes, within the Burgh of *Edinburgh*, or ony uthers Burrowes of this Realme, quhilks hes maid defection fra our Sovereine Lordis authoritie, and assisted and taken part with the conspira-tours, declared traitours, to ony person or persones, sen the committing of the saidis crimes be them, or ony of them, of quhat-somever their landes, heritages, offices, takkes, steadinges, rowmes or posses-sions quhat-somever, ar and fall be in time cumming, null in themselves, and of nane availl, strenght, force, nor effect.

40. *That na schippes saill, without our Sovereine Lordis Cocquet.*

ITEM, It is statute and ordained, be our Sovereine Lord, his Regent foirsaid, the three Estaites, and haill body of this present Parliament, that na Schippes passe foorth of this Realme, to the Realme of *France*, or ony others pairtes, without our Sovereine Lordis Cocquet.

41. *Auent Kirk-men that happinnis to be slaine in our Sovereine Lordis service, in defense of his hienes autoritie.*

ITEM, Our Sovereine Lorde with advife of his Regentis Grace, the three Estaites, and haill body of this present Parliament, hes statute and ordained, that in case ony our Sovereine Lordes trew lieges, bene-ficed men happinnis to be hurt, slayne or wounded to the death, and thereafter of the saidis hurtes, or woundes to die in our Sovereine Lordes service, and in defence of his Authoritie, at ony time, against the foresald and declared Fraytours, presently being within the Castell and Burgh of *Edinburgh*, and uthers his Majesties open and manifest enemies, resisters and conspiratours against his hienes authoritie, during

all the time of the open and manifest resistance thereto: that the nearest of the said Beneficed mennes kyn abill and qualified, shall have the presentation, provision and collation of his benefice, for that time al'nerlic. And the samin to be disposed to the nearest of his kyn, that happenis to be slayne, or decease, in maner foirsaid, being alwaies abill and qualified therefore, as said is. And the profites of their benefices, with the fruits speciallic on the ground, with the annat thereafter, to pertaine to them, and their executors, allweill Abbottes, Priores, as all uther Kirk-men.

42. *Anent the waird, releif and Marriage of them, that fall happen to be slayne in our Sovereine Lordes service, in defence of his Majesties autoritie.*

ITEM, My Lord Regentis Grace, with advise of the three Estaites, and haill body of this present Parliament, hes statute and ordained, that in case ony Earles, Lords, Barronnes, Free-halders, Landedmen, Gentle-men, or ony uther person or persones, fall happen to be slayne, hurt, or wounded to the death, and thereafter of the said hurtes to die, at ony time, in defense of our Sovereine Lordis autoritie, against certaine his foresalded and declared traitoures, presentlie being within the Castell and Burgh of *Edinburgh*, and uthers his Majesties open and manifest enemies, resisters and conspiratours against his hieneffe autoritie, during all the time of the open and manifest resistance theirto: that their aire or aires, fall have their Ward, none-entries, releife, and marriage free, of our Sovereine Lord, dispenfand with their minoritie and lesse age, quhat eild that ever they be of: without payment of ony teynd penny, or uther profite theirfoir. Ana sik-like, of all uthers Lordes Spirituall and Temporal, bath of vassalles and subvassalles. Providing, that the aires foirsaidis, persew and obtaine entres of their Overlordes, within three termes after the decease of their Farthers, or quhat-sumever uther persones, quhom to they ar to succede, for the causes foirsaidis. And gif the saidis aires be of lesse age, within tutorie, and beis not entred to their landes and heritage, befor their age of xiiij. zeires, quhilk may be throw negligence of their tutours, and uthers their friends. Our Sovereine Lord privilegedis and graunts to them, that they may enter, within three termes nixt after their compleit age of xiiij. zeires, as said is, and this to be extended to the mediat aire, that is to succede to the person, that happinnis to decease, during the time and in maner foirsaid. And becaufe it may happen the person, or persones that happinnis to decease in this maner, and during the time foirsaid, to have maa lauchfull bairnes of their bodies by the aire: Theifoir ordaines, that the profite of the Wardlandes, be tane up be their Mothers (gif there be na Tutours Testamentares) als lang as the remaynes Widow, and sailzeing thereof, be the nearest, and lauchfull Tutours of the said bairnis, to be distributed to the sustentation of the aire, and to the utilitie and profite of the remanent his bretheren and sisters, to the perfit age of the said air or aires. That is to say, gif the aires be male, of xxj. zeiris, and gif they be female, xiiij. zeiris, the profite of the saidis aires marriage, being ay free to himselfe. The Mother, Tutor, or Governor, find and sufficient caution befor the Lords, that they fall make compt; reckoning, and payment of their intromission befor the Lords of Councell, or in the checker zeirly: and gif the aires of the persones that happinnis to die, as said is, have ony fewes, that they enter sik-like to their few landes, halden of whatsumever persones Spirituall, or Temporal, within the termes foirsaidis, without ony payment of the double of the few.

43. *Anent possessions.*

ITEM, Our Sovereine Lord, with advise of my said Lord Regentis Grace, the three Estaites, and haill body of this present Parliament, hes statute, and ordained, that in case any Earle, Lord, Barron, Freehalder, Vassall, Sub-vassall, Feweares, Mailleres, Takkis-men, Tennents, Rentellers, possessours, or commounes, happenis to be hurte, slain, or wounded to the dearch, and thereafter of the saidis hurtes, or woundes to die in our Sovereine Lords service, and in defense of his autoritie, at ony time, against certaine his foresalded, and declared trayroures (presentlie being within the Castell and Burgh of *Edinburgh*) & uthers his Majesties open, and manifest enemies, resisters and conspiratours against his hieneffe autoritie, during all the time of the open and manifest resistance theirto: that their aires, executors, or assignayes, fall freely have their awin Waitres, reliefes and marriages, in their awin handes, to be disposed thereupon, as they fall think expedient. And sik-like, their wives, bairnes, executors or assignayes, fall bruike their takkes, steadings, rowmes, and possessions, allweill of Kirk-mennes, as Temporal-mens landes, and enter thereto, and remayne therewith freele, for the space of five zeiris, without anie gressume, or entrie siver: Payand allanertie mailles and dewties used and wount. And this Act allweill to extend upon Kirk-mennes, as Temporal-mennes vassalles, as upon our Sovereine Lordis.

F I N I S.

Actes omitted in this second Parliament.

Anent the freedom and privileges of Burrowes.
Anent Sheriffs, Maillers, Pursuivants, and others officers, that served against our Sovereine Lord, and his autoritie.
Anent the escheites of the persones, coming to the Kings obediens.

F I N I S.

T H E

THE THIRD

PARLIAMENT,

Halden at Edinburgh, the XXVI. daie of Januar, the zeir of God, 1572. zeires; Be JAMES the Sext, be the Grace of God, King of SCOTTES; with advise and consent of JAMES, Earle of MORTOUN, Lord DALKEITH, &c. Regent to his Majestie, his Realme and lieges.

44. *Aient the approbation and confirmation of the Regiment.*

THE quhilk day it is fundin, declared and decerned, be our Sovereine Lord, with advise of the three Estaites, and hail body of this present Parliament, that the nomination, constitution, election and ordination, of the Nobill and mightie Lord, JAMES, Earle of *Mortoun*, Lord *Dalkeith*, &c. In Regent to our Sovereine Lord, his Realme, and lieges thereof, during the time of his Majesties Minoritie and lesse age. Togidder with the consent and approbation, of the Earles, Lordes, Prelates, Commissioners of Burrowes, Barrones, and uther faithfull subjectes, convened and assembled to that effect. And the acceptation of the said office of Regentrie, be the said JAMES Earle of *Mortoun*, upon the xxiiiij. day of November last by past, was, is, and in all time cumming fall be halden, repute and esteemed lauchfull, sufficient, and perfite. And all, and quhat-somever things, quhilks hee hes done, be vertew of the saide office of Regentrie, sen the acceptation rhereof, or quhilks he fall do heirafter, in our Sovereine Lordis name and authoritie, during the time of his hienes minoritie, to be as dewlie, lauchfullie, sufficientie, and richtously done, and to have als great avall, strength, force and effect, in all respects and conditions, as any thing done be quhat-somever Regentes, Governours or Protectours of this Realme, in the minorities and lesse ages of ony uthers native Princes of the famin. Quhilkes confirmation, nomination, election, constitution, acceptation, actes and proceedings: Our said Sovereine, with advise, & consent of the saides three Estaites, and hail bodie of this present Parliament, ratifies, appreyes and confirmes, for now and in all time cumming.

45. *Papistes relapse, and Not-communicantes, suld be admonished, and they, remayning obstinate ar infamous.*

ITEM, For-sameikle as there was ane Acte maide in the Parliament, halden in the first zeir of our SOVERAINE LORDIS Regent that now is, Intitular; *Aient the trew and balie Kirke, and of theme that ar declared not to be of the same Kirke.* Quhilk Act, our Sovereine Lord, with advise and consent of his Regentis grace, the three Estaites, and hail body of this present Parliament, ratifies, appreyis, and for his hiensse and his successours, perpetually confirmes. And seeing the education of our Sovereine Lord, is in the trew Religion of Jesus Christ, and that the famin Religion be Lawes and Actes of Parliament, made in his hiensse Reigne, is established: and that it is baith godlie and expedient, that all his hiensse subjectes, worship the only trew God, in the uniformitie of Religion, and his hienes obedience. Therefore it is statute and ordained, be our said Sovereine, with advise of his said Regent, the three Estaites and hail body of this present Parliament, that the lauchfull Arch-bischoppes, Bischoppes, Super-intendentes, and and Commissioneres of Diocefes, and Provinces of this Realme, be themselves, and the Ministers and Readers, serving at the Kirkes, within their charges, *respectrue*, with all diligence, after the publication of this present act, note the names of the persons, asweill men as women, suspected to be *Papistes*, or that hes not communicate with the Sacramentes, as they ar now trewlie ministrat, in the reformed Kirkes of this Realme, and with the like diligence, lauchfullie admonish them, according to the ordour of the Kirk. And in case, they be fourth of the Realme, upon threescoir dayes warning, to recant their Papissical errors, give their Confession of their faith, according to the forme approved, in our Sovereine Lordis Parliament, be participant with the Sacramentes, and submit themselves to the discipline of the trew Kirk, within certaine reasonable space, under the paine of excommunication. And if they failzie, to pronounce the sentence of excommunication against them. And in case of the contumacie and none-comperance, of ony persones, swa admonished, or compeirand, gif they refuse to obey the admonition: Or quha hes returned to their erroures, after their confession anes given, that everie lauchfull Arch-bischop, Bischop, Super-intendent or Commissioner, present ane Roll and Catalogue, of the names of the disobedientes, obstinat, or relapse persones, to our Sovereine Lord, and his Regent, betuixt and the first day of Julij nixt-to-cum, to the effect that the famin may be imprented, divulgat, and affixed on the Tol-buith of *Edinburgh*, & uthers Tol-buithes, and publick places of Judgement, within this Realme, under the paines following: That is

to say, everie Arch-bisshop or Bisshoppe, that fall be found remisse, or negligent therein, be the generall Assemblie of the Kirk, under the paine of tynself of the fruites of his benefice, for ane zeir to our Sovereine Lordis use, and everie Super-intendent or Commissioner under the paine of tynself of his stipend, for ane zeir alsua, to our Sovereine Lordis use, and removing of him soorth of his office, and placing of ane uther mair diligent therein. And that the disobedient, obstinat, and relapse perones, to be contained in the said Catalogue (after the publication thereof) shall be halden, repute, and esteemed infamous, and un-ⁿabill to sit or stand in Judgement, persew, beare office, nor fall not be admitted, as perones, witnesses, or assisoures, against any professing the trew Religion, ayand quhill they have reconciled themselves to the trew Kirk, submitting themselves to the discipline thereof, and obtaine Testimoniall thereupon, quhill inhabilitie, being alleged against any Judges principall, or deputies, members of Court, officieres, parties, or procuratores, perones of inquest, or witnesses, fall be relevant exception of the Law, to declyne them fra Judgement, office, persute, procuracion, inquest, or bearing witness, without they then presentlie produce sufficient testimoniall, witnessing them to be received, as members of the trew Kirk. As alsua the depure of the Judge principall, quha is the excommunicate, or the procurator, quha will compeer for the Excommunicate, fall not be suffered to proceede, nor heard in Judgement (the Excommunication being opponed and verified, against the maker of the depure, or constituant of the Procurator) except that the principall be quhome they proceede, or use their Procuracion, first be received to the Kirk, and have sufficient testimoniall thereupon. And that the said exception, be not admitted, against any, quhill fall not be specialie comprehended in the said Catalogue. And in case the Judge proceed, notwithstanding the said exception, the samin being lauchfullie proponed, and ratified, be the Catalogue foresaid, sik contemptuous proceeding, testified be ane Instrument, and produced before the Lordes of Councill, shall be ane sufficient cause of suspension, and discharge of the Execution of the decret, to bee giveⁿ in that matter.

46. *All Ecclesiasticall perones shuld subscribe the confession of the Faith. Of Heretickes.*

ITEM, For-sameikle as the conservation, and purgation of the Religion, chiefly perteines to the Christian Princes and Godlie Kings, Rewlers, and Magistrats; and that it is maist requisite, that the Kirk within this Realme, be served be Godlie perones of sound Religion, obedient to the autoritie of the Kings Majestie, our Sovereine Lord: It is theirfoir concluded, statute and ordained, be his Majestie, with advise of his Regent, the three Estaites, and hail bodie of this present Parliament: That everie person, quha fall pretend to be an Minister of Gods word and Sacraments: Or quha presentlie dois, or fall pretend to have, and bruk ony Benefice, use of fruites, stipend, pension, or portion soorth of Benefice, and ar not already under the discipline of the trew Kirk, and participates nor with the Sacraments thirof, fall in the presence of the Arch-bisshop, Super-intendent, or Commissioner of the Diocese, or Province quhair he hes, or fall have the Ecclesiasticall living, give his assent, and subscribe the Artickles of Religion, contained in the Actes of our Sovereine Lords Parliament, and give his aith for acknowledging, and recognoscing of our Sovereine Lord, and his autoritie, and fall bring ane testimoniall in writing thereupon. And openly on sum Sunne-day, in time of Sermone, or publick prayers in the Kirk, quhair be reason of his Ecclesiasticall living, he aucht to attend, or of the fruites quhair of be receives commoditie, reade baith the testimoniall and confession: and of new mak the said aith, within the space of ane Moneth, after the publication of this present Act. And gif he be soorth of the Realme, within threescoir dayes after the publication thirof. And in time cumming, within ane Moneth after his admission, under the paine that everie person that fall not do, as is above appoynted, fall be, *ipso facto*, deprived, and all his Ecclesiasticall promotions and living, fall be vacand, as gif he war then naturalie dead. And gif ony person Ecclesiasticall, or quhill fall have Ecclesiasticall living, fall willfullie maintene ony doctrine, directlie contrair or repugnant, to ony of the saidis Artickles: and being convened and called, as followes, fall persist therein, and not revoke his error, or after his revocation, fall of new affirme sik unrew doctrine, sik mainteining, affirming and persisting, fall be just cause, to deprive him of his Ecclesiasticall living. And it fall be lauchfull to them, befoir quhome he is called and convened, to deprive him. Quhill sentence of deprivation pronounced, he fall be deprived in deede, and his living vacand, as gif he war naturalie deade. And that all Arch-bisshoppes, Bisshoppes, Super-intendents, Possessoures, or Titulares of Prelacies be called, and convened for this effect, befoir the generall assemblee of the Kirk, and all inferiour perones befoir the Arch-bisshoppes, Bisshoppes, Super-intendentes, or Commissioneres of the Diocese or provinces, within the quhillkes they dwell,

47. *Adversaries of the trew Religion, ar not subjects to the King. Of Apostates.*

ITEM, For-sameikle as there hes bene great rebellion, and disobedience against our Sovereine Lords authority in time by-past, and seeing the cause of Gods trew Religion, and his hiensie autoritie thirof, as sajoyned, as the hurt of the anc, is common to baith. It is theirfoir declared, statute and ordained, be our Sovereine Lord, with advise and consent of his Regentis Grace, with the three Estaites, and hail bodie of this present Parliament: That nane fall be repute as loyall, and faithfull subjectes to our said

Soveraine Lord, or his authoritie, bot he punishable, as rebellares, and gaine-standeres of the famin, quihik fall nor give their Confession, and make their profession of the saide trew Religion. And that all sik, as makis profession thereof, and zirhes maid defection fra their dewe obedience, aucht to our Soveraine Lord, fall be admonished be the Pastours and Ministers of the Kirk, to acknowledge their offense, and returne to their dewtiful obedience: and gif they failzie therein, to be excommunicate and seclused, from the societie of the Kirk, as rebellious and corrupt members, betuixt and the first day of Junij nixt-to-cum. And that alwaies, befor sik personnes as hes maid defection, be received to our Soveraine Lordis mercie and favour: they fall give the Confession of their Faith of new, and promise to continew in the Confession of the trewe Religion, in time cumming, mainteine our Soveraine Lordis authoritie: and that they fall at the uttermaist of their power, forstifie, assist and mainteine the trew Preachoures and professours of Christs Religion, against quhat sumever enimies, and gaine-standeres of the famin: And navelic, against all sik of quhat sumever Nation, Estait or degree they be of, that hes joynd, and bund themselves, or hes assisted, or assistes to set forward, and execute the cruell decreittes of the Councell of *Trent*, (quihik maist injuriouse is called be the adversaries of Gods truth, the Haly League) contrarie the Preachoures, and trew professours of the word of God.

48. *The explanation of the Act maid avent Manses and Glebes.*

Forsameikle as be act of Parliament, halden and begunne at *Edinburgh*, the fourth day of Junij, the zere of God, anc thousand, five hundreth, threecoit three zeres; It was statute, and ordained, that na Parson, Vicar, nor uther Ecclesiasticall person, suld set in few, or lang takkes, ony of their Manses, or glebes pertaining to the Kirkes. And alwa that they that ar appointed, or to be appointed to serve or Minister at ony Kirk, within this Realme, suld have the principall Manse of the Parson or Vicar: or famicikle thereof, as suld be fund sufficient, for staiking of them, to the effect that they may the better await upon the charge appointed, or to be appointed to them, whither the saides glebes wer set in few, or rakke of befoire, or not: Or that ane reasonabill and sufficient house, wer bigged to rhem beside the Kirke, be the Parson or Vicar, or uthers havand the saidis Manses in few, or lang takkes. And farther, sameikle land to be annexed to the saidis dwelling places, of them that serves, or Ministers at the Kirk, as thereafter, with gude adviement, suld be appointed, like as the said act, at air length, proportis. Quihik being in divers pairtes doubtfull and incertaine, na gudde execution hes followed thereupon, in time by-past. Therefore our Soveraine Lord, with advise of my Lord Regents grace, the thire Estaites, and hail body of this present Parliament, findis and declaris, that the Manses, outhr pertaining to the Parson or Vicar, maist ewest to the Kirk, and maist commodious for dwelling, perteines and fall perteine, to the Minister or Reader, serving at the famin Kirk: Togither with four acres of land of the glebe at least, lyand *contigue*, or maist ewest to the said Manse, gif there be sa-mecikle: And failzeing thereof, sa-mecikle as there is; to be marked, and speciallie designed be the Arch-bisshop, Bisshop, Super-intendent, or Commissioner of the diocese or province, the time of their nixt visation, be the adviise of ony twa of the maist honest and godlie of the Parochiners, quihilkes he fall require (not being possessours of the said Manses or glebes themselves) to joyne with him in execution hereof, whither the saidis Manses and glebes be set in few, or rakkes of befoire, or not. And upon the said marking and designation, the Arch-bisshop, Bisshop, Super-intendent, or Commissioner, fall give his testimoniall, bearing, how he with adviise of sik twa of the Parochiners, hes visited the Manse and glebe, of sik an Kirk, and findes the famin occupied be sik persones. And that they have appointed, marked, and designed the said Manse, with four acres, or sik quantitie of land adjacent thereto, to the use of the Minister, or Reader, that fall serve and Minister at the said Kirk, in time cumming. And upon the Ministers or Readers supplication, quhair withall the said testimoniall fall be presented to the Lordes of Councell, letters fall be directed, charging the occupiers, and possessours of the saidis Manses and acres of land, whither the famin be set in few or takes of befoire, or not: to remove, desist and cease theirfra, and enter the said Minister or Reader, to the possession of the famin, within ten dayes, under the paine of rebellion, and gif they failzie, to put them to the horn. And in case they be denounced, letters of caption, and uthers executorialles to be direct upon them, according to the Lawes of this Realme. Quhilkes Manses and acres of land sa marked, and designed, as said is, it fall not be leasum to the Ministers, or Readers present, or to cum, to sell, analic, ser in few, or takkes, or to put ony in possession of the famin, in prejudice of their successors: bot the famin to remaine alwayes free to the use and casement of sik, as fall be admitted to serve, and Minister at the said Kirk. And quhair ony persones upon pretence of fewes or takkes, obtained of Manses or Glebes, hes maid sumptuous biggings thereon, fra the quhilks they think heavie to be dispossessed, or removed, that then the Arch-bisshop, Bisshop, Super-intendent or Commissioner, the time of their visation, travell to agree the sewer or takkes-man, and the Minister or Reader, be delivering to the famin Minister or Reader of ane uther Manse, quihik fall be als gude, and ewest as the uther, be just estimation, the time that it was set in few, or takkes: to be bigged betuixt this and the first daye of October nixt-to-cum: togidder alwa with certaine acres of land adjacent thereto, in maner foresaid, for eschewing of debat and contention. Bot gif the sewer, or takkes-man, refusis willingly to considend to the famin, then the execution to proceed, for removing fra the principall Manse, & sa manie acres of land, as is before specified,

notwithstanding any bigginges made, or to be maid thereupon. Providing alwayes, that sa-meikle of the few mail be deduced to the person or persones, to quhom the saidis Manse or Glebes is set in few, *secundum ratam*: and sik-like, that the fewer have sufficient action, against the setter of the said Manse and Glebe, for-sameikle entres silver, as he payed to the setter the time of the setting thereof, *secundum ratam*, as said is.

49. *Possessions of benefices, or uther Ecclesiasticall rents times their life-rent, being zeir and a day at the Horne.*

FORsameikle, as be the Lawes of this Realme, specially be act of Parliament, halden in the Reigne of our quhile King JAMES the fifth, our Sovereine Lordis Gudschir, of worthie memorie: It is found, that the use in times bygane hes bene, that the mailles and dewties, of the landes of them, that hes bene zeir and day at the horne, halden of uther Superiours then the King, returned againe to the superiours of the samin landes, for the life-time of them that fastened sik proceffe of horne, zeir and day, as said is, except crimes of treason and lese-majestie, and that the law fuld sa be interpreted and used, like as at mair length, is contained in the samin act. Quhilk hes bene great feare and terour to all heritours of landes, to incur the said proceffe of horning, during the time soirsaid, and therefor for saiftie of their life-rent, hes done diligence, and used all good meanes to obtaine themselves spedelic relaxed, when ever they happened to incur the said paine: zit because the Law was not equall, at least had nor received the like execution, against the possessours of Benefices, Pensions, Portions, or uther Ecclesiasticall rentes: The great contempt of horning, hes bene in sik persones, quhilkes thinking their livings in na danger, throw their disobedience, continued in their rebellion, and used na diligence to get themelvs relaxed, quhilk maid the said paine of horning contemptibill in times by-past. For remeid of the quhilk abuse heirafter: Our Sovereine Lord, with advise of his Regents grace, the three Estaits, and haill bodie of this present Parliament, declanis, staturis, and ordainis, that gif any possessours of benefices, pensions, portions, or uther sik Ecclesiasticall rentes, being ordourlie denounced rebelles, and put to the Horne, remaines theirat, attour the space of zeir and day, they fall theiryb tyne their life-rent of their benefices, pensiones, portiones, or uther Ecclesiasticall rentes, sik-like and in the samin maner, as the temporall men, and heritours of landes dois, and according to the act maid in our Sovereine Lordis dearest Gudschirs Reigne.

50. *Approbation of the Actes and proceedings, done in the name and Authoritie of our Sovereine Lord, and of the invaliditie of all things attempted in the contrair.*

FORSAMEIKLE, as fen the coronation of the Kings Majestie our Sovereine Lord, divers rebellious Insurrections, treasonabill conspiracies, open hostilities, and disobediences, hes beneyfayed against his hiens autoritie and Regentes, tending to the subverfion of Christs Religion, the deposing of his Majestie from his Royall Crowne, and the confusion of the haill Estair of the commoun weill of this Realme. For resisting and repressing of the quhilkes treasonabill, rebellious, and dangerous interpyres, and safetie, and preservation of our Sovereine Lords innocent person, his Regents, Nobilitie and Estaites, professing his obedience, hes bene oftymes constrayned to use the proceffe, Judgement, and Execution of his hiensse Lawes: as als wa force and hostilitie against his Hiensse declared traytours, rebellious and disobedient subjectes, their assisters and partakers. Therefore, it is statute and ordained be our Sovereine Lord, with advise of his Regents grace, the three Estaites, and haill bodie of this present Parliament, that all processe, Judgements, and Executions of his hiensse Lawes, led, given and maid, in his Majesties name, criminallic or civillic, sen his hiensse Coronation foresaid, outhir in Parliament, privie Councell, Justice courts, Session, and Colledge of Justice, Checker, or before the Schireffes, Stewarves, Baillics, Provestes, Aldermen, and Baillics of Burrowes, and uthers Judges and Ministers of Lawes quhat-somever. And all deedes of hostilitie, in rayfing and conductioun of men of weir, batalles, conflictes and uthervayes, cuinzicing of money, taking and fortification of Townes, Castelles, Palices, Places, Houses, and Policies: Burning, destruction, and demolishing thereof: Intelligences, Treaties and Contractes maid with quhat-somever forreyn Princes, or their Lieutenentes, or Ministers: Inbringing of strangers in the Townes, and uthers partes of this Realme, intromission with money, munitiones, and movabill guddes, upraking of rentes, taking and deteining of prisoners, ranfounes, buytinges, rayfing of taxes, impositions, and uthers quhat-somever, done be our Sovereine Lordis Regents, Nobilitie, and uthers subjectes, professing his obedience, against the saidis declared Traitoures, rebelles, or disobedient subjectes, their assisters and partakers quhat-somever, or any uthir sen our Sovereine Lordis Coronation, and before they obtained remissions therefore, as als wa all intromission with any of their livings, guddes, geir, pleniffinges, and uthers being within their houfes, or upon their landes or rowmes, notwithstanding quhat-somever assignation, tiuill, or entres, that or upon their persones may acclayme or pretend thereto, and all that followed, or fall happen to follow thereupon, hes bene, is, and in all time cumming fall be repute, halden, and esteemed, as lauchfullie done, and as gude and profitabill service for his Majestie, tending to the preservation of the Estait of Christsdone, and as gude and profitabill service for his Majestie, tending to the preservation of the Estait of Christsdone, the Royall person and Crowne of our Sovereine Lorde, resisting and repressing of his saidis rebel-

rebellious and inobedient subjects, and quyeting of the countie. And that the saidis Regents and Nobilitie, and uthers subjects, their assisters and partakeris, fall incurre na skaith or danger thairthrow, in their persones, landes, or gudes, nor fall not be called, nor accused for the famin, criminallie nor civillie, be ony maner of way in time cumming. Dischargeing be this present Act, all and findrie his Majesties Judges, and Ministeris of his Lawes present, and to come thereof, and of their offices in that part for ever. And this Act to be ample extended and interpreted, in the favoures of all sik, as professed our Sovereine Lordis Authoritie and obedience, against them quhilkis were disobedient thereto, their assisters and partakers. And in like maner, it is declared and decerned be our said Sovereine Lord, his dearest Regent, the three Estaites and haill body of this present Parliament, that all pretended Proceffe, Judgements and executions of Lawes criminall, or civill, outhir in pretended Parliaments, Councell, or before Schirefics, Stewards, Baillies, Provestes, Aldermen, Baillies of Burrowes, or uthers Judges, or Ministeris of Lawes quharsumever, in name, or by collour of ony uthir authoritie, sen our Sovereine Lordis Coronation foresaid, hes bene, is, and in all time cumming, fall be repute, halden and esteemed as unlauchfull, usurped, vaine, and of na force, sttength, nor effect: and to have na maner execution, for any time by-gane, or to cum, without any proceffe of reduction.

51. *Anent purchasing of the Papes Bulles, or gites of the Queene our Sovereine Lordis Mother.*

For-sa-meikle, as be Act of Parliament, halden at *Edinburgh*, the xxiv. day of August, the zeir of God, anethousand, five hundreth, threescoir zeires ratified, and approved be act of Parliament, halden the first zeir of the Reigne of our Sovereine Lord, that now is. It was statute and ordained, that the Bishop of *Rome*, called the Pape, suld have na jurisdiction, nor authoritie within this Realme, in ony time thereafter, and that name of the subjects of this Realme, in ony time cumming thereafter suld sute, or desire title, or right of the said Bishop of *Rome*, or his sect, to ony things within this Realme, under the paines of Bartratie, that is to say, proscription, banishment, and never to bruk office, honour, nor dignitie within this Realme, like as is contened at mair length in the said act, sen the quhilk time, diverse the subjects of this Realme hes wickedlie, and contemptuously purchased the said Papes Bulles, dispensations, letters, and priviledges at *Rome*, or hes caused counterfacte the famin in *Flanders* or uthers parts, with ante-daittes, as als wa, sum uthers hes purchased, or counterfacted gites, and provisions of benefices, with ante-daittes, or blanks, as maid be the Queene Mother, to our Sovereine Lord, intending be sik fals and colloured meanes, to bruk the tytle, and possession of Benefices, or pensiones, after the decease of the present possessours thereof. And theirthrow, baith to defraud our Sovereine Lord of his richt and Patronage, and als wa the qualified persones, professing the trew Religion, of their livings, quhairupon they suld be sustented, if remeid be not provided their-inill. It is therefore decerned, and declared, be our Sovereine Lord, with advise and consent of my Lord Regents grace, the three Estaites, and haill body of this present Parliament, that all persones, suspected to have ony false counterfacted blankes, and ante-daittes, bulles, provisions, confirmations of sewes, takkes, or gites of benefices, pensiones foorth of benefices, commoun Kirkes, or landes, annualles and Frier-landes, fall be called, quhen it fall please our Sovereine Lord, and his said Regent, to compeir, befoire sik of the privie Councell, or uthers, that fall be constitute Commissioners in Ecclesiasticall causes, be his hiennesse Commission, at sik day, or dayes, as they fall appoynt: bringand with them their saidis bulles, provisions, confirmations of sewes, takkes and gites of benefices, and uthers before specified, to be seene and considered gif the famin be lauchfull titles, and orderly past, and be worthie to serve, and have faith in time cumming, or not. And in case the peeces produced, be found lauchfull and sufficient, the famin to be registrar, marked, and to have full faith, and validitie in time cumming. And gif the famin fall be foundin to have bene purchased in *Rome*, sen the said xxiv. day of August, the zeir of God, anethousand, five hundreth, threescoir zeiris, or uthersways, to have bene counterfacted, ante-daired, or purchased blank senfyne, to be decerned and declared be the saidis Commissioners null, invalide, and insufficient, and to make na faith in time cumming, but ony farther Proceffe of reduction. And in case the persones being charged to compeir for production of their saidis Bulles, provisions, takkes, confirmations, gites, and uthers before specified, failze therein, being lauchfullie charged sa to do, decreit fall be given against them, declairand the famin Bulles, provisions, takkes, gites & uthers abone exprimed to be null, invalide, and insufficient in all time cumming, and it fall be lauchfull to dispone the famin of new, notwithstanding, ony allegiance of validitie, that may after be proponed.

52. *An approbation of the Act maid anent the disposition of Benefices, to the Ministers of Christs Evangell.*

ITEM, Because there hes bene sum question, baith befoire the Lordes of Session, and the Commissaires of *Edinburgh*, anent the declaration of the Queene, our Sovereine Lordis Mother, with advise of the Lordes of Secretir Councell for the time, and thereafter ratified in Parliament, anent the disposition of all benefices, not exceeding three hundreth Markes of zeirly rent, or within, to qualified Ministers.

Quhilk

Quhilk act, our Sovereine Lord, with advife and consent of his Regents grace, the three Estaites, and hail body of this present Parliament, ratifies, apprees, and confirmes: ordainand the samin to have full effect, fra the day and dait thereof, notwithstanding, ony exception proponed, or to be proponed, of none publication of the said act: Scing the Queene, our Sovereine Lordis Mother was sworne therein, *In verbo Principis*; never to cum in the contrair thereof. And that the said Act hes generallie taken effect, sen the making of the samin. Providing alwayes, that this present act, prejudice not the laick Parrones.

53. *Excommunicate perfones, fuld be denounced Rebelles.*

THE QUHILK day, our Sovereine Lord, with advife of his Regents Grace, the three Estaites, and hail body of this present Parliament, statutis and ordainis, that against all perfones excommunicate be ordour of the trew reformed Kirk, within this Realme, letters fall be direct, be the Lords of Councell, in all the four formes, at the instance of the partie; our Sovereine Lords Advocate, or the Procuratours of the Kirk, charging the excommunicate perfones (they being excommunicate forty dayes) to satisfie the sentence or decret pronouncd again st them, and to reconcile themselves to the Kirk, and submit themselves to the Discipline thereof: under the paine of Rebellion, and gif they failzie, to put them to the horne, with letters of Caption, and uthers executorials to passe thereupon, sik-like, and in the samin maner, as was given in the Reigne of our Sovereine Lordis umquhile Gudfchir, against them that susteined the processe of Curfing, attour the space of fourtie dayes.

54. *Anent the reparation of the Paroche Kirkis.*

FOR sa-meikle, as there was an Act made in the Parliament halden in the Moneth of Junij, the zeir of God 1563. zeiris, declairand, that whatsumever ordour fuld be maid and set forth, be the Lords of secreit Councell, for uphalding and reparrelling of Kirkes, and Kirk-zairds, and the execution to be declared be them thereupon, to be sufficient, and to have als great strength and effect, as and the samin had bene expresse conteneid, in the said Act of Parliament, as the samin at mair length proportis. According to the quhilk, an Act of secreit Council was maid, for the bigging, mending, and reparation of Paroche Kirkes, of the dait, At *Striviling* the xiiij. day of September, the zeir of God foresaid. Quhilk Act, as zit, hes not tane execution in na place, because of the sleuth and unwillingnes of the Parochiners, quhilks were slaw; and refused to chuse perfones to taxe their Nichtbouris: and that als wa, there was not Kirk-maisters or Deakons, appointed in the Parochin to receive the taxation appointed. FOR remeid quhair of, our Sovereine Lorde, with advife of his Regents grace, the three Estaites, and hail body of this present Parliament, ratifies and apprees the foresaidis Actes of Parliament, and of secreit Councell in all poyntes, with this addition: That quhair the Parochiners being required to elect and chuse perfones, for making of the taxation, to the effect foresaid, refusis or delayis, or quhair there is na Kirk-maisters or Deacons appoynted; That then the Arch-bisshop, Bisshop, Super-intendent, or Commissioner of the Kirkes, in time of their visitation, quhilk fall be betuixt and the first day of Junij nixt to-cum: Sall at their discretioun, nominate and appoint perfones in every Parochin, for making and setting of the taxation: as als wa for receiving of the samin. And decernis and declaris the said nomination and appoyntment to be sufficient, and sik-like execution fall passe, for compelling of them, as micht have bene given and granted, be vertew of the said Act of secreit Councell, in case they had bene elect be the Parochiners. And because, there hes bene diverse Paroche Kirkes, within this Realme demolished, casten downe and destroyed, for the maist part, and thar certaine particular perfones hes applied the stanes, tymbert, and uther graith pertaining thereto, to their awin particular use and prosite. Therefore, ordainis ony one of the Parochiners of sik Kirkes to give their complaint to the Arch-bisshop, Bisshop, Super-intendent, or Commissioner thereof, upon sik perfones, as they please to complene upon, and they being lauchfullie called, and just tryal taken in the said matter: And according to sufficient probation, to be led and deduced their-intill, that the said Arch-bisshop, Bisshop, Super-intendent, or Commissioner prononce, and give forth their decret their-intill: Quhilk decret, our Sovereine Lord, with advife of his said dearest Regent, and the three Estaites foresaidis, decernis and declaris, to be als sufficient, as and the samin was given befor ony Judge Ordinar. And ordainis, the Lordes of Council and Session, to direct letters of horning or poynding thereupon, at the will and pleasure of the partie, quha fall happen to complene. And sik-like, our Sovereine Lord, with advife of his said dearest Regent, the three Estaites, and hail bodie of this present Parliament, ordainis the Perfones of all Paroche Kirkes withii this Realme, to furnish bread and wine to the Communion, how oft the samin fall be ministrat, within the samin Kirkes.

F I N I S.

Acte omitted in this thrid PARLIAMENT.

A Nent the establisshing of the Regiment, in case at Gods pleasure, that charge zit waik, during the Kings Majesties minoritie.

F I N I S.

Gg 3

THE

T H E F O U R T H
P A R L I A M E N T,

Halden at Haly-rude-hous, the last daie of April, the zeir of God, ane thousand, five hundreth, threescoir thretten zeires: Be JAMES the Sext, be the Grace of God, King of SCOTTES, with advise and consent of JAMES Erle of MORTOUN, Lord DALKEITH, &c. Regent to his Majestie, his Realme and subjectes.

55. *Anent them that divertes fra uthers, being joyned of befoir, in lauchfull Mariage.*



IT IS foundin, and declared be our Sovereine Lorde, his Regentis Grace, the threc Estaites, and haill bodie of this present Parliament: That in all times by-past, sen the trew and Christian Religion was publickly preached, avowed, and established within this Realme, namelie, sen the Moneth of August, the zeir of God, ane thousand, five hundreth, threescoir zeires. It hes beene, and in all times cumming fall be lauchfull; That quhat-sum-ever person, or persones, joynd in lauchfull Mairimonic, husband or wife, divertis fra uthers companie, without ane reasonable cause alledged, or reduced befoir ane Judge, and remains in their malicious obstinacie, be the space of four zeires, and in the meane time, refusis all privie admonitions: The husband of the wife, or the wife of the husband, for dew adherence: That then the husband, or the wife, fall call and persew the obstinate person offender, befoir the Judge Ordinar for adherence. And in case no sufficient causes be alledged, quhair-foir na adherence suld be, bot that the sentence procedis against the offender, refusing to obey the samin: The husband or the wife, fall meene themselves, to the superiour Magistrare, *videlicet*, the Lords of Session, and fall obtreine letters, in the four formes, conforme to the sentence of adherence: Quhilk charge being contemned, and therefoir being denounced rebell, and put to the horne: Then the husband, or the wife, to sure the spiritual jurisdiction and power, and require the lauchfull Arch-bisshop, Bisshop, or Super-intendent of the countrie, quhair the offender remains, to direct privie admonitions to the said offender, admonishing him or her, as befoir, for adherence. Quhilkes admonitiones, gif he or she contemptuously disobeyes: That Arch-bisshop, Bisshop, or Super-intendent, to direct charges to the Minister of that Parochin, quhair the offender remains, or in case there be nane, or that the Minister will not execute, to the Minister of the nixt adjacent Kirk theirtio: Quha fall proceede against the said offender, with publick admonitions, and gif they be contemned, to the sentence of Excommunication. Quhilk anis being pronounced, the malicious and obstinat defector of the partie offender, to be ane sufficient cause of divorce, and the said partie offender to tyne and lose their tocher, & *donationes propter nuptias*.

56. *Salt suld not be transported.*

FORSAMEIKLE, As it is understandin, the great and exhorbitant prices, the small Salt is laticie risen to, within this Realme: Quhilk heitfoir lies nevet bene seene or heard within the samin. And there is na reason, that the said strange dearth and noveltie, suld be suffered to continew, but the occasion thereof, to be timousslie remedied. **THEREFORE, OUR SOVERAINE LORD**, with advise and consent of his dearest Regent, the three Estaites, and haill bodie of this present Parliament, statutis and ordainis: That na small Salt bee transported foorth of this Realme, at onie time hereafter, at the least, for the space of three zeiris, nixt after the daie of this present Acte, under the paine of confiscation of the Salt, as alswa of the Schippes, Veschelles, and uthers movabel guddes of the persones transporters thereof.

PROVIDING alwaies, that the paine of this Acte, extend nor against strangers of *Norway*, and uthers of the East partes, quhilk brings in tymbcr in this Realme, for quhilk, they ar privileged be this present Acte, to transport Salt, for the exchange of their money, conforme to the Actes maid of befoir.

57. *The measure of Salmond, Herring and qubite fish.*

ITEM, **FORSAMEIKLE** as it is considered, that be packing of Salmond, Herring, and qubite-fishes, be the Merchandes, and uthers inhabitantes of this Realme, there is great hurte and damage susteined be the buyers thereof, and great selander susteinis the haill Nation, throw the default of a few number, in sa fare as everie trafficker with sik Merchandice, causis the Cowpers make his barrelles and trees, of sik quantitie, as he pleases, for his awin particular profite, not keepand rherein ane universal measure. **AND** therefoir it is statute and ordained be our Sovereine Lorde, with advise and consent of his dearest Regent, the three Estaites, and haill body of this present Parliament, that everie Salmond barrel

to be maid heirafter, fall containe twelve gallons, of the *Strivling* pynte, and that everie Barrel of Herring and quhite-fisch, containe nine gallons of the samin stope. And that the Cowper, maker of the Barrel, fall burne and marke the samin with his awin proper marke, swa that the buyer may be assured the samin containes sik quantites. And quaha ever failzies heirin, being called, and convict thereof, fall be punished according to the Lawes maid thereupon of befoir.

58. *Anent the annualles of burnt and demolished houses and tenements, within the Burgh of Edinburgh, Cannongate, and others Sub-urbes thereabouts.*

ITEM, For-sa-meikle as it is considered, the heaveie damage and skaith, fustained be the Neighbouris of *Edinburgh, Cannongate*, and others the Sub-urbes thereabout, quha left their landes, heritages, and guddes, for acknowledging our Sovereine Lordes maist just authoritie: be the quhilk, their landes and heritages, was demolished, wracked and burnt, be his Hieneffe declared traytours and rebelles, being within the Castle and Burgh of *Edinburgh*, and their assistares. The saidis landes being addebted in fundrie annual-rents. Quhilk persons, heirours of the saidis annualles, ar now perseward the saidis landes, for the by-runnnes awand them, notwithstanding, they ar demolished and burnt, as said is. Therefore, our Sovereine Lord, with advise and consent of his Regents Grace, the three Estaites, and hail bodie of this present Parliament, declaris the saidis landes burnt and demolished, as said is, not to be oblisset to make compleit payment of the annualles awand fourth thereof, bot the samin to be defalked, according to the acts maid of befoir, anent the payment of the annualles awand fourth of the lands, lyand within the said Burgh, burnt of befoir, be the power of *England*, then enemies to this Realme. And the parties ayneris of the saidis annual-rents, not to have farther action, but according to the acte of Parliament, maid anent the payment of annualles awand fourth of the saidis burnt landes. Seing the demolition foirsaid, is done be our Sovereine Lordis declared Traytours, quhilk is alike to the persones damaged, as gif the samin had bene done be forreine enemies. Providing this act extend to nane, bot to sik as assisted and tuke part with our Sovereine Lord, during the time of thir lait troubles, and continues therein.

59. *Anent the transporting of forbidden guddes out of this Realme.*

ITEM, It is statute and ordained, be our Sovereine Lord, with advise and consent of his Regents Grace, the three Estaites, and hail bodie of this present Parliament, that the actes and statutes, maid of befoir, against the carying of forbidden guddes fourth of this Realme, be diligentlie put to execution in time cumming. And sik-like, that nane of the subjects of this Realme, take upon hand, to cary or transport fourth of this Realme, ony maner of Linning claith, Linget seed, maid Candell, or uther Talloun quhat-sum-ever; cating butter, cheesc, barked hydes, or maid schoone, under the paine of escheit thereof, and the hail remanent guddes of the buyers, and transporters thereof, to our Sovereine Lords use.

60. *Herring and quhite fish, suld be brocht to free Portes within the Realme.*

ITEM, For-sa-meikle as it is heavily complened, how that the hail slayers of all kind of fishes within this Realme, not regarding the Actes maid be our Sovereine Lordis dearest Predecessours of befoir, quhilk is, that quhen herring and quhite-fish is slayne, they aucht to bring the samin to the nixt adjacent Burrowes and Townes, quhair the persones slayers thereof, dwelles, to the effect that our Sovereine Lordis lieges may be first served, and gif abundance occurred, that they might be salted, and transported, be free Burgessees. Throw none-doing of the quhilk, our Sovereine Lord is greatlie defrauded of his customes, and his Hieneffe lieges wants the fruit of the Sea, appoynted be God for their nurifichement, and the Burgessees and free-men of Burrowes dis-appoynted of their trafficque and commoditie.

Therefore our Sovereine Lord, with advise and consent of his Regents Grace, the three Estaites, and hail bodie of this present Parliament; Ordaines that all maner of fisheres, that occupyes the Sea, and uthers persones quhat-sum-ever, that happenis to slay herring, or quhite-fish upon the Coast, or within the les, or outwith the samin, within the Firthes, bring them to free Portes, there to bee saulde commounlie; to all our Sovereine Lordis lieges, and the rest to free-men, quhair his Majesties Customes be not defrauded, and his Hieneffe lieges not frustrat of the commoditie appoynted to them be God, under the paine of confiscation, and tinfell of the veschelles of them, thar cummes in the contrair heir of, and escheit of all their movabil guddes, to our Sovereine Lords use.

F I N I S.

Acte omitted in this fourth PARLIAMENT.

Anent the hame-bringing of Wine, and prices thereof.

F I N I S.

T H E

T H E F I F T H

P A R L I A M E N T,

Halden at Strivling, the XXV. daie of Julij, the zeir of God, 1578. zeires; Be
 JAMES the Sext, be the Grace of God, King of SCOTTES, and the three
 Estaites of this Realme.

61. *The ratification of the libertie of the trew Kirk of God and Religion.*

OUR Sovereine Lord, with advise of his three Estaites of this present Parliament, hes ratified and approved, and be the tenour heirof, ratifies and appreis, all and quhat-sum-ever acts of Parliament, statutes and constitutions past, and maid of befor, aggreable to Gods word, for maintenance of the libertie of the trew Kirk of God and Religion, now presentlie professed within this Realme, and puritie theirof. And decernis and declaris the samin to have the effect in all poynts, after the forme and tenour theirof.

62. *The Glebes of the Ministers and Readers fall be free of Teindes.*

ITEM, Anent the Article proponed, gif Ministers and Readers aucht and suld pay teind for their Glebes and Kirklands, designed to them, conforme to the act of Parliament, maid thereunto; for answer thereto: Our Sovereine Lord, with advise and consent of the three Estaites of this present Parliament, findis and declaris, that the saidis Ministers and Readers, aucht and suld pay na Teind, for their saidis Glebes and Kirk-landes, extending to four aikers of land, designed to them, conforme to the said act. Bot decernis and declaris them to be free of their saidis Teindes, and dischargeth them *simpliciter* thereof in all time cumming.

63. *Anent the visitation of the Hospitalles.*

ITEM, Because diverse Hospitalles hes bene erected by our Sovereine Lordes maist Noble Progenitours, & uthers zelous and devout men within the countrie, quhilks alwaies ar becummin in decay, be negligence of sik to quhom the cure thereof perteines, and ar set in few and rakkes, without all gude ordour, in respect that the vittuals and uthers profitis, pertaining to the saidis Hospitalles, ar converted in small summes of money: Swa that the pure and Beddelles of the saidis Hospitalles, hes small or nothing to live upon. For remeid of the quhilck: Our Sovereine Lord, with advise and consent of the three Estaites of Parliament, ordainis the Chancellor for all Hospitalles founded be our Sovereine Lordis maist Nobil Progenitours, and the Bischops and Commissioners of diocefes, quhair na Bischoppes ar provided, for all uthers Hospitalles, to trie the quantite of their rent, the ordour of their fundation, and the Estait quhairin the rent presentlie is. And to that effect, that the Lordes of Councell and Session, direct letters, chargeing the havers of the foundationes and erectiones of the saidis Hospitalles, fewares and takkes-men of the lands, and uthers pertaining thereto, to produce the samin befor the saidis Chancellor, Bischoppes, and Commissioners, at sik dayes and places, as they fall appoynt, to be seene and considered be them, to the effect, thar ordour may be tane, upon the reformation of the decay of the samin Hospitalles, under the paine of rebellion, and putting of them to the Horne: with certification to them and they failzie, letters fall be direct to put them to the Horne, and that the saidis Chancellor and uthers soirsaidis, report their answer to the Kingis Grace, and Lordes of secreit Councell, betuixt and Pasche nixt-to-cum.

64. *The ratification of the Priviledge of Burrowes, with addition.*

OUR Sovereine Lord, with advise of his three Estaites of this present Parliament, hes ratified and approved, and be the tenour heirof, ratifies and appreis of new, all actes and constitutiones of Parliament, maid be quhat-sum-ever our Sovereine Lordis predecessours of befor, in favours of the Burrowes and Burgeses of this Realme, inhabitantes of all the Burrowes of the samin, with all priviledges, freedomes, immunities and liberties, granted and given to them, and everie one of them, and decernis and declaris the samin, to have full strength, force and effect in all times heirafter, swa that the samin may be put to full and dew execution in all poynts, and to stand as ane perpetual Law to them and their successours, with this addition: Giv and them freedome and priviledge, to convene four times in the zeir, for sik matters as concernes their Estait: And that in quhat Burgh it fall be thocht maist expedient, be the maist pairt of the saidis Burrowes.

Burrowes. Providing alwaies for eschewing of tumultes, that there be present, at the saidis conventions for everie Burgh in number, ane: except the Towne of *Edinburgh*, to have ane maa, nor the uther Burrowes.

65. *The ratification of the act maid of befoir, anent the alienation of landes and dimission of Benefices, be them that ar, or fall happen to be conviēt, of the murtheres of our Sovereine Lordis Father, and of his twa Regentis.*

OUR Sovereine Lord, with advise of his three Estaites of this present Parliament, hes ratified and approved, and be the tenour heiref, ratifies and approves the act of Parliament under-written, maid in the Parliament halden at *Strivling*, upon the xxvij. day of August, the zeir of God, ane thousand, five hundred, threescoir and eleven zeiris, and all poynts, clauses and articles contained therein, after the forme and tenour theirof, of the quhilk, the tenour followes. I T E M, It is decerned and declared, be our Sovereine Lord, with advise of his Regents Grace, and the three Estaites, that all Alienations, resignations, dimissions, and uthers dispositions quhat-sum-ever, maid be ony person or persones conviēt, or that fall happen in ony waies heirafter to be conviēt, or fore-faltd, for air and pairt of the treasonabil murthers and slaughters, of umquible our Sovereine Lordis dearest Father, or Regents of quhat-sum-ever landes, heritages, offices, benefices, rowmes or possessiones, sen the times *respective*, of the committing thereof: ar, and fall be null of themselves, and of nane avail, force nor effect in all times cumming, with all that followed, or fall happen to follow thereupon, with this addition: that our said Sovereine Lord, with advise of his saidis three Estaites of Parliament, hes declared and decerned, and presentlie declaris and decernis, that the foirsaid Act of Parliament, is and was gude and valabil, fra the beginning, and that the samin suld have had in times by-gane, and fall have in all times cumming, full effect: and that all things (gif ony be done in the contrair) is and fall be null, and of nane avail, force nor effect, notwithstanding ony alleged practique, maid in the contrair.

66. *Anent dowbil confirmation of feses of Kirk-landes, and landes halden immediatlie of our Sovereine Lord.*

FORSAMEIKLE as it is statute and ordained, be act of Parliament, maid in our Sovereine Lordis dearest Mothers time, that na infestment of Kirk-landes, set sen the vij. day of March, the zeir of God, ane thousand, five hundred, lvij. zeiris, suld be of ony force or effect, without the samin war dewlie and lauchfullie confirmed be our Sovereine. And als, for-sameikle as it happenis, that dowbil infestmentes of few-ferme, of ony portion of land, is given be ane Ecclesiastical person, to divers persones: and sum times be divers Ecclesiastical persones, to wit, the predecesour and successour, to divers persones in few-ferme, and zit nouthor of the saidis infestments can take effect, or be of availl, without they be dewlie and lauchfullie confirmed be our Sovereine Lord. And als, it is ofimes seene, that confirmations ar granted of baith, the saidis divers infestmentes, at divers times be the sute of the parties: like as it is founden be sundry ordinances of the privie Councel, that our Sovereine Lord, and his Hiensse Compositours, aucht not to deny his confirmation, upon the reasonabil expenses of the partie, suitand upon their awin peril. And likewise, divers alienationes of landes, halden immediatlie of our Sovereine Lord, being maid be ane person, to divers persones, double confirmations ar granted be our Sovereine Lord thereto, quhairas, ane of the saidis confirmations aucht, and can only take effect in all clauses above specified, And notwithstanding, it is the occasion of great debat amangis the lieges, to their great expenses, alweill in payment of their compositiones, as that the samin breadis the occasion of great pley: FOR remeid thereof, it is concluded, statute and ordained, be our Sovereine Lord, and the three Estaites of Parliament, that quhasaever obtaines, or hes obtained, the first confirmation of ony infestment, outhor of Kirk-lands, or uther landes, halden of our Sovereine Lord: that the first confirmation fall be of availl, force and effect, and fall prevail the secund. The said first infestment, quhilk is confirmed, being vailezeable in the seife, and lauchfully done. And in this case, the last confirmation fall not be respected, albeit the samin confirme the first infestment, bor the first confirmation of the last infestment fall prevaille: the last confirmation of the first infestment, be way of exception or reply, without ony Summonds or Processe of reduction. It is alwayes provided, that gif the principal infestment first confirmed, or ony uther substantial cause, be the foirsaid confirmation, be of nane avail or unlauchfullie maid, to the prejudice of ony uther partie, havand interess to the landes therein contained, and quha may be excluded be reason of the first confirmation, the said partie havand interes, fall be heard to accuse or reduce the said infestment first confirmed, or uther wayes, to moye action, against the samin, as accordes of the Law, quhiddir they have obtained confirmation of their infestment, or not. It is als, a statute and ordained, that na dowbil confirmations of infestments of Kirk-landes, or uthers, halden of our Sovereine Lord, be granted heirafter, and discharges the keepers of the Signet, Privie and great Seilles, that they passe not double confirmations: And gif the saidis double confirmations passe in time cumming, our saide Sovereine Lord, with advise of his saidis three Estaites, decernis and declaris, the last confirmation to be of nane avail: Providing, as is above specified.

67. *Ane act anent the caryng of flesh foorth of this Realme in schippes, under coulour of victualling.*

ITEM, For-sa-meikle, as be taking and caryng away of all kinde of flesh, in great quantitie, for victualling of schippes, passand foorth of this Realme, at the haill Portes thereof, and speciallie at *Leith*, and Coast side of *Fife*, It is ane great occasion of dearth of all kinde of flesche, seeing the haill Skippers, Maisters of Schippes, and mariners, in all partes of this Realme, takes foorth of the famin, in great abundance and quantitie, under coulour and pretense of the victualling of their Schippes, mair nor may serve and susteine them for their voyage. FOR remeid quhairof in time cumming, it is statute and ordained, be our Sovereine Lord, and the three Estaites of this present Parliament, that all kinde of flesh, for victualling of their schippes in time cumming, be packed within the free Burghs and Portes, quhair the saidis Schippes lycs, and ar to depart fra, and na uthervaies. And that the Provest, Baillies, and customers of the saids Burrowes, vifisc and consider diligentlie, how meikle flesche may serve everie Schip, and her equippage, for thar present voyage, and according to the number of the equippage and companie, appoynt to everie schip sa many barrells or punschcons, as for that present voyage, fall sufficientlie serve them, to the first port they ar frauchred to, and thereafter mark the saidis barrells or punschcons, appoynted be them, to the furnishing of the saidis schippes, with the commoun marke of the said Burgh. Providing alwaies, that in case the saidis Skippers, Maisters or Marineris, take ony mair flesh foorth of the Realme nor may serve and susteine them, for that voyage, according to the number of their equippage, and as fall be appoynted to them in maner foirsaid, and marked as said is, that the saidis Provest, Baillies, and Customers, everie one of them, within their awin offices and jurisdiction *respective*, search, seek, take and apprehend the super-plus of the said flesh, schipped in the saidis schippes, by and attour the furniture appoynted to them, for that voyage, as said is, escheit and in-bring the famin, to our Sovereine Lordis use, deliver the famin to his Thesaurer, for the quihilk, he fall be halden to answer our Sovereine Lord, zeirlie, in his Checker.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES, and utbers, made be KING JAMES the Sext, and not imprinted.

In this fifth Parliament, 25. of Julij. 1578.

- 1 Declaration of the freedome of the said Parliament.
- 2 The Ratification of the acceptation of the Regiment, be the Kings Majestie, in his awin person.
- 3 Nomination and Election of the Kings Councill.
- 4 Anent the vifitation of Univerfities and Colledges.
- 5 Ane discharge given to JAMES, Erle of Mortoun of his Regiment.
- 6 Ane exoneration of unquibile JOHN, Erle of Mar, anent the keeping of our Sovereine Lordis person, within the Castle of Strivling.
- 7 The alteration of the Faire of Irving.
- 8 The changing of vacance of the Lords of Session.
- 9 Commission for confirmation of Testaments, and placing of Commissaris.
- 10 Commission anent the Lawes: commission for the policie of the Kirke.
- 11 Ratification of the gift maid to the Provest and Maisters, of the auld Colledge of Saint-Andrewes.
- 12 Ane penson granted to the Countes of Mar.
- 13 Commission anent the cuinzie.
- 14 Taxation of ten thousand Markes, for the beeting of the brig of Tay.
- 15 Ane Act concerning the kindlie tenments of the Bischoprik of Dumblane.
- 16 Commission concerning recognition of landes, within Burgh.

F I N I S.

T H E S E X T

P A R L I A M E N T,

Halden and begun at Edinburgh, the XX. daie of October, the zeir of God, 1579. zeires;
Be JAMES the Sext, be the Grace of God, King of SCOTTES, and the three
Estaites of this Realme.

68. *Anent the trow and haly Kirk, and them that ar declared not be of the samin.*



OUR Sovereine Lord, with advise and consent of his three Estaites, and hail bodie of this present Parliament, ratifies and apprevis, all and quhat sum-ever actes and statutes maid of befor, be his Hienes, with advise of his Regentis, in his awin reigne, or his predecessoures, anent the libertie and freedom of the trow Kirk of God and Religion, now presently professed within this Realme; And specially ratifies and apprevis, the sext act of his Hieneffe Parliament, halden the first zeir of his Majesties reigne, intitulat, *Anent the trow and haly Kirk, and of them that ar declared not to be of the samin.* Ordaining the same to be heir insert of new (becaufe of sum defection and informalitie of words in default of the Prenter) in this forme.

OUR Sovereine Lord, with advise of his three Estaites, and hail bodie of this present Parliament, hes declared and declaris the Ministers of the blissed Evangel of Jesus Christ, quhome God of his mercie hes now raised up amangs us, or heirafter fall raise, agreeing with them that now lives, in doctrine and administration of the Sacraments, and the peopil of the Realme that professis Kirk, as he is now offered in his Evangel, and dois communicate with the haly Sacraments (as in the reformed Kirkes of this Realme ar publicklie administrate) according to the confession of the faith, to be the trow and haly Kirk of Jesus Christ, within this Realme, and deerrens and declaris, that all and findrie, quha outhar gainsfays the word of the Evangel, received, and appreved; As the heades of the Confession of the faith, professed in Parliament of befor, in the zeir of God, 1560. zeires: as alswa specified and Registrat in the actes of Parliament, maid in the first zeir of his Hieneffe Reigne, mair particularely dois expresse, ratified alswa and appreved in this present Parliament; Or that refusis the participation of the haly Sacraments, as they ar now ministrat; to be na members of the said Kirk, within this Realme, and trow Religion now presently professed. Sa lang as they keip themselves sa divided, from the societie of Christs body.

69. *Quhairin consistis the jurisdiction of the Kirk.*

OUR Sovereine Lord, with advise of his three Estaites of this present Parliament, hes declared and granted jurisdiction to the Kirk, quhilk consistis and stands in the preaching of the trow worde of JESUS CHRIST, correction of maners, and administration of the haly Sacraments, and declaris that there is na utherface of Kirk, nor uther face of Religion, then is presentlie be the favour of GOD established within this Realme, and that there be na uther jurisdiction Ecclesiastical acknowledged within this Realme, uther, then that quhilk is, and fall be within the samin Kirk, or that quhilk flowis their-stra, concerning the premisses.

70. *Discharge of Mercattes, and labouring on Sabbath-dayes, or playing and drinking in time of Sermon.*

ITEM, For-sa-meikle as it is statute and ordained, be a gude and Godlie Act, maid in the dayes of King JAMES the fourth, our SOVERAINE LORDIS Grandschir, of worthie memorie, that there be na Mercattes nor Faires halden upon Haly dayes, nor zit within Kirkes, or Kirk-zairdes upon Haly dayes or uther dayes, under the payne of escheiting of the guddes; Quhilk Act, our Sovereine Lord, and his three Estaites, ratifies and apprevis, and ordainis the same to have effect and execution in time cumming. And seeing that the Sabbath-day, is now commonly violare and broken, alsweill within Burgh, as to Landwart, to the great dishonour of GOD, be halding and keiping of the saidis Mercattes and Faires, on Sabbath-dayes, usung of handie-labour, and working thereon, as on the remanent dayes of the oulk, and be gamming and playing, passing to Tavernes and Aile-houfes, and wilfull remaining from their Paroche Kirk, in time of Sermon or prayers on the Sabbath. THEIRFOIR his Majestie, and his three Estaites, in this present Parliament statutis and ordainis, that there be na Mercattes nor Faires halden upon the Sabbath-day, nor zit within Kirkes or Kirk-zairdes, that day or ony uther day, under the paine of escheiting of the guddes, to the use of the pure within the Paroche. And sik-like, that na handie-labouring, nor woorking, be used on the Sabbath-day, nor na gamming

and playing, passing to Tavernes and Aile-houses, or selling of meat or drink, or wilfull remaining fra their Paroch Kirk, in time of Sermon or Prayers on the Sabbath-day be used, under the paines following: That is to say, of everie person, for the handie-labouring and woorking, commonlie used be the purest sort, ten schillings, and for gamming, playing, passing to Tavernes and Aile-houses, selling of mear and drink, and wilfull remaining from their Paroch Kirk, in time of Sermon or Prayers on the Sabbath-day, of everie person twentie schillings, to be applied to the helpe and reliefe of the pure of the Parochin. And in case of the refuse, or inhability of ony person offending in the premisses, to pay the saids paines *respective*, presentlie and indelaedie, upon their apprehension or conviction, after lauchfull tryal, he or she, shall be put and halden in the stoks, or sik uther engine, divided for publick punishment, be the space of twenty foure houres. And for execution heirof, the Kingis Majesties commission of Justiciarie, shall be granted to sum persone in every Parochin, best affected and maist abill to performe the same, at the request of the Minister.

71. *Ancient the zouth & others bezond sea, suspected to have declined fra the trew Religion.*

ITEM, Because sindric of the zouth of this Realme, passing to the partes bezond sea, becummis corrupted in Religion, quhairof great inconvenient may follow. **THEREFOIR** it is statute and ordained, that all persones, the sonnes of Nobil-men, Gentil-men, or others pretending the cause of their departure to be for attaining to farther knowledge in letteris, fall before their said departure fure, and obtaine the Kingis Majesties licence to that effect, conteneing ane provision, that they fall remaine constant in the profession of the trew Religion, publicklie preached, and be Lawe established within this Realme, and do, nor procure nathing to the prejudice thereof, or of his Hienes and his Authoritie, under the paine of Barratric. As als wa the saidis persones, within the space of twentie dayes, after their returning within this Realme, fall passe to the Bischop, Super-intendent, or Commissioner of the Kirks, within the bounds quhair they arrive, or happinis to make residence, and there offer to make and give the Confession of their Faith, according to the trew and Christian Religion preached, and be Law established within this Realme, or then within 40. dayes thereafter devoyde and remove themselves furth of this Realm, quhairin gif they failzie, that they be admonished and persewed, as the Adversariies of the saide trew Religion. And for sik persones, as are alreadie furth of this Realme, and hes declined fra the trew Religion, that the ordor appoynted in the Lawes alreddie maid, be used and execute against them, according to the direction and tenour theirof, in all poyntes.

72. *That housholders have Bibles and Psalme-buiks.*

ITEM, It is statute and ordained be our Sovereine Lord, and his three Estaites in this present Parliament, that all Gentil-men, housholders, and uthers worth 300. markes of zeirly rent or abone, and all substantiall Zeamen or Burgeses, likewise housholders esteemed worth 50. poundes in landes or gudes, be halden to have an Bible, and Psalme-buik in vulgar language in their houfes, for the better instruction of themselves and their families, in the knowlege of God, within zeir and day after the date heirof, ilk persone under the paine of x. poundis. And that the Provest and Bailiies of ilk Burgh, and sik persons in every Parochin to landwart, as fall have the Kings Commission, search, inquire and tteyc quha failzies herein, and they being convict thereof, to uptake the said paine of every an that failzies, the thrid part to themselves for their paines, and the twa part to the help and reliefe of the pure of the Parochin.

73. *For the relief of the labourers of the ground, troubled for want of timous teinding of their Cornes.*

THE Kings Majestic, and the three Estaites of this present Parliament, understanding the great skaith and inconvenient, sustained be the labourers of the ground within this Realme, throw the default of the Teinding of their cornes in dew time, be the malice of sik as hes titles, or takkes of their saidis teindes, oftentimes causing the saidis labourers of the ground, for default of Teinding of their saidis cornes in dew time, to tyne their cornes, or fall in danger of spuilzie. For remeid quhairof, our said Sovereine Lord, with advise of his saidis three Estaites, statutis and ordainis, That all persons havand titil or takkes to ony teind scheves, and being in use of Teinding, or intending ony wise to leade the same, fall passe or send, and cause teind the saidis cornes, ay as the samin is readie, within aucht dayes after the scheering thereof, quhilk gif they delay to do, that at the end of the requisition underwritten, it fall be lauchfull to the awner of the saidis cornes, to take twa honest Nichtbouris, sworne in presence of famous witnesses, and to teind his saidis cornes, leade the stok therefra, and place the teind stakked upon the ground, quhilk the awner of the saidis cornes, fall be halden to keip undestroyed and eaten be beastes, quhill the first day of November thereafter. Providing that he require teinding of the partie havand the titill, takke or richt to the saidis teind scheves, oppenlie in the Paroch Kirk, upon three several Sabbath-dayes before noone, after the scheering of the saidis cornes. Quhilk order being dewlie and faithfullie observed be the owner of the said cornes, it fall be sufficient warrand and defence for him, against all action of spuilzie, that may be persewed against him, for intromission with his saidis cornes, he teindand thankfullie.

with

with the persone havand ritill or rakke of his saidis teindes, and making na impediment to the teinding and leading theirof in lie wayes, or upon ony ground that is schorne.

74. For punishment of strang and Idle Beggars, and reliefe of the pure and impotent.

FOR SAMEIKLE as there is findrie lovabill Acts of Parliament maid be our Sovereain Lords maist nobill Progenitours, for the stanching of maisterfull and idle Beggars, away putting of fornars, and provision for the pure: Bearing, that nane fall be thoiled to beg, nouthor to Burgh nor to land, berwixt 14. and 70. zeires. That sik as makes themselives Fules and ar Bairdes, or others siklike runners about, 14. and 70. zeires, fall be put in the Kingis Waird or irones, sa lang as they have ony gudes of their awin to being apprehended, fall be put in the Kingis Waird or irones, sa lang as they have ony gudes of their awin to live on: And fra they have not quhairnpon to live of their awin, that their eares bee nayled to the Trone, or to an uthor trec, and their eares curted off, and banished the countrie, and gif thereafter they be found againe, that they be hanged.

ITEM, That nane bee thoiled to begge in ane Parochin, that ar borne in ane uthor. That the heademen of silk Parochin, make takinnes, and give to the Beggars theirof, that they may bee susteined within the boundes of that Parochin. And that nane uthor bee served with almes, within that Parochin, but they that beiris that takinne allanerlie, as in the Actes of Parliament maid theiranet, at mair length is contened. Quhilkes in time bygane, hes not bene put to dewe execution, throw the iniquitie and troubles of the time by-past, and be reason that there was not heitofoir ane ordour of punishment, sa speciallie devised, as need required, bot the saidis Beggars, besides the uthers inconvenientes, quhilks they daylie produce in the commounwealth, procures the wrath and displeasure of GOD, for the wicked and ungodlie forme of living, used amangs them, without mariage or baptizing of a great number of their bairnes. **T**HEREFOIR now, for avoyding of the inconvenientes, and echewing of the confusion of findrie Lawes & Actes, concerning their punishment, standing in effect: And that sum certaine execution, and gude ordour may follow theranet, to the great pleasure of Almichtie GOD, and commoun weill of the Realme: **I**T IS thocht expedient, statute and ordained, alswell for the utter suppressing of the saidis strang and idle beggars, sa contagious enemies to the commoun weill: As for the charitabill relieving of aged and impotent pure peopill, that the ordour and forme following bee observed: That is to say, that all persones, being above the aige of foureene and within the aige of threescoir and ten zeires, that heirafter ar declared and set forth be this Act and ordour, to be vagaboundes, strang and idle beggars, quhilkes fall happen at ony time heirafter, after the first day of Januar nixt-to-cum, to be taken wandering and misordering themselves, contrary to the effect and meaning of thir presentes, fall be apprehended, and upon their apprehension be brocht befor the Provost and Baillies within the Burgh, and in everie Parochin to Landwart, befor him that fall be constitute Justice be the Kingis Commission, or be the Lords of Regalie, within the samin to this effect: And be them, to be committed in waird, in the commoun prison, stokkes or irones, within their jurisdiction, there to be kept, unlatten to libertie, or upon bande or sovertie, quhill they be put to the knowledge of ane Assise, quhilk fall be done within sex dayes thereafter. And gif they happen to be convicted, to be adjudged to be scourged and burnt throw the eare, with ane hote iron: The processe quhair-of fall be registrate in the Court buikes. Except sum honest and responfall man, will of his charitie, bee contented then presentie, to Act himselfe before the Judge, to take and keip the offender in his service, for anchail zeir nixt following, under the paine of twentie pound, to the use of the pure of the Town or Parochin. And to bring the offendour to the head Court of the jurisdiction at the zeires end, or then gude prufe of his death, the Clerke taking for the said Acte, twelve pennies onely: And gif the offender depart and leave the service within the zeir, against his will that receivis him in service: Then being apprehended, he fall be of new presentied to the Judge, and be his command, scourged and burnt throw the eare, as is foresaid. Quhilk punishment, being anis received, he fall not suffer againe the like, for the space of threescoir dayes thereafter, bot gif at the ende of the saidis lx. dayes, hee be founden to be fallen againe in his idle and vagabound trade of life: Then being apprehended of new, he fall be adjudged, and suffer the paines of death as a thief.

And that it may be knawen, quhat maner of persones ar meaned to be idle and strang beggars, and vagabounds, and worthie of the punishment before specified. **I**T IS declared, that all idle persones, ganging about in ony Countrie of this Realme, using subtil, craftie, and unlauchfull playes, as Juglarie, Fast-and-lous, and sik uthers. The idle peopill calling themselves *Agyptians*, or any uthor, that feinzies them to have knowledge of Charming, Prophecie, or uthers abused sciences, quhairby they perswade the peopill that they can tell their weirdes, deaths and fortunes, and sik uthor phantastical imaginations: and all persones being haill and starke in bodie, and abill to woorke, alledging them to have bene herried or burnt, in sum far pairt of the Realme, or alledging them to be banished for slaughter; and uthers wicked dcides: and uthers nouthor havand land nor Maisters, nor using ony lauchfull merchandice, craft or occupation, and uthers they may win their livings, and can give na reckoning how they lauchfullie get their living: & all quhairby they may win their livings, and can give na reckoning how they lauchfullie get their living: & all Minstrelles, Sangsters, and Tale-tellers, not avowed in special service, be sum of the Lords of Parliament or great Burrowes, or be the head Burrowes and Cities, for their commoun Minstrelles: all content or great Burrowes, or be the head Burrowes and Cities, for their commoun Minstrelles: all content or great Burrowes, or be the head Burrowes and Cities, for their commoun Minstrelles: all content

Vagabounds
& idle beg-
gars shal be
punished.

Of him
quha styes
fra his ma-
sters ser-
vice.

Quha shal
be esteemed
vagasounds
and idle
beggars.

ces to beg, or using the same, knowing them to be counterfeit: all vagabound schollers of the Universitics of *Saint-Andrewes, Glasgow and Abirdene*, not licenced be the Rector and Deane of Facultie of the Universitie, to aske almes: all Schip-men and Mariners, alledging themselves to be schip-broken, without they have sufficient testimonialles, shall be taken, adjudged, esteemed and punished, as strang Beggars and Vagaboundes. And gif ony person or persones, after the said first of Januar next-to-cum, gives money, harberie or ludgeing, settis houses, or shawis ony uther reliefe, to ony vagabound or strang begger, marked or to be marked, wanting a licence of the Provest and Baillies within Burgh, or of the Judge within that Parochin: The famin being dewlie provin at the Court, they shall pay sik unlaw to the use of the pure of the Parochin, as be the Judge, at the Court shall be modified, swa the same exceed not five pounds. And als wa, gif any person or persones, disturbis or lettis the execution of this Act ony maner of wayes, or makis impediment against the Judges and ordinarie officers, or uthers persones, travelling for the dew Execution heir of, they shall incur the same paine quhilk the vagabound suld have incurred, in case he had bene convict. Providing alwayes that schip-men and fouldiours, landing in this Realme, have licence of the Provest or Baillie of the Towne, or Judge in the Parochin, quhair they war schippe-broken, or first entred in the Realme, fall, and may passe, according to the effect of their licences, to the rowmes quhair they intend to remaine. And that the licences onelic serve, in the jurisdiction of the giver; Sa that gif the person travelling hame, have farther journey, he procure the like licences of the Judge of the next Parochin or Town, throw quhilk he mon passe, and sa fra Parochin to Parochin, quhill he be at his resting place. And that there be certaine persones, ane or maa nominate, in everie Burgh and Parochin, be the officers and Judge thereof, for searching, receiving, and convoying of the vagaboundes, to the commoun prison, Irones or stokkes, upon the commoun charges of the Parochin. Quhilk persones so created, shall be holden to do their dewtie diligentlie, as the saids Judges will answere there-upon. And seeing charitie wald, that the pure aged, and impotent persones, suld be als necessarilie provided, as the vagaboundes and strang beggars repressed, and that the aged, impotent, and pure people, suld have ludgeing and abiding places, throughout the Realme, to settle themselves intill.

IT IS therefore thocht expedient, statute and ordained, that the Lorde Chancellor, according to the direction, of findrie lovabill Actes of Parliament heirtofoir maid, shall call for the erections of all Hospitalles; to be produced befoir him, and inquire and consider, the present Estaithe thereof, reducing them, sa far as is possible, to the first institution, as may best serve, for the helpe and reliefe of the saids aged, impotent, and pure peopill. And als that the Provests and Baillies of ilk Burgh and Towne, and the Justice constitute, be the Kings commission, in every Parochin to landwart, shall betuix and the first said day of Januar next-to-cum, take inquisition of all aged pure, impotent and decayed persones, borne within that Parochin, or quhilkles war dwelling, and had their maist commoun resort in the saide Parochin, the last seven zeires by-past, quhilkles of necessitie mon live bec almes: And upon the said inquisition, shall make ane Register buike, containing their names, and sur-names, to remaine with the Provests and Baillies within Burgh, and with the Justice in everie Parochin to Land-wart: And to the effect, that the number of the pure people of everie Parochin, may be knawin, statutis and ordainis, that all pure peopill, within fourtie dayes after the Proclamation of this present Act, at the mercat Croce of *Edinburgh*, repayre to the Parochin, quhair they were borne, or had their maist commoun resort or residence, the last seven zeires by-past, and there settill themselves, under the paine, to be punished as vagaboundes, and contravenors of this present Proclamation: And the said space of fourtie dayes being by-past: That then, the Provests and Baillies within Burrowes, and the Judge constitute, be the Kingis commission in ilk Parochin, to Land-wart, make a Catalogue, of the names of the saids pure people, inquire the men and women, quhair they wer borne, quhair they ar married or un-married, quhen, and be quhom they war married, and quhat bairnes they have, and quhair their bairnes wer baptized, and to quhat forme and trade of life, they addresse themselves, and their saids bairnes: Gif they be diseased or haill, and abill in bodie, and quhat they get commounly on the daye, be their begging: And sik as necessarilie mon be susteine be almes, to see quhat they may be maid content of their awin consentis, to accept daylie to live unbeggand, and to provide quhair their remaining fall be, be them-selves, or in hous with others, with advise of the Parochiners, quhair the saids pure peopill, may be best luded and abyde. And thereupon, according to the number, to consider quhat their needefull sustentation will extend to everie oulk: and then, be the gude discretions of the saids Provests, Baillies and Judges, in the Parochinis to Land-wart, and sik as they shall call to them to that effect, to taxe and stent the haill inhabitants within the Parochin, according to the estimation of their substance, without exception of persones, to sik ouklike charge and contribution, as fall be thocht expedient and sufficient, to susteine the saids pure peopill. And the names of the inhabitants stented, togidder with their taxation, to be likewise registrate: And that at their discretion, they appoynt overseers and Collectours in everie Burgh, Toun and Paroche, for the haill zeir, tor collecting and receiving of the said ouklike portion, quhilkles shall receive the same, and deliver sa-mekle thereof to the saids pure peopill, and in sik maner, as the saids Provest and Baillies within Burgh, and Judges, in the Parochin to Land-warte, *respective*, shall ordaine and command; And that overseeres of the saids pure peopill, be appoynted be their discretions, to continue also for a zeir. And at the end of the zeir, that the taxation and stent Roll, be alwayes maid of new, for the alteration that may be throw death, or be incres or diminution of mennes guddes and substance. And that the Provests and Bailles in Burrowes or Tounes, and the saids Judges, in the Parochinnes to Land-

watt,

Of them
quhair main-
tenes or re-
ceipts va-
gabounds.

Of them
quhair stey-
es the execu-
tion of this
Act.

Of soldiers
and schip-
broken
men.

Scavengers
of vaga-
bounds.

Reparation
of Hospital-
les, for aged
& impo-
nent per-
sones.
Inquisition
suld be ta-
ken of
aged, pure,
and impo-
nent per-
sones.

Call pure
people suld
returne to
their awin
Parochin.
And of
their sus-
tentation.

Collectors
for almes.

Over-seers.

The stent
Roll.

wart, fall give an Testimoniall to sik pure folk, as they finde not bogne in their awin Parochin, or making residence therein, the last seven zeires, sending or directing them to the nixt Parochin, and sa fra Parochin to Parochin, quhill they be at the place quhair they were borne, or had their maist common resort and residence, during the last seven zeires preceeding; there to be put in certaine abiding places, and susteined upon the common almes, and ouklike contribution, as is befoir ordained, except Leprous peopill, and bedfast peopill, quhilkis may not be transported. Providing that it be lesfull to the pure peopill, sa directed, to their awin abiding places, with Testimonialles to aske almes in their passage, sa as they passe the direct way, not resting twa nitches togidder in ony an place, without occasion of seekeneffe or storme impede them.

Testimonialles to bee given to the pure.

And gif ony of the pure peopill refuse to passe and abide in the places appoynted, or after the appoyntment, be found begging, then to be punished be scourging, imprisonment, and burning throw the eare, as vagabounds and strang beggars: and for the second fault, to be punished as thieves, as is befoir appoynted. And gif the persones chosen Collectoures, refuse the office, or having accepted the same, beis found negligent therein, or refusis to make their compts everie half zeir anis, at the least, to the Provests and Baillies in Burrowes, and to the saidis Judges in Land-wart, and to deliver the super-plus of that quhilk restis in their handes, at the end of the zeir, or halfe zeir, to sik as fall be chosen Collectours of new: Then ilk-ane of the Collectours so offending, fall incur the paine of twentie punds, to the use of the pure of that Parochin, and imprisonment of their persones, during the Kingis will: For quhilkis paines, the saidis Provests, Baillies and Judges, fall poynd and distrenzie: And gif ony persones, being abill to further this charitable woork, will obstinatlie refuse to contribute to the reliefe of the pure, or discourge others from sa charitabill ane deede; The obstinate or wilfull person, being called befoir the saidis Provests and Baillies within Burgh, or Judges in the Parochines to Land-wart, and convict thereof, be ane Assise, or sufficient testimonie of twa honest and famous witnesses his nichtbours, upon the supplication of the saidis Provests, Baillies & Judges, to the Kings Majestie, and his privie Councell, the obstinate and wilfull person or persones, fall be commanded to wait in sik pairt, as his hienes, and his Councell fall appoynt, and there remains, quhill he be content with the ordour of his said Paroch, and performe the same in deede; And gif the aged and impotent persones, not being sa diseased, lamed or impotent, bot that they may woork in sum maner of wark, fall be the overseers in ony Burgh or Parochin, appoynted to wark, and zir refusis the same: Then first be the refuser to be scourged, and put in the stokkes: and for the second fault, to be punished as vagabounds, as saidis.

Of the pure refusing to returne to their awin Parochin, Collectours.

Of them quhair refusis to contribute to the help of the pure.

Of the pure refusing to woork.

And gif any Beggars bairne, being above the age of five zeires, and within fourteene, male or female, fall be liked of, be ony subject of the Realme of honest estait: The said person, fall have the bairne, be ordoure and direction of the saidis Provest and Baillies within Burgh, or Judge in every Parochin to Land-wart. Gif he be a man-child, to the age of xxiv. zeires, and gif sche be a woman child, to the age of xviij. zeires, & gif they depart, or be taken or intised from their Maister or Maistresse service, the Maister or Maistresse, to have the like action and remedie, as for their hired servand or prentices, asweill against the bairne, as against the taker, and intiser thereof. And quhair collecting of money may not be had, and that it is over gaird and burding to the Collectours, to gadder victualles, mear and drink, or uther things, for reliefe of the pure in sum Parochines; That the Provest and Baillies, in Burrowes, and the saidis Judges, in the Parochines to Land-wart, be advise of certaine of the maist honest Parochiners, give licence under their hand-writs to sik, and sa many of the saidis pure people, or sik others of them, as they fall think gude, to aske and gadder the charitable almes, of the Parochiners, at their awin houfes. Sa as alwayes, it be peeedely appoynted and aggrided, how the pure of that Parochin, fall be susteined within the same, and not to be chargeable to others, nor troublefome to strangers. And seeing be reason of this present act and ordour, the common prisones, irones and stokkes of everie head Burgh of the Schire, and others Townies, dour, the common prisones, irones and stokkes of everie head Burgh of the Schire, and others Townies, as like to be filled, with ane greater number of prisoners, nor of before hes bene accustomed, in sa far, as the saidis vagaboundes, and others offendours, ar to be committed to the common prison of the Schire or Towne, quhair they were taken, the same prisones being in sik Townes, quhair there is great number of depure peopill, mair nor they ar weill abill to susteine and relieve: And sa the prisoners ar like to perish in depure fault of sustentance: Therefoir the expenses of the prisoner, fall be payed be a pairt of the common contributions, and oukly almes of the Parochin, quhair he or sche was apprehended, allowand to ilk person daily ane pounce of Ait breade, and water to drink. For payment quhair of, the presenter of him to prison, fall give severtie, or make present payment. And that the Schireffes, Stewardes and Baillies of Regalities, and give severtie, or make present payment. And that the Schireffes, Stewardes and Baillies of Regalities, and give severtie, or make present payment. And that the Schireffes, Stewardes and Baillies of Regalities, and give severtie, or make present payment.

Of beggars bairnes.

Collection of victualles, mear & drinke.

Expenses of prisoners.

Execution of this act.

Interpretation of this act.

75. For punishment of persones, that contemmandly remaynes rebelles, and at the Kings Horne.

Of sameikle, as the contempt of our Sovereine Lordis autoritie, and of the Lawes and ordinar Justice of the Realme, is the ground and fountaine fra quhilk, the maist part of all confusion and disorder procedis.

ceedis, and amangs uthers evilles, the disobedience of the processe of horning is sa great and commoun, that the persones denounced rebelles, takes na feare theirof, and the parties hurrand in their interest, that hes obtained decreetes and letters, with their infinite expenes and coaste, can get na execution nor redresse. And how-beit, be an Acte and ordinance, maid be the Lordes of Session, it was provided, that all Officers, immediady after their denuntiation of ony persones to the horne, suld passe to the Schireffe of the Schire, quhair they dwelt, and intimate to him the same, requiring him in our Sovereaine Lordis name and autoritie, to make ane just inventure of all the saidis persones gudes, to the effect, that the samin might be inbrocht to his hiensesse use, for their contemptioun: And that the saidis Officers, suld deliver to the saide Schireffe ane authentick copie of the saidis letters, with the execution of the same, subscribed with their hand, & within acht dayes thereafter, suld pass to the Thesaurer or his Clerkes, and deliver to them ane uther copie of the saidis letters, with the execution of the same, in like maner subscribed, with the saidis Officers handis, to the effect foirsaid, conforme to the said Act and ordinance. Neverthelesse the samin hes bene neglected of the maist part, and na wife followed be the saidis Officers; Swa that the impunitie of sik heynous attemptes, and open Rebellion, hes brocht our Sovereaine Lordis autoritie in contempt, and maid the multitude of rebelles sa great, that it fall be difficult to know them fra the Kings obedient subjectes, without sum haillie remedee be provided. Notwithstanding, that be the foirsaid ordinance of the Lordes of Session, and uthers lovabill Lawes and Acts of Parliament, established be his Hienes, and his maist Noble progenitors gude ordour be taken for avoyding of the said confusion: zit the negligence of the dew execution theirof, hes bred this great inconvenient. Quhilk now our Sovereaine Lord, for the furtherance of his obedience, and universal weill of his subjectes, presently intends, as God fall grant opportunite, to remedee. Therefor his Hienes, with advise of his three Estaites, in this present Parliament, statutis and ordainis, that all letters of horning, execute and indorsat, or that fall happen to be execute and indorsat, befor the publication of this present act, fall within the space of fiftene dayes, after the publication theirof, and in all time thereafter, within the space of fiftene dayes, after the denuntiation, be brocht to the Schireffe-Clerk of everie Schirefdome, quha fall registrate the same, in the Schireffes buikes, and deliever the principall letters againe execute and indorsat, and noted on the back, registrate sik a day, and subscribed with his hand, within twenty four houres, after the receipt theirof, and fall receive fra the partie awner and presenter of the saidis letters, for his labouris only sex schillingis acht pennies.

Letters of
horning
suld be re-
gistrat.

The quhilkes letters and executions theirof, swa registrate and subscribed on the back, be the said Schireffe-Clerk, or the copie theirof authenticklie extractet fouth of the said Schireffe buikes, subscribed be the said Schireffe and Clerk, fall be esteemed as authentick, and fall have effect and force in quhar-sumever Judgement they happen to be produced, ay and quhill the partie swa denounced to the Horne, obtaine himselve ordourlic relaxed their fra: Quhilk relaxation, fall als wa be maid publicklic, at the mercat Croce of the Schire, quhair he dwellis, and quhair the denuntiation of horning was maid: and that the said relaxation, and execution theirof, fall be like-wise registrate in the said Schireffes buikes, within xv. dayes after the publication thereof, at the mercat Croce, and be als wa registrate and subscribed on the back, in maner foirsaid, urtherwise the saidis letters of horning and relaxations, fall na wife be halden lauchfullie and ordourlic execute, bot the executions theirof null. And that all Schireffes have honest famous men to their Clerkes, quha be themselfes, or their sufficient deputes, fall be halden, to be alwaies resident, within the head Burgh of the Schire, for receiving and registring of the saidis hornings and relaxations, as they fall occur, and fall do the same trowlie and ordourlic, within xxiv. houres, under the paine of payment of the damage and interest, that the partie skaithed happinis to susteine in their default, at the sight and modification of the Lordes of Councill and Session: And that ilk Schireffe, cause the names of all the persones, swa denounced and remayning in his register, to be openlie published and proclamayd, at the mercat Croce of the heade Burgh of the Schire, upon the mercat dayes, preceeding the three head Courtes zeirlic, and affixe the Catalogue of their names, baith on the mercat Croce, and in the Tolbuth, that gif ony of them bes action to persew, they may be repelled *ab agendo*, and na wayes to be delete furth of the said Catalogue, quhill they be lauchfullie and dewlie relaxed fra the horne. And that everie Schireffe, within the space of xv. dayes, after the heade Court, send the Catalogue of the names of the saidis Rebelles, registrate in his buikes, and ane brieve note of the causes, for quhilk they ar denounced, to our Sovereaine Lordis Thesaurer, or his Clerk, quha fall be halden with all diligence to raise letters, and cause uptake the escheitres of the rebelles, to our Sovereaine Lords use. And quhen our Sovereaine Lords Comptroller, Collectour generall, or ony uther person, presents letters of horning, dewlie execute and indorsat, to the said Lord Thesaurer, or his Clerk, for speciall summes of money or debt: The Thesaurer fall cause raise letters thereupon, at his instance, for uptaking of the escheit, direct urther to the Schireffe of the Schire, or his deputes, or to Officers of Armes, as it may best serve, be advise of the complener, of the readiest and first ende of the quhilk escheit, the partie complener, fall be payed of his just debt, with the officers expenes, and the super-plus of the said escheit, to be brocht in to his Majesties Thesaurer, within the space of ane Moneth thereafter. Providing that the partie complener, and presenter of the letters, to the Thesaurer, make the first expenes upon the Schireffe or Officer, that fall be directed, for uptaking of the saidis escheit gudes, quhill the escheit selfe, may releve the saidis expenes, and then the same to be tane, and allowed of the escheit. And in case the officiar direct for uptaking of the said escheit, beis violently deforced & stopped in execution of his office, then upon the complaint of the said Lord Thesaurer, or of the Officer or partie, that wants pay-

Relaxation
suld be Re-
gistrat.

Schireffe-
Clerkes.

The names
of the Re-
belles suld be
published.

And give
to the The-
saurer.
Escheit suld
be taken up
be the The-
saurer.

Deforce-
ment of the
officiar.

ment of his debt, letters fall be direct, be deliuerance of the Lordes of Councell, charging the Schireffe of the Schire, and his deputies: Or gif it be understand, that the Schireffe will not, or may not, charging sum of the Nobill-men, Barronnes, Gentle-men of gude power within the Schirefdome, best affected to the furth setting of our Soueraine Lordis authority and Justice, to convocare his hienes ligges in weir-like maner, and to passe and concur with the said Officiar, that befor was deforced and stopped, and see the command of the letters execute realtie, and with effect, befor they depart off the ground, quhair the saids escheit guddis remainis: In the quhilk execution, they fall have all freedomes, privileges, and immunities, that ar granted be the Lawes of this Realme, to sik persones as persewis the Kings rebelles, to bring them to his Lawes. Providing that this act, nor nothing therein contained, be prejudiciall to the Lordes of Regalities, or their Baillies, bot they to use and bruike their richt and priviledges, baith in execution of letters, and in uptaking of escheits, as they might have done, before the making of this present Act. And howsoever the escheit be uptaken, upon horning execute, for summes of money, quhidder be the Schireffes, and others ordinar Judges, be their awin authoritie, or at command of our Soueraine Lordis letters, that alwayes the partie complener, be first satisfied of the just debt, with the Officiars expenses.

The creditors preferred to the King.

76. For remede of the fraude and disorder, used be Officiars of Armes, in execution of Criminnall letters.

ANENT The complaint maid to our Soueraine Lord, and the three Estaites of this present Parliament, be the pure Commouns universallie, within this Realme, makand mention, that quhairas it is not unknawin to his Hienes, and his Estaites, how JAMES Earle of *Mortoun*, Lord of *Dalkeith*, in his late Regiment, for gude ordour to be had amongst his Majesties Officiars of Armes, and others parties, that rayed and persewed letters upon slaughters, mutilations, and others capital crimes, quhairby ane great multitude of complices was summonsed and given in bill, and sik collusion used betuixt the parties and Officiars foirsaidis executors thereof, that composition was tane for deleting of their names, to the great prejudice of his Majestie, they being oftimes knawen, as guiltie of the famin crimes, and zit could not be persewed at the diet appoynted thereto, in respect that na sovertie was found, for reporting of the saidis letters, dewlie execute and indorsat, upon the saidis complices: And therfor command was given, be his Hienes lait Regent foresaid, to the Justice Clerke and his depute; That na letters criminnall, in time cunning, suld be direct, nor past bethem, for summonsing ony complices, to be given in bill, be the partie purchesser thereof, bot that the hail persones compleened upon, suld be nominate in the bodie of the principall letters. Neverthelesse it is of veritie, that divers our Soueraine Lordis Officiars of Armes foresaidis, without power or Priviledge granted to them, be vertew of the saidis criminnall letters, not only hes summonsed, and daily zit summonses, divers persones, as complices given in bill, and not nominate in the letters foresaidis, compelland there-throw ane great pairt of the saidis complices, to travell, upon their sumptuous charges and expenses, to his Majesties Burgh of *Edinburgb*. And uther-wayes uses sik extortion, that the subjectes ar compelled to give the saidis Officiars composition to delecte their names: Like as alwa to their greater wrack and heirship, the saidis Officiars bec collusion of divers parties, purchesseris of the saidis letters, hes summonsed and daylie zit summonses sik multitude of Assifoures, to particular diets, that be composition received be the saidis Officiars, fra substantial persones, quhom they delecte, and drawis furth of their tikket, after they be summonsed, there is, be appearance, of their extortion, neir als meikle profite and composition collected, as wald satisfie the parties against quhome the crimes ar committed, and na uthers ar put in Roll, to compeir upon the Assise, but a multitude of his hieneffe pure commounes foresaidis, quahas not money to pay composition: to their great hurt, travell and expenses: as alwa to the prejudice of his Majesties Thesaurer, and Advocates for his hieneffe interest, quhilkes, for want of ane sufficient number of Assifoures, ar compelled to consent to the continuation of sinderic causes. Therfor, our Soueraine Lord, with advise of his three Estaites, in this present Parliament, statutis and ordainis, that the Justice Clerke, and his deputies, fall direct na letters in time cunning, for calling of ony complices generallic, to underly the Law, bot that the letters be upon speciall persones compleened upon. And that no Schireffe or Officiar of armes, executor of ony criminal letters, presume to take upon hand, to charge or use execution, upon ony complices given in bill, atour the bounds and direction of the letters, nor to summons ony maa persons upon ane Assise, then fourtie five, quhilkes he fall receive in Roll, fra the partie persewer, subscribed with his hand, and fall then annex the same Roll, unaltered or cancelled, to the end of his execution, under the paine of five hundred marks, to be incurred be his sovertie, and the said Officiar to be deprived of his office, and to dretch pained, suffer farther pained in his bodie and guddes, at our Soueraine Lordis will. And gif ony partie persewer, findis that of necessitie, hee mon have ane greater number summonsed upon the Assise, upon his supplication, the same fall be granted, as it fall appeir reasonable. In quhilk case, the Officiar may summonsed fra many maa, upon the Assise, as he fall be directed be the letters, and receive in Roll, subscribed be the partie, without incurring the paine above written.

The names of all complices suld be contained in the letters.

Assifoures in number 45 suld be given in Roll.

77. *That the paines of Law-borrowes, shall be divided betwixt the King and the partie.*

FORSAMEIKLE as the paines of breaking of Law-borrowes, hes bene negligentie taken up in time by-gane, be reason the partie offended unto, received na commoditie, be the perfute of the action. **T**HEREFOIR It is statute and ordained, be our Sovereine Lord, with advife of the three Estaites of this present Parliament: That the paines of breaking of Law-burrowes to be fund in time cumming, shall be equallie divided, the one halfe to our Sovereine Lordis use, and the uther halfe, to apperteine to the partie offended unto, quha shall have action to perfew therefoir.

78. *Against sik as troubles their Nichtboures, be criminall perfute sake-les.*

Forsameikle, as sindrie persones of meere malice and envie, calumniatis innocent persones, and daylie perfewis them befoir the Justice, upon paines criminall, quhair of the persones accused being innocent, at acquite and maid cleane be the Assise. And likewise sindrie persones, thar outhet in their awin Names, or be the Kingis Advocates upon their information, raisis criminall letteris and summoundis Assises, from the far partes of this Realme, oftimes usis to passe fra the perfute of the letteris at the Bar, to the great prejudice of our SOVERAINE LORD, and troubill of his hienes lieges. For remeede quhairof, our Sovereine Lord, with advife of his three Estaites of this present Parliament statutis and ordainis, That the saidis injust perfeweris fall pay the paines and unlaw *Respective* following, in case the persones accused happenis to bee acquite of the crymes, layde to their charge, to be equally divided betuixt OUR SOVERAINE LORD and the partie acquite. That is to say, gif the partie acquite be onlie ane person or ma, of, or within the number of ten, the summe of ten pundes, and gif the number acquite bee past the number of ten, the summe of twentie pundis, and that doome be given theirupon befoir the Justice, without farther calling, and the perfewer halden in waird, quhill he make payment. And gif the Kingis Majesties Advocat be onlie perfewer, his informer to pay the paine forsaid, And letteris of pointing or horning to be direct, for payment thereof, upon the Act of Adjournall without uther calling or Proees of Law. And that in rime cumming, the Justice Clerke and his deputes, at the granting of letteris, take sovertie for againe-bringing of the letteris dewlie execute and indorsat, and that the raiseris thereof, fall perfew the samin letteris at the day appoynted, under the paine contained in the Acts of Parliament.

79. *Anent the cheiffing of Inquestes in causes of Perambulation.*

BECAUSE There is mony and sindrie brieves of perambulation, raised within this Realm, quhairin the raiseris of the saidis brieves foundis themself upon na bounded evident, bot intendis to verifie and prove their claime of the meithis and marches of the landes debaitabill, be the persones of inquest being men of small rent or living, and sum of them having na heritage, and sik-like be sindrie persones, quha kentis nocht the landes debaitabill, nouthet zit dwellis in the countrie neare the samin, thinking na objection may be maid against them, swa that they be *Probi & fideles homines Patrie*, quhilk as sum think, is honest and faithfull, havand geir, worth the Kingis unlaw, and subjectes of the Realme, quhair ever they dwell far ar neare. Quhilk gif it wettrew, men of na heritages suld be Judges, and als wa witnesses to the property of landis, and tak away mennis heritages and landes pertaining to them, and adjudge the same to uthers, quha hes litte or na richt to the samin. **T**HEREFOIR It is statute and ordained, That in all time cumming, in causes of Perambulation, na persones be received upon the Inquest thereof, bot honest substantial men, having heritage of their awin, and quha best knawis the meithes of the saidis landes, and dwellis maist ewest the samin, To wit, within the Schirefdome quhair the saidis landes debaitabill luyis (gif they may be had within the samin) and foure halvis about, or foure nixt Schires, gif they cannot be convenientlie had within the Schire it self. And this to be univerrallie observed, quhen the brieve and clame of Perambulation, cannot be verifie be ane bounded Evident, nor uther authentick writtes.

80. *Anent the subscription and inserting of Witnesses in Obligaciones, and uthers writtes of importance.*

ITEM, It is statute and ordained be our Sovereine Lord, with advife of his three Estaites in Parliament, thar all Contractes, Obligaciones, Reverfiones, Assignaciones and discharges of Reverfiones, or eikes rheirto, and gencrallie all writtes importing heritabill titill, or uthers bandes and Obligaciones of great importance, to be maid in time cumming, shall be subscribed and seilled, be the principall parties, gif they can subscribe, utherwise be twa famous Notars befoir four famous witnesses, denominat be their speiall dwelling places, or sum uther evident rakens, that the witnesses may be knawen, being present at that time, utherwise the saidis writs to mak na fairh.

81. *Prescription in causes of spuilzies and Ejectiones.*

ITEM, It is statute and ordained be OUR SOVERAINE LORD, with advife of his three Estaites in Parliament, thar all actiones of spuilzies, Ejectiones and uthers of that nature be perfewed

befoir

before the ordinar Judge, within three zeires after the committing theirow, urtherwise the persfeweris alledged hurt, never to be heard thereafter. Providing that this Act extend not to Minours, bot to persfew within three zeires after their persfite age.

82. *Prescription in causes of Remooing.*

ITEM, It is statute and ordained be our Sovereaine Lord, with advise of his three Estaites in Parliament, that all actions of Remooing be persfewed within three zeires after the warning, with certification & they failzie; the warneris fall never be heard there-after to persfew the samin upon that warning.

83. *Prescription in certaine causes of debt.*

ITEM, It is statute and ordained be our Sovereaine Lord, with advise of his three Estaites in Parliament, that all actiones of debt, for housse-mailles, mennis ordinaris, servands fees, Merchants compres, and urther the like debrs, that are not founded upon written Obligaciones, be persfewed within three zeires, urtherwise the creditour fall have na action, except he outhere preise be writ, or be aith of his partie.

84. *Against the destroyeris of planting, haning and policie.*

FORSAMEIKIL As there is findrie lovabill & gude Acts, maid be our Sovereaine Lord, & his maist Nobill Progenitouris, speccially be his hienes Gudschir King *James* the Fifth, of gude memory, anent planting of Wooddes, Forrestes and Orchardes, sawing of Broome, against the destroyeris theirow, breakeris of Dowcattes, Cuningaires, Parkes, stankes, zairdes, slaying of Haies, makeris of Mure-burne in forbidden time, and findrie like urther thingis, for punishment of the destroyeris of planting, haning and policie. Quhilke Acts, our said Sovereaine Lord, with advise of his three Estaites in this present Parliament, ratifies, appreis and confirmis, and ordainis them to have effect and execution in time cumming, not only upon the contraveners theirow, bot alsua upon the destroyers and stealeris of Bees, and cutteris and pulleris of Broome, with this addition: that quhatsumever person stealis, pealis, and destroyis green-wood; pullis or cuttis haned Broome, breakis zairdis, or Orchardes, without the gude will of the awner: That the offender being taken reidhand, may be persfewed, and put to the knowledge of ane Assise, befor the Barron or Landes-lord of the land or ground, quihidder the offender be his tennent, unto quhom the wrang is done or not, within three dayes after the apprehension; And uthers not taken reidhand, to be alwaies persfewed befor the Schireffe, Steward, or Baillie, within quhais boundes and jurisdiction the wrangdoer dwellis. And gif he that receivis the wrang and hurt, be Schireffe, Steward, or Baillie himselfe, then the wrangdoer, to be persfewed befor the unsuspect depure of the saidis Schireffe, Baillie or Steward, receivand the wrang. And for the first fault, being convict, be his awin confession or witnesse, fall pay to the awner of wood, broome, or zaird, the avail of the skaith done, togidder with ten pundes; For the second fault, fall pay to the said awner twentie pundes, with the avail of ir that is destroyed; And for the thrid fault, fall pay to the said awner, fourtie pundes, and the avail of it that is skaithed; And fra thine fourth, sa oft as the offender failziez theirafter, the said thrid penaltie to be payed to the awner of the Wood, broome or zairdes. Bor in case the committer of the wrang be unresponfall, he fall for the first fault be put in the stokkes, prison, or irones aucht dayes, on bread and water: And for the second fault, fiftene dayes; & for the thrid fault, ane moneth to lye in the stokkes, as said is, and to be scourged at the end of the said Moneth: And this but prejudice, to be called at Justice courts, at our Sovereaine Lords instance, conforme to the former use and auld Actes. And that the paines for breaking of Dowcattes, Cuningaires and Parkes, be according to this present Act and addition abone written. And in case the offendours be not responfall in guddes, for the saidis paines, for the first fault to be punished, as is abone written, for the second fault the paine likewise abone expressed, and for the thrid fault hanging to the death.

85. *Ratification of the Priviledges of Burrowes.*

OUR Sovereaine Lord, and the three Estaites of this present Parliament, ratifies and appreis all and sindry Priviledges, Liberties, Immunities, Freedomes and Actes of Parliament, maid and granted, be quhatsumever his Majesties maist Nobill Progenitouris, in ony time by-gane, in favoures of the Burrowes and Burgesse theirow: And decernis and declaris all and findrie rhe saidis Acts and constitutions, to have full strength and effect in all times heirafter, and that the samin be put to full and dew execution in all pointes, after the forme and tenour theirow, and to stand as ane perpetuall Law to the saidis Burrowes and Burgesse, and their successeures in all time cumming. And the Lordes of Councill and Session to give and direct letteris, at the supplication of the Provests, Alder-men, and Baillies of Burrowes, as are aggregabill with the saidis Lawes and Actes of Parliament, in all poyntes.

86. *Foir-stalling and transporting of Herring and qubite Fish.*

FORSAMEIKLE As divers Actes hes bene maid, be our Sovereaine Lordis maist Nobil Progenitouris in time by-gane, Ordaining that the slayeris of Herring and qubite fish, suld bring the samin to the

next adjacent Burrowes and Townes, quhair the perfones flayeris theirow dwellis, to the effect that our Sovereine Lords lieges may be first served, and gif abundance occurtred, that they might be salted and transported be free Burgeses. And that the saidis Actes, throw negligence and oversichts, hes nocht received execution: Quhairthrow our Sovereine Lord hes bene greatic defrauded in his Customes, and his Hienes Lieges wanted the fruir of the Sea, appointed be God for their nurishment, and the Burgeses and Free-men of Burrowes dis-appointed of their trafficque and commoditie. THER EFOIR, Our Sovereine Lord, and the three Estaites of Parliament, ratifies and apprevis all the saidis Actes and Constitutions, maid anent the saidis Herring and qubite fische, and using theirow: Speciallie the Actes made in the times of umquhile his Hienes dearest Grandeschir King James the Fourth, of gude memory, and be his Majestie, the time of the Regiment of his richt trest Cousin James Earle of Mortoun, Lord of Dalkeith, Regent to his Hienes, his Realme and Lieges for the time. And ordainis all and findtie the saidis Actes to be observed and keiped in all poyntes, after the forme and tenour theirow, and the contraveneris of the same to be punished according thereto. And that all Schireffes, Stewartes, Baillies, Lordes of Regalities, Provestes, Aldermen, and Baillies of Burrowes, and Judges ordinar quhar-sumever, put the saidis Actes to execution, upon the contraveneris theirow. And to that effect grantis and gives to them power and commission of Justiciarie, every ane within the boundes of their awin liberties and jurisdictions, and to uptake the escheittes of the contraveneris being convict, the twa part to the Kings Majesties use, and to make compt theirow zeirle in his Hienes Checker, and the third part of the same to the saidis Judges executoures, for their travelles and laboures.

87. *For execution of the Act of Parliament, maid anent bearing, wearing, and sbeuiting of Culveringes and Daggis.*

FORSAMEIKIL, As be Act of Parliament, maid in the first zeir of our Sovereine Lordis Reigne, IT WAS Statute and ordained, that na maner of person nor perfones, of quhar-sumever Estait, degree or condition, schuit with Culveringes, Daggis, Pistolettes, or ony uther gunnes or ingines of fire-wark, in ony part of this Realme, nouthir to Burgh nor to land, nor beare, weare, nor use, ony Culveringes, Daggis, Pistolettes, or ony uther sik ingine of fire-warke, upon their perfones, or in their companie with them, privatlie or openlie, our-with housing, without licence of our Sovereine Lord, under the paine of cutting of their richt hand, and farther paines specified in the said Act of Parliament, as the same in mair length proportis. Quhilk hes not bene put to dew execution in time by-gane, be reason of the troubles intervening: And therethrow, mony hes taken libertie to beare, weare, and use Culverings, Daggis, Pistolettes, and uthers ingines of fire-wark, within Burrowes, and uther partes of this Realme, quhair throw, divers his hienes lieges hes bene schamefullie and cruelle murdered, slaine and hurt, in redding, & urth-ways, quhilkes war able enough to have maid defense sufficientlie for themselves, at all times of persute, & sum part of the occasion, quhy the said Acte hes not tane execution, was be reason of the paine of death, or demembring, quhilk the ordinar Judges was laith to execute.

THER EFOIR Our Sovereine Lord, and the three Estaites foirsaidis, Ordainis the said Act to be newlie published, and that na maner of person nor persons beare, weare, use nor schuir Culverings, Daggis, or Pistolettes, within Burrowes or without the same, in time cumming, utherswise nor the said Act and exceptions thereof proportis, under the paine of ten pundes, money of this Realme, and the Gunne and armour they beare, to be payed be ilk person contravenand, and doand in the contrair, without prejudice of the uther paines, gif the Kings Majestie will have the same execute.

AND For execution theirow, makis and constitutis the Provestes, Aldermen and Baillies within Burgh, his Majesties Justices in that pairt, everie an within their freedoms and jurisdictions, with power to them to searck, take and apprehend the offenders and contraveners, and put them to ane Assise, and being convict, to hold them in waird, quhill the paine foirsaid be payed, and to take sicker sovertie of the perfones convict, to for-beare, in time cumming, under the double of the said paine. And the paines quhilkis beis uplifted, to be employed, to the support of the pure. And this Act to serve for sufficient commission to the saidis Provestes, Alder-men, and Baillies of Burrowes, to the effect foirsaid.

88. *For punishment of Regraters and Fore-stallers.*

ITEM, Our Sovereine Lord, and the three Estaites of Parliament, hes ratified and approved, and be this Act, ratifies and apprevis, all Actes and constitutions, maid be his hienes maist Noble Progenitours, in time by-gane, speciallie the Actes maid be umquhile his hienes dearest Gudschir, King James the fifth, of worthis memorie: Anent Foirstallers and regraters of victualles, flesch, pultrie, and uthers vivens, cumand to Mercattes. And makis and constitutis, the Provestes, Alder-men, and Baillies of all his hienesse Burrowes, his Majesties Justices for execution of the saidis Actes, within the boundes of their awin freedoms and jurisdictions, and to up-take the paines contained therein, to be applyed after the forme and tenour theirow.

89. *Anent the destruction of Cruves and Zaires, slauehter of reid fische and Smoltes, be wandes or utherwise.*

ITEM, Our Sovereine Lord, and the three Estaites of Parliament, considering the hurt, that hes cummin to the commoun weill of this Realme, and lieges theirof, be having and keeping of Cruves and zaires, slauehter of reid fische, in forbidden time, and Smoltes: And that divers actes and constitutions hes bene maid, be his Hienes maist Noble Progenitours, in time by-gane, toward the destruction and away taking of the saidis cruves and zaires, and escheewing of slaying of reid fische and Smoltes. Quhilkes hes not received dew execution in time by-gane, bor hes bene neglected and overseene.

THEREFORE Ordainis the saidis actes to be extended, and have effect and execution in time cumming, against the transgressours thereof, after the forme and tenour of the same: As alswa against the slayers of the saidis reid fische, in forbidden time, be blefis, casting of wandes or utherwise: or that destroyes the Smoltes and frye of Salmound in mil-dammes, or be Polkes, Creilles, Trammel-nets, and Herrie-waters: And that the Landes-lord, and awners of the saidis Cruves and zaires, beruix and the first day of March, nixt to-cum, put down, and hald down the saidis cruves and zaires, conforme to the saidis Actes, and under the paines courteined therein: And gif they failzie therein, the said day being by-past, ordainis and commandis his Hienes Thesaurer, to perfew and up-take the saidis paines: And als ordainis the Schireffes, Stewardes, and Baillies in the Schires, and Lordes of Regalities, quhair the saidis cruves and zaires ar, and the Provestes and Baillies of the nixt Burrowes conjunctlie and severallie, to pass with convocation of his Majesties lieges, to cast down and destroy the saidis cruves and zaires, and hald them down, as they will answer to our Sovereine Lord, upon their obedience. And gif neede be, that letters be direct against them, to that effect; within ten dayis, under the paine of Rebellion, and gif they failzie, to put them to the horn. And this act to serve for sufficient commission to the saidis Schireffes, Stewardes, Baillies, Lordes of Regalities, Provestes, Alder-men, and Baillies of Burrowes, to the effect feirsaid: And that they nawaies fall be called nor accused theirof, nor incur any skaith or danger therethrow in time cumming: And commanding all our Sovereine Lordis lieges, to rise, concir and assist to the saidis Schireffes, Stewardes, Baillies, and their deputes, Provestes, Aldermen, and Baillies of Burrowes, and their Officiars, in putting the said Act to execution in all poynts, after the renour theirof. And for punischement of the slayers of reid fische, in forbidden time, be blefis, casting of wandes, or utherwise: or destroyers of the Smoltes, and frye of salmound in Mil-dammes, or be Polkes, Creilles, Trammel-nettes, and Herrie-waters, that the Schireffes, Stewardes, Baillies, and Lordes of Regalities, withiñ their awin jurisdictions, proceede as ordinar Justices, and uptak and execute the paines and escheites, the twa part to the Kingis Majesties use, and the thrid to themselves, for their travelles. And quhair the offenders hes na geir worth the paines, to pur and hald them in prison, stokkes, or irones, for the space of ane moneth, upon their awin expenses, or gif they have it not, on bread and water.

90. *Anent the transporting of Coalles forth of the Realme.*

ITEM, Our Sovereine Lord, and the three Estaites of Parliament, ratifies and apprevis the acte of Parliament, maid in the reigne of the Queene, his Hienes daarest Mother, anent transporting of Coalles forth of the Realme, and ordainis the same to be put to execution in all pointes, against the contraveneris theirof, after the forme and tenour of the samin, with this addition: That the reveiler and apprehender of the contraveneris of the said acte, and persewers of them to be convict thereof, fall have the thrid part of the escheites of the contraveneris, for their travelles.

91. *For punischement of them that tynis the pley withiñ Burgh, and propones frivolv exceptions.*

ITEM, Our Sovereine Lord, and the three Estaites; understanding that divers and findrie his lieges; Inamesie within Burgh, ar becom sa wilfull, obstinat and malicious, that they will not be content to pay and satisfie their nighbours and creditours, of sik debtes as they aucht justlie to them, without calling, and compulsion of the Law, and extremitie thereof. **T**HEREFORE, statutis and ordainis, that the partie against quhom decreete beis given within Burgh, fall pay to the support of the pure, twelfe pennies of everie pound, esseirand to that quhilke beis recovered and obtained, befor the Judge, and alswa the expenses of the partie obtainer of the decreete, at the modification of the said Judge. And gif ony partie alledgis, producis; or givis in befor the Judges, within Burgh, ony defence or exception, quhilke hes bene of befor proponed; to the delay of his partie, the producer thereof, fall pay the summe and paine of twentie schillings, to be employed to the help of the pure, and that sa oft as failzie beis made: And this to extend, aswell to the Procuratour, as principal partie in time cumming.

92. *Anent the admission of privie writings, charges and commands be the Lordes of Session.*

ANENT The supplication given to our Sovereine Lorde and the three Estaitis of Parliament, be the Chancellor, President and remanent Senatoures of the Colledge of Justice, makand mention: That

quhair be the Institution of the said Colledge, they ar authorized to sit, and decide upon all actions Civile, and name uthers to have vore with them: And our said Sovereine Lordis dearest Gudschir, King JAMES the Fifth of worthie memorie, institutor of the said Colledge, promitted in the said institution theirof: That hee suld not, be ony privie writing, charge or command (ar the instance of ony persones) desire them, to do uthervayes in ony matter that suld cum befor them, bot as Justice required, or to do ony thing that maie break the statutes, maid be their Predecessoures, the first Senatoures of the saidis Colledge, at his Hienes command, in doing of Justice. And that he wald give na credite to ony man that wald murmure the saidis Lordes, or ony of them, be doing of wrang and unhonestie, bot they suld be called befor him, and gif they were foundin culpabil, to be punished therefor, after the qualitie of the fault or demerite: And gif they were foundin cleane and innocent, The persones compleining to be punished with all rigour, and never to have credite againe with his Hienes; as in the said Institution, ratified be Parliament, at mair length is contained. Nevertheles within thir fewe zeiris bypast, our Sovereine Lordis Authoritie and their Jurisdiction, is greatly troubled and called in doubt, be reason of sındric privie writings and charges direct against them, be our said Sovereine Lord and his privie Councill, sumtime to forbear to proceede in Civile causes, befor the intending thereof, sumtime to stay the proces, and remit the matter to the Parliament, quhilk fendle haldis, and theirthrow divers parties are oftimes frustrate and delayed of Justice, and sumtimes after the decretes given, the execution theirof stopped, as sındric of the number of the said Colledge, awaiting on the said Lordes of Artickles, can specially declair. Quhilk as it tendis to their discrediting, swa it bringis contempt to our Sovereine Lordis Authoritie, and castis the parties, havand their causes in proces (to quhom Justice suld alwayes be patent) in great doubt, quhen they finde not ane out-gait, to have their causes decided quhair they are intended. And the Kings Majestic, his Parliament, and privie Councill, fall have little time and opportunitie, to consider his Hienes awin affaires, and the causes of the Commoun weill, gif that at the in-opportune sute of private parties, the civile causes ordourly belonging to the Judgement of the Colledge of Justice, fall be brocht before them.

THEREFOIR, our Sovereine Lord, with advise of his three Estaites of this present Parliament, hes declaired, decerned, and ordaind, like as they be the tenour hereof decernis, declairis, and ordainis, the saidis Lordis of Councill and Session, to proceede in all the said Civile causes intended and depending befor them, or to be intended, and to cause execute their decretes, alreddie given, or to be given, notwithstanding ony private writing, charge or command, at the instance of ony persone or persones, direct, or to be direct in the contrair.

93. *Avant the admission of the ordinar Lordes of the Session, and Reformation of certaine abuses therein.*

FOR-sameikle, as it is heavilie murmured be divers Lieges of this Realme; that our Sovereine Lord Electis and chufis zounge men, without gravitie, knowledge and experience, nor havand sufficient living of their awin, upon the Session, and that sum of them be themselves, their wives, or servands, takis buddes, bribes, guddes and geir, swa that Justice in effect is cost and sauld. FOR remeid quhairof, the Kingis Majestic, with advise of the three Estaites of this present Parliament, statutis and ordainis, That name of the Lordes of Session alreddie received, or to be received, nouth be themselves, or be their wives, or servands, take in ony times cumming bud, bribe, gudes or geir, fra quhat-sum-ever person or persones presently havand, or that hereafter fall happen to have ony actions or causes persewed before them, outh fra the persewer or defende, under the paine of confiscation of all their movabil guddis, that dois in the contrair, the ane halfe thereof to be applyed to our Sovereine Lord, and the uthir halfe to the reveiler and tryer of the saidis Bud-takeris. And farther decernis and ordainis the saidis Bud-takeris, to be displaced and deprived *simpliter* of their offices, quhilk they beare in the Colledge of Justice, and to be declared infamous, and als to be punished in their persones, at the Kingis Majesties will. And sik-like our said Sovereine Lord, with advise soirsaid, hes declaired and declairis, that in all times cumming, quhen any ordinar place vakis in the Session, that our said Sovereine Lord, fall present and nominate theiro ane man that fears GOD, of gude literature, practick, judgement, and understanding of the Lawes, of gude fame, havand sufficient living of his awin, and quha can make gude expedition and dispatch of matters, tutching the Lieges of this Realme, Quha fall be first sufficientlie tryed and examine, be ane number of the saidis ordinar Lordes. And in case that persone presented be the Kingis Majestic, be not founde sa qualified be them, as is befor deserved, our Sovereine Lord, with advise of his saidis three Estaites, declairis, that it fall be leasum to the saidis Lordes to refuse the persone presented to them, And the Kingis Majestic to present ane uthir, sa oft as he pleas. quhill the person presented be founden qualified, for using of the said place. And sik-like our said Sovereine Lord, with advise soirsaid, hes declaired and declairis, that the President of the said Colledge of Justice, fall be chosen be the hail Senatoures theirof, of the conditions and qualities abone written, quhidder he be of the Spiritual or Temporal estaite. For chusing and electing of quhome, the Kingis Hienes and Estaites soirsaidis, dispensis with that part of the first institution of the Colledge of Justice, Beirand that the President suld be of the Spiritual estaite, and ane Prelate constitute in dignitie. And alsya declairis, that in absence of the Chancellor and President now being, and that fall happin to be for the time, IT fall be leasum to the saidis Lordes, to elect and chuse ony ane of their number, quhome they think qualified and woorthie.

as said is, Quha sall be called Vice-President, for using of the said office, calling of matters, repeating of alledgeances proponed be the Advocates at the Barre, collecting of the Lordes votes, and pronounciation of their decreetes and interloquoutoures, ay and quhill the returning of the saidis Chancellor or President.

94. *The tenour of Letters of horning and indorsationes may not be proven be Witnessz.*

FORSAMEIKLE, As anent the complaint given in be Schir DAVID HUME of *Fishebewik* Knicht, Beirand that there being ane Actioun and cause perfewed be him against Schir RICHARD MAITLAND of *Lethingtoun* Knicht, ane of the Lordes of Session, for transferring of ane decreete of Non-entres, obteneid be umquhile WILLIAM MAITLAND of *Lethingtoun* zonger his Sonne, in the saide Schir *David* as donatour theiro, be disposition maid be our Sovereaine Lord with advise of his umquhile dearest Gudschir *Matthew* Erie of *Lennox*, Lord *Dernely*; Regent for the time. In the quhilk cause, for delay of time, it was alledged be the said Schir *Richard*, that there aucht na translatioun to passe, because the said umquhile *William* was denounced and put to the horne in our Sovereaine Lordis dearest Mothers time, for certaine causes, and that he had obteneid ane further gitt, granted be her, of the said decreit, And for probatioun theirof stayed the said Schir *David*s proces, be the space of twa zeiris. And seand that be na delay of time, he culd cum be the said horning (quhilk never was) he, be his supplicatioun to the saidis Lordes of Session, desired the samin to be proven be witnesses, havand nouthur Law nor practick in sik cases. And it being ane noveltie, and tending to the heavie wrack, awieill of the Nobilitie, as remanent subjectes of this Realme, in case the samin were received as ane practick, The said Schir *David* meened him to our Sovereaine Lord, and Lordes of secreet Councell: And then the Lordes of Session wer discharged of proceeding therein, and the samin ordaind to be discussid befor our said Sovereaine Lord and Estates of Parliament, like as the samin was contineid in the last Parliament holden at *Striviling*, unto this present Parliament. Desiring theirof the Kingis Majestie and Estates, to receive the said matter, and discussing theirof befor them, and put the samin to vote, for decisioun theirof, that it may remaine as ane Law to the hail subjectes in time cumming. Quhilk supplicatioun being seene and considered: OUR Sovereaine Lord, with advise of the three Estates of this present Parliament, hes declared and declaitis, that in all time cumming, na tenour of letteris of horning, executions and indorsationes theirof, not extant and produced judicialle; sall be admitted to be proven be witnesses, in quhat sum ever actioun or cause, perfewed or to be perfewed be the Lieges of this Realme, befor quhat sum ever Judge or Judges within the samin. And that but pre-judice of the foresaid actioun, dependand beruixt the saidis parties, before the Lordes of Councell, and decisioun thereof, in stair as it was leit befor the discharging of them of farther proceeding there-intill. Providing that the witnesses to be used and produced against the said *David Hume*, in the saide cause, be examinait in presence of the hail Lordes of Session.

96. *Anent Scottes-men using the priviledges of this Nation in the Lawe-cuntries, under the King of Spaynis dominion.*

FORSAMEIKIL, as there is divers and findrie *Scottes-men* married and unmarried, within the partes of the *Lawe-cuntries*, under the King of *Spaynis* dominion, keipand their residence, quhair this Nation keipis their Stapil, and having their life, industrie, and trade of the Kingis Majesties subjectes, as factoures to them, using and haunting the priviledges granted to the said Nation, within the saidis partes of the *Lawe-cuntries*, sa farre as the samin may make for them, their commoditie and profite, And at uthers times renouncing the samin, and reclaiming theirof, alledging to their Porterie, residence in any foreine Cuntrie, and forsaking the obedience to the Kingis Majestie his Lawes and Officers. THEREFOR It is statute and ordaind, that ane incorporation be maid of the said Nation and priviledges theirof, speciallie ordaind that quhat sum ever persone resident, or remaining within the partes foresaidis, (speciallie quhair the said Nation keipis Stapil) Intending to use factourie, or ony uther trade with the said Nation, and willing to enjoy the fruite and commoditie of the saidis priviledges, in hail or in part, Sall give his aith of obedience to the Kingis Majestie and his Lawes, befor his Hienes Conservatour resident in the saidis *Lawe-cuntries*, and sall pay for his entres to the Kingis Majesties use ten pundes *Flemish*. As als wa sall be ready to underlie all sik charges and commandements, as fall happen to be direct and cum fra his Hienes, in the same forme and maner, as they were dwelland in *Scotland*. And quha refusis to give the said aith, and paye the said entres, That they sall be called be the said Conservatour, and upon their refuse or delay, deprived to have or enjoy thereafter ony benefite of his Majesties subjectes. And that name of his Hienes subjectes have trade, trafficque, or use of factourie with ony the persones sa deprived thereafter, under the same paine.

97. *For avoyding of the great number of unfree-men sailland in the Lawe-cuntries.*

FOR avoyding of the great multitude of Sailleris to the partes of *Flanders*, to the dishonour of the Cuntrie, their awin hurt and tinell, and great hinderance to the Burrowes, and for restraining of unfree-men, that hauntis and frequents the said partes in Merchandise in time cumming: IT IS statute and ordaind be our Sovereaine Lord, with advise of his three Estates in this present Parliament, That na unfree-men
haunt

haunt or use the trafficque of Merchandice in time cumming, speciallie in the *Lawe-cuntries* under the King of *Spainis* dominion, under the paine of confiscation of all their moveabil guddes doand in the contrair. And that the Conscrvatour of the Priviledges of this Nation, search and seeke the contraveneris, escheit their saidis guddes, the twa part to our Sovereaine Lordis use, and the thrid part to his awin use for his laboures, and that he make compt, reckoning, and payment of his intromission, to our Sovereaine Lord and his Thesaurer anis evry zeir.

98. *For instruction of the zouth in Musick.*

FOR Instruction of the zouth in the arte of Musick and singing, quhill is like to fall in great decay, without timous remeid be provided. OUR Sovereaine Lord, with advise of his three Estaites of this present Parliament, requisits the Provcstes, Baillies, Councell and communities of the maist special Burrowes of this Realme: and the Patrones and Provestes of the Colledges, quhair sang Schooles ar founded, To erect and set up anc sang School, with ane Maister sufficient and abill for instruction of the zouth, in the said science of Musick: As they will answer to his Hienes, upon the perrel of their Foundations, And in performing of this his Hienes requieft, will do unto his Majestie acceptabil and gude pleasur.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES, and others, made be KING JAMES the Sext, in this sext Parliament 20. October. 1579. and not imprinted.

- 1 **C**ommission anent the Jurisdiction of the Kirk, the last part thereof.
- 2 Ratification of the Kingis revocation anent Fees and Pensiones.
- 3 Ane Act anent the Cunzie.
- 4 Ane Act in favoures of the Fewares and takkef-men of the Lands and Teindes of soir-salted Prelacies.
- 5 Anent the Kingis Councell.
- 6 Approbation of the proceedinges in the Kingis name.
- 7 Act in favour of faithfull Subjectes.
- 8 Revocation of the infestment of the Erledome of Lennox maid to the Lorde Charles.
- 9 Confirmation of the said Erledome to Robert Erle of Marche.
- 10 Ratification of the discharge granted to the Erle of Mar.
- 11 Act anent the tenants of Dumblane.
- 12 Confirmation of the infestment of the haven of Kilyrnnie in Fife, to Johne Betoun of Balfour.
- 13 Act in favour of the Hospital in Edinburgh.
- 14 Confirmation of the infestment of the Towne of Faithlic.
- 15 Act betuixt Patrick Fortoun and James Hunter.
- 16 Anent the making of Aqua vitæ.
- 17 Commission to decide the antiquitie and prioritie amangis the Burrowes.
- 18 Act in favoures of the Lord Boyd.
- 19 Ratification of the reformation of the Universitie of Sanct-Andrewes.

F I N I S.

T H E S E V E N T H
P A R L I A M E N T,

*Halden and begun at Edinburgh, the XXIV. daie of October, the zeir of God, 1581.
zeires; Be JAMES the Sext, be the Grace of God, King of SCOTTES, and
the three Estaites of this Realme.*

99. *The Ratification of the Libertie of the trew Kirk of GOD and Religion, with confirmation of the Lawes and Actes maid to that effect of befor.*



OUR SOVERAINE LORD, with advife of his three Estaites and haild body of this present Parliament, hes ratified and approved, and be the tenour heirof ratifies and appreivis, all and quhat sum-ever Actes of Parliament, Statutes and constitutions past and maid of befoir, aggriable to God his word, for maintenance of the libertie of the trewe Kirk of GOD and Religion, now presently professed within this Realme, and puritie theirof. And specialie the Act maid in the Reigne of the Queene his dearest Mother, in the Parliament halden at *Edinburgh* the 19. day of April, the zeir of GOD 1567. Anent the casting, annulling, and abrogating of all Lawes, Actes and constitutions, Canons Civile, and Municipal, with uther constitutions contrair the Religion now professed within this Realm. And in likewise the Actes after following, maid in divers Parliametes, halden sen his Hienes Coronation. Namelie the Actes anent the abolishing of the *Paipe* and his usurpede authority. Anent the annulling of the Actes of Parliament, maid against GOD his word, and maintenance of Idolatrie in ony time bypast. The Confession of the Faith professed be the Protestantes of *Scotland*, Anent the Messe abolisched, and punisched of all that hearis or fays the same. Anent the trew and haly Kirk, and of them that are declared not to be of the same. Anent the admission of them that fall be presented to Benefices, havand cure of Ministerie. Anent the Kingis Aith to be given at his Coronation. Anent them that suld beare publick Office hereafter. Anent thriddis of Benefices granted in the Moneth of December, the zeir of God, 1561. zeires, for susteineing of the Ministerie, and utheris affairs of the Prince. Anent them that fall be teachers of the zouth in Schooles. Anent the jurisdiction of the Kirk. Anent the disposition of Provestries, Prebendries, and Chaplaneries to Bursares, to be founded in Colledges. Anent the sildie vice of Fornication, and punishment of the same. Anent them that commitis Incest. Anent lawfull Marriage of the awin blude in degrees, not forbidden be God his word. Ratification and approbation of the Actes and statutes maid of befoir, anent the friedom and libertie of the trew Kirk of GOD. Anent the trew and haly Kirk. That the Adversaries of Christs Evangel fall not enjoy the Patrimonie of the Kirk. Anent the disobedientes, quhilk fall be received to our Sovereine Lordis mercie and pardon. The explanation of the Act maid anent Manses and Glebes. Anent purchessing of the *Paipes* Bulles, or giftes of the Queene, our Sovereine Lordis Mother. Approbation of the Act maid anent the disposition of Benefices to the Ministers of Christs Evangel. Anent the reparation of Parochie Kirkis. The ratification of the libertie of the trew Kirk of God and Religion. That the Glebes of the Ministers and Readers fall be free of teyndes. Anent the trew and haly Kirk, and of them that are declared not to be of the same. Anent the jurisdiction of the Kirk, discharginge of Mercattes, and labouring on the Sabbath-dayes, and playing or drinking in time of Sermon. Anent the zouth, and utheris bezond Sey suspect to have declined from the trewe Religion. That houshalderis have Bibles and Psalme buikes. For punishment of strang and idle Beggers, and releife of the pure and imporent. And declaris the saidis Actes, and everie one of them and all utheris Actes of Parliament, maid in favours of the trew Religion, sen the said reformation, to have effect in all poyntes, after the forme and tenour theirof.

100. *Provision of Ministers, and certaine stipendes for them at all Parochie Kirkes.*

ITEM, Because for laik of Preaching and teaching in findrie parts of the Realme, monie people are suspected to be fallen in great ignorance and danger of godles Atheisme. It being found maist difficult, that in the charge of pluralitie of Kirkes ony ane Minister may instruct monie flockes. Theirof it is thoct expedient, statute and ordained be our Sovereine Lord, and his three Estaites of this present Parliament: That every Paroch Kirk, and sameikil boundes as fall be found to be a sufficient and competent Parochin theirof, fall have their awin Pastour, with a sufficient and reasonabil stipend: according to the stait and habilitie of the place. And that all Kirkis annexed to Prelacies be provided of sufficient Ministers with competent livinges, aweill laitie disponed sen his Hienes acceptation of the government in his awin persone, as that fall vaik and be provided hereafter, quhill his Hienes perfite age. And befoir the title of ony Prelacie be conferred to ony person hereafter, that the saidis livinges and stipends, be reserved

in the provision, and always compted in the thrid, to the effect that Ministers may bee provided theirto *ad vitam*. And in case ony gifr or provision of Prelacie fall passe utherwise, declains the same to be null, and of nane avail, force, nor effect.

101. *Against Dilapidationes of the Rentes of Benefices, provided to Ministers, in title for their life-times.*

ITEM, Because sundry Ministers provided to benefices for their life-times without regard of conscience, or how their Successours sould live after them, for sum present profite: Settis their saidis Benefices and Rentes thereof in Fewes, Takkes, Rentalls; or disponis furth of the same, to the utter overthrow of the Kirk and great prejudice, baith of the Kingis Majestie, the common-welth and posteritic to-cum. It is theirto thocht expedient, statute and ordained be our Sovereain Lord, with advise of his three Estaites, and haill Body of this present Parliament: That na persones, being in the function of the Ministerie, provided to titles of Benefices under Prelacies, dispone pensiones, or mak uther dispositiones of the Rentes of his Benefice, to the prejudice of his Successour, and diminution of the Rental, quhairat hee findis it at his entrie theirto, under the paine of deprivation from the said benefice, quhair-intill in case he sailzie, his set and location to be decreed null, and himselfe to be deprived, allweill from his function in the Ministerie, as from the benefice it self, quhilk upon his default tryed and adjudged, as said is, orderlie, fall be declared to be vaikand, and to be presented and conferred of new, as gif he wer naturallie dead.

102. *That Ministers fall be presented be the Kingis Majestie, and the laick Patrones to all Benefices of cure, under Prelacies.*

ITEM, It is statute and ordained be our Sovereain Lord, with advise of this present Parliament, that all Benefices of cure under Prelacies, fall be presented be our Sovereain Lord, and the laick Patrones, in the favour of abill and qualified Ministeris, apt and willing to enter in that function, and to discharge the dewtie theirof. And in case ony fall happen to be given and disponed utherwise heirafter: Decernis and declares the giftes and dispositiones to be null, and of nane avail, force nor effect.

103. *For punishment of the Blasphemy of Goddis Name, and utheris horribil Aithes.*

OUR Sovereain Lord, with advise of his three Estaites of this presente Parliament, Ratifies and approves the Actes of Parliaments, halden at Edinburgh the first day of Februar, the zeir of God, 1551. zeires, intitulat: *The Act against them that sweiris abominabil Aithes*, and ordains the same to have effect and execution in time cumming, after the forme and tenour thereof, under the fourth and last paine specified in the same. That is to say: for the first fault, every Prelate of Kirk, Erle, or Lord, foure schillings. Ane Barronne or beneficed Man constituted in Dignitie Ecclesiastical, twelve pennies. Ane Landed-man, Free-holder, Vassal, Fewer, Burges and small beneficed Man, six pennies. Ane Crafter-man, Zea-man, or servand man four pennies. The pure folkes, that hes na gear, to be put in the stockes, jogges, or prisoned for the spac of foure houres. And wemen to be weyed and considered, conforme to their bluide and estate of their parties, that they are coupled with. For the second fault, every Prelate, Erle or Lord acht shillings. Every Barronne or Beneficed-man in dignitie, twa shillings. Every Landed-man, Free-holder, Vassal, Fewer, and small Beneficed-man, twelve pennies. And every Crafter-man, Zeaman or servand, acht pennies. The spac of the pure folkes imprisonment to be doubled. And for the thrid fault, the saidis secund paines to be doubled. And for the fourth and last fault, the offenders to be banished or put in Waird, for the space of zeir and day, at the Kingis will. And sik-like all uther Estaites after their qualitie, to be punished effeandlie. And the foirsaidis paines to be upraken and applied, to the use of the pure folkes. And for the better execution heirof, that Censoures be appoynted, in the Mercat places of all Burrowes, and uther publick Faires, with power, to put the swearers of sik abominabil Aithes in Waird, quhill they have payed the saidis paines, and find vertie, to absteine in time cumming. And that be direction and commission of the Schireffes, Stewardest, Baillies, Provestes, Alder-men, and Baillies of Burrowes, Lordes of Regalities, and uthers ordinar Officiars. And that all Houfe-holders delate to the Magistrates, the names of sik persones as transgressis this present Act, within their houses, to the effect, that the saidis paines may be exacted of them, under the paine to be esteemed as offendours themselves, and punished accordinglie. And in case the saidis Magistrates be found remisse or negligent in execution of this present Act, that upon complaint theirof to be maid to the Kingis Majestie, and his privie Councell, they fall be called and committed to Waird, during his Hienes will, and find sovertie under great paines, at his Hienes sicht, for exact diligence to be schawen in executing of the saide Act thereafter.

104. *Against passing in Pilgrimage to Chapelles, Welles, and Croces, and the superstitious observing of divers uthers Papisstical Rites.*

FORSAMEIKLE, As pairtlie for the want of Doctrine, and rartie of Ministeris, & pairtlie throw the perverse inclination of Mans ingine to superstition, the dregges of Idolatrie zir remains in divers

pairtes of the Realme, be using of Pilgrimages to some Chapelles, Welles, Croces, and sik uther monuments of Idolatrie. As also be observing of the Festival dayes of the Sanctes, sumtime named their Patrones, in setting furth of bane-fyers, singing of Carralles, within and about Kirkes, at certaine seasons of the zeir, and observing of sik uthers superstitious and Papistical Rites, to the dishonour of GOD, contempt of his trew Religion, and fostering of great error among the people. For remeid quhairof, IT IS statute and ordained be our Sovereine Lord, with advise of his three Estaites of this present Parliament, That none of his Hienes Lieges presume or take upon hand in time cumming, to haunt, frequent, or use the saidis Pilgrimages, or uthers the foir-named superstitious and Papistical Rites, under the paines following, *videlicet*, Ik Gentil-man or Woman Landed, or Wife of the Gentil-man landed, ane 100. pundes. The unlanded ane hundredth markes, and the Zeaman fourtie pundis, for the first fault. And for the second fault, the offenders to suffer the paine of death, as Idolaters. And for the better execution heirof, Commandis, ordainis and gives power to all Schirreffes, Stewartes, Baillies, Provestes, Aldermen, and Baillies of Burrowes, Lords of Regalities, their Stewartes and Baillies, and uthers, to quhome it fall please our Sovereine Lord to grant special Commission, to searche and seeke the persones, passing in Pilgrimage to ony Kirkes, Chapelles, Welles, Croces, or sik uther monuments of Idolatrie. As alwa the superstitious observeris of the Festival dayes of the Sanctes, sumtimes named their Patrones, quhair there is na publick Paires and Mercattes, setteris out of Bane-fyers, fingers of Cartales, within and about Kirkes, and of sik uthers superstitious and Papistical Rites. And apprehending them in the actual deede of the transgression of this present Act, after speedie judgment of their transgression, to put and hold them in prison and firmance, aye and quhill they redeeme their libertie, be payment of the paines abone written, and find caution to absteine in time cumming, under the paine of doubling of the same paine. And gif the persones apprehended be not able to redeeme their libertie, be payment of the saidis Pecunial paines, that then they keep the persones transgressours, in prison, irones, or stockes, upon Bread and water, for the space of ane Moneth, after their apprehension, causand them, quhen they are set at libertie, outhir find caution, or make Faith, to absteine thereafter. And in case they happen to passe furth of the Schire, quhair they offend un-apprehended, that the Schirriffes and uther ordinar Judges of the next Schire, Burgh, or Jurisdictione, apprehend them, and proceede in like maner against them. Declairand the ane halfe of the pecunial paines to pertaine to the saidis ordinar Judges, for their paines, and for susteinung of the Persones to be keeped in Waird, irones, or stockes, and the uther halfe to be inbroucht, to the use of the pure of the Parochin.

105. *The Explanation of the Act, touching the notour and manifest committeris of Adulterie.*

ANENT The Supplication, maid to the Kingis Majestie, and his three Estaites of this present Parliament, craving ane explanation of the Act of Parliament, maid in the Reigne of the Queene, his Hienes dearest Mother, Anent: Adulterie. That is; Quhar fall be esteemd and judged in Law to be notour and manifest Adulterie, woorthie of the paine of death, mentionate in the said Act. IT IS theirfoir declared be his Hienes, with advise of his three Estaites in this present Parliament: That it fall be judged in Law notour and manifest Adulterie, woorthie of the said paine of death, quhair there is bairnis, ane or maa, procreat betuixt the persons Adulterers, or quhen they keepe company and bed togidder notoriousslie knawen, or quhen they are suspect of Adulterie, and thereby gives seldner to the Kirk, quhair-upon, being dewlie admonished, to absteine and satisfie the Kirk be Repentance, or purgation, and zit contemptuandlie refusand, are excommunicate for their obstinacie. All thir three degrees of Adulterers, and every ane of them, being lauchfully called and convict befoir the Justice and his Deputes, fall incurre and suffer the said paine of death.

106. *Against Fugitives and uthers Papists practizing against the trewe Religion.*

FORSAMEIKIL as certaine fugitives and uthers Persones, OUR SOVERAINE LORDIS borne subjectes, now remaining furth of this Reaime, Professing themselves the subjectes and servandis of uther Princes, upon distaine and malice borne be them, against the trewe and Christian Religion, nowe publicklie preached, and be Lawe established within this Realme; Ceasiss not, sa far as in them lyes, to pervert the zouth of this Nation, Passing furth of this Realme to the Schooles, and to visit uther cuntries. And als makis, fettis furth, sends hame, and causis to be disperst in this Realme divers infamous Buikes, and Libelles, in the praise and defence of the *Païpe* and his usurped Authoritie, damnd be God his Word, and our Sovereine Lordis Lawes: As alwa findrie of the same Persones presumes oft-times to repair in to this Realm themselves, under colour to seeke the recoverie of their health, be the air of their native Cuntrie: Intending to seduce the simple and ignorant people, and uthers ony wayes affected to their superstitious and erroneous doctrine. For remeid quhairof, IT IS statute and ordained be our Sovereine Lord, with advise of his three Estaites: That the Actes maid for punishment of his Hienes subjectes, adversaries to the trewe and Christian Religion, and persons suspected, to have declined therefra, be put to dew execution in all pointes with this addition: That it fall not be leissim to ony of the saidis persones his Hienes subjectes, or strangers (not being Ambassadors, Messengers, or Merchantes) adversaries

of the trewe Christian Religion, or that hes declined therefra, to returne in this Realme, or remaine therein, except within the space offourtie daies, after the end of this present Parliament, they satisfie and obey his Hienes Lawes, anent the giving of their Confession, and assenting and subscribing to the Articles of the said trew and Christian Religion. And in the meane time that nane of them repair in the Kingis Majesties presence, Palice, or dwelling place: or remaine longer nor three houres in ony pairt neere the same, within the space of seven myles. And quha ever failzes herein, (their names being notified be the Bischoppes, Super-intendents, or Ministers of the Kingis house, to the ordinar Judges, quhair ever the saidis persones repairs, or remainis) They shall be taken, and halden in prisone be his Maister of Houhold, or other Judges ordinar, ay and quhill they have found sufficient sovetic, ilke person under the paine of five hundredth markes: That they fall outhere recant their erroours, and obey his Hienes Lawes, be professing of the said Christian Religion, or depart furth of this Realme, within the space of fiftene daies thereafter. And thar alsua in the meane season, They fall nouthere teach, nor sawe the said *Paipis* erroneous doctrine, nor na uthere erroneous doctrine, repugnant to the said trew and Christian Religion, now publicklye preached, and be Lawe established in this Realme, to nane of the subjectes theirow, outhere be wordes or writte, under the said paine. And that all his Hienes subjectes, thar hes, or fall make, ser furth, bring hame, sell, or disperse, within this Realme, ony of the saidis infamons *Buikes* and *Libelles*, in the praise and defence of the said *Paipis*, and his usurped autoritie, or uthere erroneous doctrine, to the contempt of our Sovereaine Lord and trew Religion, presentlie professed within this Realme, being called and dewlie convict theirow, according to the Lawes of the same, fall incurre the paine of banishment, and confiscation of all their gudes moveable to OUR SOVERAINE LORDIS use. And because sindrie persones disobeyens of his Hienes Autoritie, for not giving the Confession of their Faith, conforme to the Acts of Parliaments, hes theirthrow tint their Benefices, *ipso facto*: The same being lauchfullie and dewlie provided be OUR SOVERAINE LORDIS presentation and admussion of the Kirk, to persones serving in the Ministerie, and the fruits theirow assigned to them, for their zeirly livings and stipendes. Nevertheles, in seeking letters to be answered, and obeyed of the saidis frutes, they are oftimes hindered throw licences purchased of OUR SOVERAINE LORD to the saidis persones, departing and remaining furth of the Realme for divers zeires, without skait or danger to be incurred be them in their persones, livings, gudes and gear. In respect of the quhillis licences, the Judges, befor quhome they are produced, stais and ceassis further proceeding in the saidis causes, to the great hurt and prejudice of the Act of his Hienes Parliament, intitulat: *That the adversaries of Christs Religion fall not enjoy the Patrimonie of the Kirk*. For remeid quhairof, IT IS statute and ordained be OUR SOVERAINE LORD, and the three Estaites of this present Parliament, That all sik licences purchased of his Hienes, fall have na effect, strength nor force, annulland and dischaigand the same be thir presentes, in sa farre as they may ony wayes tend to the prejudice and hinder of the execution of the saidis Actes of Parliament, or to the titles and provisions of Benefices, and uthere Ecclesiastical rentes, maid and granted be vertewe theirow, Commanding the saidis Judges, befor quhome the saidis Actiones are, or fall happen to be intended or dependis, to proceede and do Justice therein with expedition, notwithstanding the saidis licences or absence of the Persones, in quhaiv favour the same are, or fall happen to be granted, quhillis licences fall be esteemed but as privie writings, without anc sufficient Testimonial, instantlie schawen, thar the persone, to quhome the Licence is granted, professis the trew Religion, and hes already satisfied his Majesties Lawes, maid to that effect.

106. *Anent the Cuinzie.*

THE Kingis Majestie, and his thre Estaites, considering how hurtfull and prejudicial the lait Silver Cuinzie (having course upon sa heich price) is, and hes bene to the Common weill of this Realme, the same being occasion of great dearth, and of many uthere inconvenientes. And now willing to have the same reduced to anelawer price, without losse of his Hienes subjectes, or zit to the Parteneris and Takkes-men underwritten, quhillk they find can not be done, gif the Contract, maid anent the same Cuinzie, be sulstred to have further effect and execution. THEREFOIR his Majestie, with advise of the saidis Estaites, and of the saidis Takkes-men and Parteners, They are to say: *Alexander Clerk of Babbirny* Provost of *Edinburgh*, *William Naper of Wrichtes-housis*, *Nichol Vdward*, *Henrie Nislet*, *Richard Abircrummy*, *Robert Abircrummy*, and *Thomas Achefson*, upon consideration had be the order following, that they fall be na loiffers: Decernis and declaris be Act of this present Parliament, the said contract to be null and of nane avail, force, nor effect in all time cumming: And ordainis the saidis Takkes-men, Parteneris, Cuinzecours, and uthere Officiars, to desist and ceale from all striking and cuinzeing of ony further of the said Cuinzie, in ony time hereafter. And declaris be the said Act, that the saidis Takkes-men and Parteneris, and all uthere at their command, hes done nathing in the said mater of the lait Cuinzie, preceding the dait heirow, Bot according to the will and minde of his Majestie, and his saidis Estaites, quhillk they ratifie and appreive, in sa farre as they have done, conforme to the said contract, ay standand in effect quhill now, exonerand them theirow for now and ever: They being alwaies countable and answerable, for ony thing done be them in the said Cuinzie, contrarious to the effect and meaning

meaning of the same contract, conforme to the tenour thereof. Attoure, his Majestie be the same Act, with advise of the saidis Estaites, revokis, cassis and annullis for ever, all assignations, for payment of summes of money, maid be his Hienes, upon the saidis Takkef-men and Parteneris, to ony persone or persones. And dischargis the Lordes of secreete Council and Session, to direct ony letters, or chaiges upon, or against them, or ony one of them. And gif they do, declaris the same be thair presents to be of nane avail, force nor effect. Notwithstanding ony Decretes given, or to be given, quhilk his Majestie with advise of the saidis Estaites dischargis *simpliciter*. Ordaining them to have na further force, effect, nor execution in time cumming. And further, his Majestie, with advise of the saidis Estaites, & consent alwa of the saidis Takkef-men and Parteneris, statuis and ordainis, That the said lair Cuinzie, extending to twa hundreth eleven stane and ten pund weicht of Silver, shall be reduced and brocht in againe be them, to be cuinzeit of new, be his Hienes Maister Cuinzeour, betuixt and the ellevinth day of March next-to-cum, in ten shilling peeces of elleven pennie fine, containand four in the unce in this forme, That is to say; havand on the ane side the Portrature of his Majesties bodie, armed with ane Crown upon his head, and anesword in his hand, with this circumscription: JACOBUS VI. DEI GRATIA, REX SCOTORUM. And on the uther side, his Hienes Armes in ane Scheild, with ane Crown above the same Scheild, with the Dait of the Zeir, upon one of the sides; with this circumscription: HONOR REGIS JUDICIUM DILIGIT. For in-bringing and reduction of quhilk money, the saidis Takkef-men and Parteneris he presentlie nominated and appointed *William Naper*, and *Thomas Acheson*, quhilkis shall remaine at *Edinburgh*, to receive all the said Cuinzie, be the number and quantitie foresaid, fra his Hienes subjects, and deliver them uther money theirfoir, upon the same prices, that they were given ont for, berwixt and the said ellevinth day of Marche, unto the quhilk day they shall have course allanerlie. And being reserved, shall bring and deliver them to his Hienes Maister Cuinzeour, quha shall Cuinzie them of new, in forme and maner abone mentionat, and thereafter deliver baith stocke and profite againe, in full recompense of their expenses, charges and travelles els sustened be the said Cuinzie, to sik as shall be appointed in their Names to receive the same. And the Maister Cuinzeour present and to cum, shall find the saidis Takkef-men and parteneris sufficient Caution and sovertie; acted in the buikes of Council, for randerung unto them the stock and profite of sik Summes and Weicht, as they shall deliver unto him to the effect foresaid, unto the quhilk tinte the saidis Takkef-men and parteneris shall not be astricted to deliver ony silver to the said Maister Cuinzeour, deduceand always the fees and dewties of the Warke-men and utheris ordinar Officiaris of the Cuinzie-hous used and wount, for their paines and laboures. And because the said Reduction cannot weil take effect, without sum stock to mak the exchange. The saidis Takkef-men and parteneris theirfoir shall have libertie, lyke as his Majestie, with advise of the saidis Estaites, be thair presentis grantis them licence and libertie, to strike, and cause to be stricken and cuinzeit twentie stane weich of Silver, mair nor is ellis cuinzeit, in the Money new devised, quhilk shall be delivered to them againe, after the same be past the Irones, in maner foresaid, without deduction of onie profite, or uther dewtie therefore, except the Fees and dewties of the saidis Warke-men and Officiares used and wount. Attour OUR SOVERAINE LORD, with advise of his saidis three Estaites, gives and grantis full freedome, licence & libertie to his Hienes Maister Cuinzeour, to breake downe the present current money within this Realme, of ellevin pennie fine, specially the thirtie, twentie and ren schilling peeces and Testones, and to Cuinzie the same in the said new money, devised at 40. schillings the unce, of ellevin pennie fynce. Makand his Hienes dew compt and reaking of the profite thereof, as apperteinis. For the quhilk the said Maister Cuinzeour, nor utheris the Officiares of his Hienes Cuinzie-hous, shall incurre na skaith nor danger in their Persones, Lands, or Guddes. Notwithstanding onie Actes, Lawes, or constitutions maid in the contrair, Anent the quhilkis his Hienes, with advise of his saidis Estaites, dispensis.

107. *The Customer and Clerk of coquet suld tak Caution for in-bringing of Bulzeon.*

OUR Sovereine Lord, with advise of his three Estaites, and haill body of this present Parliament, Ratifies and appreis the Actes maid be his maist Nobill Progenitours, Anent the in-bringing of Bulzeon, with this addition, that every Customer and Clerk of coquet in time cumming, shall tak sik thirty or pledges as he will answer for. That Bulzeon *equivalent* to the gudes transported, shall be delivered to the Maister of our Sovereine Lords Cuinzie-hous, betuixt and the nixt Checker thereafter following, and at the hearing of the Customers compts, that he be comptrolled upon the quantity of the Bulzeon, delivered into the Cuinzie-hous, according to the letters of receipt of the Maister Cuinzeour, and quhat rests abone, that the said Customer be answerabill therefore. Providing, that in case ony of the gudes Customat happis to perish be chance, or to be taken away *per majorem vim*, The Lordes Auditours of the Checker, being certified and perswaded of the truth thereof, shall grant defalcation of the quantity of the Bulzeon at their discretion. And for every unce delivered to the Maister Cuinzeour of uttiter fynce Silver, he shall pay to the Merchand fourtie schillings, and mak compt of the profite theirfoir in Cuinzeit money to our Sovereine Lordes use.

108. *Ane Tabill or Roll fuld be delivered to the Customer of all custumable guddis.*

FORSAMEIKIL, As our Sovereine Lords Custumes, ar ane of the partes of the Patrimonie of his Crown, And sindrie gude and profitabill Actes hes bene maid, namely against them havand guddes out of the Realme un-custumar, and how the custume fall remaine with the King for his living, Quhilkis Actes and all utheris Actes maid toward his Majesties Custumes foresaidis. His Hienes with advise of his thre Estites ratifies and appreis, and ordainis the same, to have full effect and execution in time cumming with this addition: That ane Table be delivered to all Customers, for uptaking and inbringing of our Sovereine Lordes Custumes, ordaining that every Sack of Wooll, fall conteine bot twenty four stanes, evry hundreth Skinnes sex score, and everie douzaine of Claith twelfelnis allanerlie.

109. *For the suretie of them that assieged houses be the Kingis commission, in his Hienes Minoritie.*

ANENT The Supplication given in to our Sovereine Lord, and Lordes of Artickles of this present Parliament, be the Nobil-men, and utheris his trew and Faithfull Subjectes, that served in the defence of his Hienes Authoritie and Crown, during the late Civill troubles within this Realme, in the time of his Majesties zounge age, Makand mention: That quhair they being oftimes employed be his umquhile Regentes for the time, in the execution of divers commissiones against sindrie of his Hienes unnaturall Subjectes, Rebelles, and withstanders of his Authoritie, quha at that time assisted and tuke plane pairt with the declared Traitoures, Rebelles and enimies of his Majesties Crown, with power alswa to assiege Houses, and raise fire for the better prepping of them. The saidis Noble-men and utheris his Majesties trew and Faithfull subjectes, for discharging of their dewtie, in execution of the saidis commissiones with their friends, assisters, and servandes searched and socht the saidis Rebelles and disobedient Subjectes, quha placing themselves in Houses, in sindrie pairts of this Realme, and keeping and fortifying the same against his Majestie and his Authoritie, they wer forced to raise fyre, and use all uther means of hostilitie for recovery of the same. Quhairfore his Majestie, with advise of his three Estites of this present Parliament, Decernis and declaris, That all things done be the saidis Noble-men, and uthers his Hienes faithfull subjectes, within the time of the saidis Civile troubles, for execution of the saidis Commissiones, against quhar-somever persones, his Hienes Rebelles, Traitoures and disobedient subjectes, for the time, their servandes, friends, assisters and partakeris; wes lauchfully, weill, and dewtfullie done be them. And that there-intill they have committed na crime nor offense, bot obeyed his Hienes and his Regentes commandements. Exonerand and dischairend them of all Action, crime and offense, that ony pairtie may perfew or move against them theiraent, at ony time hereafter.

110. *Against the schamefull oppression of staying and bounding of Oxen, Horses, and uther Cattell.*

FORSAMEIKLE, as be the lovabill Lawes and Actes of Parliament maid of before, sik special respect is had to the labouring of the ground in dew season, as the Oxen & Cattell occupied in the Pleuch, are forbidden to be poynded for ony maner of debt, during the time of the Tiltch. Zit sindrie wicked persones, mooved in despite against their Nichtboures, ceasses not commonlie in their private revenge, to houch and slay Oxen and Horses in the Pleuch, Byre, and utherwayes, And to bound out bair-men and vagabounds, to the attempting of sik foull and schamefull enormities, sa farre prejudiciall to the Commounweill, and against all gude example. For stancheing quhair of in time cumming, and to the terror allswell of the committeris of sik foull and schamefull oppressions, as of the causeris, tottiferis, and receipters of the committeris thereof: IT IS Statute and ordained be OUR SOVERAINE LORD, with advise of the three Estites of this present Parliament: That all sik slayeris and houcheris of Horses and Oxen, or uther Cattell in time cumming, fall be esteemed and punished as thieves. And all persones that fall happen to receive, supplie, and maintaine the Authoures of sik oppression in companie or houshold, after the committing thereof, fall be esteemed and punished as receipters and maintaineris of thieves, And baith the committeris of the said unwoorthis and schamefull oppression, and the receipters, supplieris and maintaineris of them, being dewlie called and convict thereof, to incurre the paine of death, and confiscation of all their guddes moovabill.

111. *For Execution of the Acts maid avent casting downe, and halding downe of Cruves and Zaires, and punishment of the Transgressoures theirow, slautcher of reid Fische, and of the fry of all Fische.*

OUR SOVERAINE LORD, and the three Estites of this present Parliament, Ratifies and appreis all Actes maid be his Hienes, and his maist Noble Progenitours, Anent the destruction of Cruves and Zaires, slauchter of reid Fische, Smoltes, and frye of all Fisches. And ordainis the same to have effect and execution in time cumming. And because it is understand to his Hienes, and his saidis three Estites, that albeit paines and travelles wes tane, to cast downe and destroye the saidis Cruves, and Zaires:

zit in default of the execution of the paines contained in the saidis Actes upon the contraveners thereof, the saidis Crives and Zaires are not halden downe, nor ony uther thing in effect, (appointed to be done be the saidis Actes) put in execution, throw the default and negligence of the ordinar Officiares, to quhome the execution thereof wes committed.

THEREFOIR, Our Sovereaine Lord, with advise of his saidis three Estaites, hes maid, constitute and ordained, and be the tenour of this present Act, makis, constitutis and ordainis the persones after specified, within the bounds particularlie followand, his Hienes Justices in that pairt, to the effect underwritten. They are to say: *George Earle of Caithnes*, for the boundes of *Caithnes* and *Strathnaver*: *Alexander Earle of Southerland*, for the boundes of *Southerland*, and all Rivers therein. The said Earle of *Southerland*, *George Ross* appairand of *Balnagowne*; and *Robert Monro* of *Fowles* conjunctlie and severallie for the water of *Killojocbell*. The said *Robert Monro* of *Fowles*, Baillie and Chamberlaine of *Ross*, for the water of *Conau*. *James Earle of Arran*, and his Deputes for the water of *Ferrar*. The Schireffe of *Invernes*, and his Deputes, and the Provest and Baillies of *Invernes*, for the water of *Nesse*. The Schireffe of *Narne*, and his Deputes, and the Provest and Baillies of *Narne*, for the water of *Narne*. The Schireffe of *Elyne* and *Fores*, and his Deputes, and the Baillies of the Earledome of *Murray*, and of the Abbay of *Kinlos*, and Priory of *Plusearden*, and the Provests and Baillies of the Burrowes of *Elyne* and *Fores*, for the waters of *Spey*, *Findorne* and *Loffey*. The Schireffe of *Bamff* and his Deputes, and the Provest and Baillies of the Burgh of *Bamff*, for the water of *Doverne*. The Laird of *Esslismont* for the water of *Ythane*. The Earle of *Marshell* for the water of *Ogy*. The Schireffe of *Abirdene* and his Deputes, and the Provest and Baillies of *Abirdene* for the waters of *Dee* and *Don*. The Schireffe of *Kinkardin* and his Deputes for the waters of *Coway* and *Berwy*. The Earle of *Mont-rose*, and the Provest and Baillies of *Mont-rose* for the waters of *North-Esk* and *South-Esk*. The Schireffes of *Perth* and *Forfare*, Stewart of *Stratberne*, & their Deputes, and Provestes and Baillies of *Perth* and *Dundie* for the waters of *Tay* and *Erne* and their graines. The Schireffe of *Fife*, and his Deputes, for the South-syde of *Tay*, lyand within the Schirefdome of *Fife*, and for the water of *Levin*. The Provest and Baillies of *Cowper*, for the water of *Eden*. The Stewart of *Menteith* and his Deputes, for the heades of the waters of *Teith* and *Forth*. The Schireffe of *Strivling* and his Deputes, and the Provest and Baillies of *Strivling*, for the remanent of the waters of *Forth*, *Teith*, *Gudie*, *Carron*, *Allon* and *Dovane*, and their graines. The Schireffe of *Linlithcow* and his Deputes, and the Provest and Baillies of *Linlithcow* for the water of *Avane* and South-syde of *Forth*, within the bounds of the Provest and Baillies of *Edinburgh* principall, and his Deputes, and the Provest and Baillies of *Edinburgh* for the waters of *Annand*, *Leith*, *North* and *South-Esk*. The Schireffe of *Edinburgh* within the Constabularie of *Haddingtoun* and his Deputes, and the Provest and Baillies of *Haddingtoun*, for the waters of *Tyne* and *Beill*. The Schireffe of *Dumfries* and his Deputes, The Earle of *Mortoun*, Wardane of the West Marches, and his Deputes, and the Provest and Baillies of *Dumfries*, *Kirkcudbright* & *Annand*, for the waters of *Annand*, *Nyth*, *Dee*, *Cree* and *Luce*. The Baillie of *Carrist* and his Deputes for the waters of *Stincbell*, and *Girvane*. The Schireffe of *Air* and his Deputes, and the Provest and Baillies of *Air*, for the waters of *Dune* and *Air*. The Baillie of *Cunninghame* and his Deputes, and the Provest and Baillies of *Irwing*, for the waters of *Irwing* and *Garnok*. The Schireffes of *Lanark*, *Renfrew*, and their Deputes, and the Provest and Baillies of *Glasgow*, *Renfrew*, and *Lanark*, for the water of *Clyde* and graines thereof. The Schireffe of *Dumbertane* and his Deputes, and Baillies of the Burgh of *Dumbertane*, for the waters of *Levin* and *Aurik*. The Schireffe of *Argyle* and *Tarbart*, and his Deputes, for the boundes of the said Schirefdome, and *Lorne*, to the March of the Schirefdome of *Invernes*, and the said Schireffe of *Invernes*, and his Deputes, for all the boundes of the said Schirefdome on the *North-west coast*, fra the Marche of the Schirefdome of *Argyle* to *Strathnaver*. **GIV AND**, grantand, and commitand to the saidis Justices in that pairt, conjunctlie and severallie, within the bounds patticularlie abone written, full power, speciall command, expresse bidding and charge: To inquire, and take up dirtay of all persones, contraveners of the saidis Actes of Parliament, within the boundes patticularlie abone written, Alfwill the principall offenders, as their Maisters, Landis-lordes, and receipters, And to call them to underlie the Law therefor, in the Tolbuth of the head Burgh of every Schire, or uther place convenient, at the discretion of the saidis Justices, and put them to the knowledge of ane Assise: And as they be foundin culpable or innocent, to Minister Justice upon them, conforme to the Lawes of this Realme. The paines contained in the saidis Actes, to raise and uplift, and of the famin, to make compt, reckoning and payment to our Sovereaine Lord, and his Hienes Thesaurer in his Checker. And to the effect, that the execution of the saidis Actes fall not be neglected, as in times by-past: Ordainis twa ordinar Justice Courtes to be halden the saidis Actes, the one the first day of *Februar*, and the uther at the first day of *August*, or the next lauchfull den zeirlie. The ane the first day of *Februar*, and the uther at the first day of *August*, or the next lauchfull den zeirlie. The ane the first day of *Februar*, and the uther at the first day of *August*, or the next lauchfull den zeirlie. And in case the saidis Justices, or ony of them failzie in doing of their exact diligence, for execution of this present commission, at twa times every zeir, as said is, being called and convicted thereof be **OUR SOVERAINE LORDIS** Justice principall or his deputes, at the instance of his Hienes Advocate, Every ane of them fall incurre the paine of twa hundredth pundes, to be uplifted of his Hienes Thesaurer, to his Majesties use. Be it alwayes understand, that this present Act, nor the thing therein contained, fall be prejudiciall to his Hienes Subjectes, being dewlie infest and in possession of holding of Crives, Lines, or loupes within fresh waters, Bot that they may use, joise, bruk and occupie

occupie the same in time cumming, according to their tichtes, keeppand the Setterdayes sloop, and sik distance betwixt every Heck, as the Actes of Parliament appoyntis. And in case they sailzie therein, to be accusa- bill, and suffer punishment, as the remanent transgressoures of the saidis Actes.

112. *Execution may be against ony theft and reise, committed be ony uther of the samin Clanne.*

OUR SOVERAINE LORD, And his three Estaites, in this present Parliament, having cou- ar subject, findis nathing mair intollerabil, nor the deadly feedes, borne be the Clannes of thieves, broken men, and Sorneris upon trew men, for the slauchtet, taking, hurring of the saidis thieves, broken men, and Sorneris, taking and bringing them to Justice, or in the defence and ridding of the trew mennis guddes, stollen and rest fra them. And how the saidis Clannes of thieves, for the maist paitt ar companies of wicked men, coupled in fellowchippes be occasion of their sur-names, or neir dwellings togidder, or throw keeping societic in theft, or receipt of theft, not subjected to the ordinar course of Justice, nor to ony ane Landis- lord, that will mak them answerabil to the Lawes, bot commounlie dwelland on findrie mennes landes, against the gude-will of their Landis-lordes, quhairthrow trew Men oppressed be them, can have na remeid, ar the handes of their Maisters, bot for their defence, ar oftentimes constrained to seeke redres of their skaithes of the hail Clanneor sik of them as they happen to apprehend, like as the hail Clanne, commoun- lie bearis feed, for the hurt received be onie member thereof, quhidder be execution of Lawes, be ordour of Justice, or uther wise.

IT IS therefore declared, statute and ordained, be OUR SOVERAINE LORD, with ad- vise of his three Estaites, and hail body of this present Parliament: That it sall be lesum to all his obedient and gude subjectes, that sall receive onie harme or skaith, throw stouth or maisterfull reif of their guddes, to be committed after the dait hereof, be onie of the saidis notorious thieves, broken men, or Sorneris of the saidis Clannes of thieves, in time cumming, To apprehend, slay, and arrest, the bodies and guddes of the perones, offending against them or onie uthers, being of the same Clanne, their servandes, depen- ders, or partakers, quhairver they sall finde them, in onie partes of this Realme, ay and quhill the princi- palles, or uthers of the said Clan, cause the saidis harmes and skaithes be redressed, to the satisfaction of the suiteiners thereof: or at least, finde sufficient sovertie to that effect, to the contentment of the person that hes susteined the skaith, in-case it sall be found be order and tryall, according to Justice, that the offender and deed-doer wes onie wayes receipt, supplied, and maintained amanges the said Clan, after the offence committed.

113. *Against the excessse of coastlie Cleithing, And transporting of Wool, quhairby the pure may be the better halden in Warke.*

THE Kingis Majestic, and Estaites of this present Parliament, Considiring the great abuse, stand- ing among his Subjectes of the meane Estait, presuming to counterfaict his Hienes and his Nobilitie, in the use and wearing of coastlie Cleithing of Silkes of all fortes, Layne, Cammerage, Freinzies, and Paf- mentes of Gold, Silver and Silk, and Wollen Claith, maid and brocht from uther foreyne Cuntries, quhair- throw the prices of the same is growen to sik exorbitant dearth, as it is not abill to be langer susteined without the great skaith and inconvenient of the commoun weill, howbeit God hes granted to this Realme sufficient commodities for cleithing of the inhabitantes thereof within the selfe, gif the peopell wer verteously em- ployed in working of the same at hame, quhairby great numbers of pure folkes, now wandering in begging, nicht be relived, alsweill to the honesty, as wealth of the Cuntrie. For remeid quhairof, It is statute and ordained bee out Sovereaine Lord, with advise of his Estaites and hail body of this present Parliament: That name of his Hienes Subjectes, Man or Woman, being under the degrees of Dukes, Earles, Lordes of Parli- ament, Knichtes, or landed Gentil-men, that hes or may spend of frie zeirleie Rent, twa thousand markes, or fifty Chalders of Victuall at least, or their Wives, Sonnes or Douchteris, sall after the first day of May nixt-to-cum, use or wear in their Cleithing, or apparell, or lyning thereof, onie Claith of Gold, or Sil- ver, Velvot, Sarine Damask, Tassatacs, or ony begairies, Frenzies, Pafments, or broderie of Gold, Silver, or Silk: nor zit Layne, Cammerage, or Wollen Claith, maid and brocht from onie foreyne Cun- tries, under the paine of ane hundreth pundes of every Gentil-man landed, ane hundreth markes of every Gentil-man unlanded, and fourtie pundes of ilk Zea-man, for every day that hee, his Wife, Sonne or Douchter transgressis this present Act. The ane halfe to the use of OUR SOVERAINE LORD, or Lord of the Regalitie, within quhais boundes the transgressoures are apprehended: and the uther halfe to the Schireffes, Stewartes and Baillies within their Jurisdictiones, Provestes, Aldermen, and Baillies with- in Burrowes and Cities: and to the Stewartes and Baillies within Regalities, for their paines. Quhillik or- dinar Judges be themselves, their Deputes and Officiars, sall have power to ateach and arrest the Persons transgressoures of the said Act, and to put them in Waird, quhill they bee tryed upon the said transgression, be ane Assise, quhillk sall be done within the space of three dayes after their apprehension at the farthest. And being found culpable, to halde them in Waird, quhill they have payed the said paine, and found sovertie to absteine

absteine in time cumming, under doubling of the paine, Exceptand alwayes the Officiars and servandes of OUR SOVERAINE LORDIS Houfhold, contained in the Roll thereof. The Officiars of his Estaire, Senatours of the Colledge of Justice, Advocates and Scribes thereof, Schirreffes, Stewarts, and Baillies, the Provestes, Baillies and perones, being, or that hes bene on the Councils of Burrowes, and Judges in Regalities, Herauldes and Masers, quhilkis fall nor be subject to the paines of this present Act, For wearing and using of sik apparell, as they have, or fall happen to have in time cumming, either in the time, that they beare Office, and are Counsellors or thereafter, during their life-times, Nether fall onie of his Hienes Lieges bee subject to the saidis paines, for using and wearing of onie their Cleithing, already maid before the publication of this present Act, nor fall it extend to onie servandes, for using and wearing of the auld Cleithing of their Maisters or Maistresses, nor to onie Weemen, for using and wearing of sik apparell upon their heades, as they have bene accustomed to weare in time bygane. And to the effect, that all his Hienes Subjectes prohibite be this present Act, to weare the said coastele Cleithing, may the better be served of Claith and uther stufte, wrought within this Realme, to their sufficient Cleithing in their degrees, As alswa that the pure peopill may be the better halden in wark, throwe the labouring of the wooll of this Cuntrie within the same: **THEKEFOIR**, It is statute and ordained be OUR SOVERAINE LORD, with advise of his saidis Estaites: That na maner of wooll be transported or put in Schippes or Boates, to be transported furth of this Realme in time cumming, under the paine of confiscation of the same Wooll, and of all the remanent guidde movabill of the perones awners and transporters thereof, to OUR SOVERAINE LORDS use. And that na licence or dispensation fall be granted be OUR SOVERAINE LORD or his successeours, to quhatsumever Persone or Persones, for transporting of Wooll furth of this Realme, after the said first day of Maij nixt-to-cum, under quhatsumever colour or pretense. And that alswell the purchaseers of the said dispensationes or licences (gif the same fall happen throw importunitie, or wrang narrative, to be granted) as their informers buyers of the licences, from the purchaseers, users thereof, and transporteres of the Wooll in their Schippes and vesselles, fall incur the saidis paines, as gif na sik licences had bene granted, quhilkes fall be esteemed bot as private letters, surreptitiously purchased, quhairver they fall happen to bee schawen in Judgemente, or out-with, quhair-throw the trefw effect and meaning of this present Act, fall na wayes be hindered or prejudged.

114. *Against superfluous Banqueting, and the inordinat use of Confectoures and Drogges.*

OUR SOVERAINE LORD, And his three Estaites convened in this present Parliament, understanding the great excesse and superfluitie used in Bridelles and utheris Banquettes amongis the meane Subjectes of this Realme, alswell within Burgh as to Landward, To the inordinat consumption, not onlie of sik stuf as growes within the Realme, bot alswa of Drogges, Confectoures & Spiceries, brocht from the pairtes beyond Sea and saild at deare prices to monie folke, that are verie unabill to sustene that coaste. For stanching of quhilk abuse and disorder, **IT IS** statute and ordained be OUR SAIDE SOVERAINE LORD, with advise of his saidis three Estaites: That na maner of Persones his Subjectes, being under the degree of Prelates, Earles, Lords, Barrones, laided Gentil-men, or utheris that are worth and may spende in zeirle frie Rent, twa thousand markes money, or fiftie Chaldres Victuall, all charges deduced, fall presume, to have at their Bridelles, or uther Banquettes, or at their Tables in dayly cheare, onie Drogges or Confectoures, brocht from the pairtes beyond Sea, and that na Banquettes fall be at onie upstinges, after baptizing of bairnes, in time cumming, under the paine of twentie pund to be payed be everie Persone, doer in the contrair, Aswell of the Maister of the House, quhair the effect of this Act is contravened, as of all uther persones, that fall be found or tryed partakeris of sik superfluous Banqueting, and escheiting of the Drogges and Confectoures apprehended. For quhilk the Provest and Baillies within Burgh, and the Schireffes, Stewarts, Baillies, and Lords of Regalities, and their Baillies to Land-wart, fall appoynt searchers, To quhilkis searchers oppen dorres fall be maid, of quhatsumever Houfes that they cum to searche, under the paines to be esteemed culpabill in the transgression of this Act, gif they refuse. And the offenderis being apprehended, to bee taken and halden in Waird, quhill they have payed the saidis pecuniall paines, to be employed the one halfe to the behoove of the ordinar Officiars and searchers, and the uther halfe to the pure of the Parochine.

115. *Ratification of the Act of Parliament, concerning the Decision of Appellations, maid to the Court of Rome.*

OUR SOVERAINE LORD, and the three Estaites of this present Parliament, Ratifies, Approvis, and confirmis the Act of Parliament underwritten in all poynts, passis, clauses and Articles contained therein: And ordainis the same to have full strength, force and effect, and alswa decernis and declairis the same Act to have bene ane common Law, fra the day and dait thereof, and swa to be in all times cumming: And that na Judge within this Realme take upon hand, to cognosce or decide in their onie cause contrair the tenour and ordinance of the said Act, or to wry or wresit the same, be their ingyne or interpretation, bot the same Act to be kept in all the circumstances thereof, according to the

tenour of the samin, Of the quihlk the tenour followis. IN THE PARLIAMENT, holden at *Edinburgh*, the tenth day of Julie, the zeir of God, 1560. zeires. The said Parliament being continued to the first day of August nixt thereafter following, with continuation of dayes upon the 24. day of the said Moneth of August; The three Estaites then being present, understanding that the Liges and subiectes of this Realme, havand actions dependand and persewed in the Court of *Rome*, or in the consistories of the samin, hes susteined great expenses, sa that they have bene alluterlie herried theirthrowe. For eschewing of the quihlk, and that na pairtie, havand just Action, be defrauded thereof. IT IS statute and ordained, that all pairties, als well persewers as defenders, havand pleyes, dependand in the saidis Court of *Rome* or Consistories, or before uthers Judges, called Delegates or Sub-delegates, sall persewe or defend the same at their option before the Lordes of our Sovereainis Session, the Schireffè, Stewart, or Baillie of Regalirie, Baillie of Barronnie, Provest or Baillies of Burrowes, or uthers temporall Judges ordinars within this Realme, quhair the pairtie persewer aucht to answer of the Law, and the saidis processe to beginne quhair they left, according to the last Act of the proces, and after the forme thereof, quhill the finall end and decision of the samin. And the sentence being given, the execution to be maid thereof, as of uthers sentences pronounced before uther temporall Judges of this Realme. And attover, because it is likewise understood, that there is Appellationes maid and interponed fra divers sentences, given in the foresaidis Consistories, and als fra sentences be Judges Delegates and their Sub-delegates, quihlks appellations being Justified, may reduce the said sentences. Therefore, IT IS statute and ordained, That the pairties quha hes appealed, give in their supplications to the Lordes of our Sovereainis Session, to have letters to call the pairtie, for quhome the sentence is given, to compeir before the saidis Lordes to hear and see twa, three, or four named be commission, To sit in the maist convenient place, to cognosce upon the said Appellation and sentence, and to declare the samin, according to the Law, Outher retreatand the sentence or confirmand the samin. Providing that the persewers of thir appellations do their diligence in maner foresaid, within the terme & space specified in the Lawes; utherways not to be heard hereafter, bot execution to be given upon the saidis sentences, sikelike as & the pairtie had not appealed theirfra. And in likewise, because it wes lauchfull at sumtime, be way of Supplication, called *Per modum simplicis querelæ*, for to seeke remeid of the nullitie and iniquitie of sentences, albein na appellation had bene maid and interponed theirfra. Therefore it is ordained, that the saidis supplications sall be given in be the compleeners, to the saidis Lordes of the Session, quha sall have cognition thereintill, & do Justice their anent, conforme to the Law, Providing alwayes, that this have placc onlie in sik causes, as of before were permitted to persew *per modum simplicis querelæ*, allanerie.

116. *Against the abuse of sum lauded Gentil-men, and uthers forbearing to keepe house at their awin dwelling places.*

FORSAMEIKLE, as of lait there is croppen in amangis sum Noble-men, Prelates, Barronnes, and Gentil-men, in certaine pairts of this Realme, being of gude livinges, great abuse contrair the honour of the Realme, & different from the honest frugalitie of their Forebears, passing to Burrowes, Townes, Clauchannes & Aile-houfes with their houshaldes, and sum abiding in their awin places, uss to buird themselves and uthers to their awin servands, as in hostillaries, quhairon skaithfull and schamefull inconvenients daylie fallles out, to the offense of God, defrauding of the pure of their almes, sclander of the Cuntre, and hurt of the authours. For remeid quhairof, Our Sovereain Lord, with advise of his three Estaites of this present Parliament, hes statute and ordained: That every Prelate, Lord, Barronne, and landed Gentil-man, sall make his ordinar dwelling & residence at his awin house with his familie, in all time cumming, after the publication of the Acts of this present Parliament, For setting forward of policie and decoration of their saidis dwelling places, supporting of the pure with almes, & interteining of friendship with their Nichtbourses be all gude & honest meanes. And that they forbear the said dishonest forme of buirding of themselves, & their families and houshaldes in Burrowes, Clauchannes & Aile-houfes, or in their awin houfes, under the paines following. That is to say; Ilk Lord and Prelate, under the paine of 500. markes, ilk great Barronne under the paine of 300. markes, and ilk landed Gentil-man under the paine of 200. markes. And gif they failzie, being called & ordourlie convict of transgressing this present Act, the saidis paines to be up-lifted to our Sovereain Lords use.

117. *The forme and paine of Law-borrowes.*

FORSAMEIKLE, As findie gude Actes hes bene maid anent finding of Law-borrowes, for preferation of the trewe and obedient Subiectes from unjust force and violence. And laitie for their greater comfort, IT wes weil ordained, that the paines of Law-borrowes suld be divided betwixt the King and the Pairtie offended unto. Neverthelesse, seeing the paines of Law-borrowes hes extended onlie in time by-gane, for safetie of bodielie harme from the person of the compleener: The malice of the wicked sa increasiss, as they cease not be indirect meanes, and hounding out of Limmars, vagaboundes, and uthers not responfall, to invade the innocent persones, not onlie in their bodies, bot to reive, steale, houch, or slay their Oxen, Horses, and uther Cattell, cut or destroy their Cornes, or to cause eate the same with Bestiall to hound and slay their scheepe with dogges, boast themselves in sik sorte, as they date nor lie in their awin Houfes, or to manace their servandes, to lieve their service, quhairthrow their ground may be layed wast, to the utter wrack and depaupering of the Innocentes.

QUHAIRFOIR, OUR SOVERAINE LORD, with advife of his three Eftaites in this prefent Parliament, Ordainis, That all Letters of Law-borrowes, fall be direct in time cumming, at the inftance of the parties complemand, Chairgeing the perfones compleened upon, to finde ficker fovertic and Law-borrowes, that the compleeners, their wives, bairnes, tennentes and fervandes, fall be harmeles, and fcaithles in their bodies, Landes, Takkes, poffeffiones, guddes and geare, and on na wayes to be molefted or troubled therein, be the perfones compleened upon, nor na uthers of their caufing, fending, bounding-out, receipting, command, affiftance and rati-habition, quhome they may ftoppe or let directlie or indirectlie, utherwayes nor be ordour of Law and Juftice, under great paines to be modified be the Lordes of Seflion, or uthers ordinar Judges, Be quhome, in cafe the faid Law-borrowes fall be dewlie tryed to be broken, the ane halfe of the paine fall pertaine to **OUR SOVERAINE LORD**, and the uthir halfe to the paitrie grieved, according to the effect and meaning of the faid Act, maid to that effect of befoir.

118. Anent deforcements, breaking of Arreiftmentes, and Alienations maid in defraud of Creditours.

FORSAMEIKLE, As it is hevelie compleened to **OUR SOVERAINE LORD**, be divers ar deforced in execution thereof. Lyke as quhen Arreiftmentes ar maid to make the gudes furthcummand, after the recovery of the debt, the famin ar contemptandlie broken. And farther, the execution of fentences and decreetes are oft-times impide be fraudfull alienationes of the debtours Landes and guddes, maid be them throw colorate meanes, to their friendes and conjunct perfones. And the Pleyes and actions upon deforcements, breaking of arreiftments, and reduction of fraudefull alienationes, hes bene fwartedious, fumpteous and langfum, that very fewe of them are brocht to ony gude end, quhairby our Sovereine Lordis Authoritie is contemned, and his Subjectes are brocht to great inconvenient. For remeid quhairof, **IT IS** ftatute and ordained, That the Lordes of Councell and Seflion proceede summarie and diligencie in all actiones of deforcementes, and breaking of arreiftmentes, to be intended before them, at the inftance of quhatfumever perfones, and fpECIALIE that the faidis actiones, quhen they are called, fall with all convenient fpeed without intermiffion be put to ane poynt, after the calling thereof. And that the perfones convict of deforcement, or breaking of arreiftment, fall be punifhed be the Efcheit of their guddes movabill, and punifchment of their perfones, at our faid Sovereine Lordis will, according to the Lawes obferved of before, with this addition: That the paitrie recoverer of the fentence, fall be firft payed of his debt and of his expenfes, to be heichlie taxed be the faidis Lordis, and of ane certaine fumme of money to be modified at the faidis Lordis difcretion, to the paitrie, for the damage and intereft fuftained be them. Anent the quihilk the paitrie intereft, fall have the reddie execution upon the firft and reddieft guddes and geare of the perfone convict: Norwithftanding the richt of the Efcheit pertaineing to **OUR** faid **SOVERAINE LORD**, quha for weill of his fubjects, will and grantis, that the creditours be preferred to him in this cafe. And further with advife of his faidis three Eftaites, **IT IS** ftatute and ordained be his Hienes: That all giftes of efcheit, quihilkis fall be given hereafter, to quhatfumever perfon or perfones of guddes, geare, and uthers cummand in his Hienes handes for deforcement, or breaking of arreiftment, fall containe exprefse exception and refervation, to the Creditour, of the fummes recovered for his principall debt, expenfes and fumme, to be modified as faid is. And gif ony gift of Efcheit proceeding upon the caufe forefaid, be given without the faid refervation and exception, the fame fall be null & of nane avail. And fik-like, for the greater expedition of reduction of Alienationes and difpofitiones of Landes and guddes, maid in fraude of the Creditour, **IT IS** ftatute and ordained, that the famin be maift summarie decided and priviledged be fummondes upou 21. dayes warning, without dict, table or continuation of uthir fummonds. And that the Paitrie receiver of the faidis fraudefull alienationes and difpofitiones, fall not be heard to defend therein, except that they (before they be admitted to produce the faidis alienationes and difpofitiones, and to answer to the fummonds) configne in the handes of the Clerk of Register and his Deputes, for quhome he fall be haiden to answer, fik fummes of money, as fall be modified, be the difcretion of the faidis Lordes, to be delivered to the paitry perfewer, in cafe the faidis alienationes and difpofitiones fall be declared fraudfull.

119. Anent registration of inhibitions and interdictiones.

ITEM, Albeit interdictiones and inhibitions, for many great and weichtie confiderationes, to divers intentiones, at very neccellar and profitable: Nevertheleffe, it is of lair confidered, that the faidis inhibitions and interdictiones, ar greatly abufed, to the hurt and prejudice of our Sovereine Lordis lieges, contrarie to the end quhair-unto they were firft directed: In fa far, as interdictiones, for the maift paitr procedis upon confent of paitry, like as the faidis interdictiones, and letters of inhibition, oftentimes procedis upon licht caufes: The executiones quhairof, ar fundrie times forged and fenzeit, and after mony zeires, the executor and witnesses being deceafed, the faidis inhibitions and interdictiones ar used againft our Sovereine Lordis lieges, at the inftance of the receivers thereof, and uthers, for refcinding & retreating

of contractes, infestmentes, and uther richtes upon allegiance, that the samin ar maid fraudfullie, after the publication of the said interdiction, and inhibition: Be the quhilk craftie dealing, sik as contracted *bona fide*, ar brocht in danger to their great damage, and to the advantage of the saidis persones, abuseres of the saidis inhibitions and interdictions. For remeid quhairof, and to the effect that everie one of our Sovereine Lordis lieges may know and understand, the conditione and qualitie of the person, with quhom he contractis in this head, quhidder he be subject and thrall to interdiction or inhibition, or be at his awin freedome and libertie to contract. IT IS statute and ordained, that all inhibitions and interdictions to be raised hereafter for quhatsumever cause, with the executions and indorfations thereof, be within 40. dayes after the publication and execution of the saidis inhibitions and interdictions, produced first to the Schireffe Clerk of the Schire, quhair the persone interdicted or inhibited dwellis, and makis his residence. And gif the said persone have his landes and heritage, or the maist pairt thereof lyand in ane uther Schiresdome, nor quhair he dwellis: That the person, at quhais instance the uther is interdicted or inhibited, produce the said interdiction and inhibition, dewely execute and indorfat to the Clerke of the Schire, quhair the saidis landis lycs, within the samin 40. dayes. Quhilkis letters of interdiction and inhibition, with the execution thereof, the saidis Schireffe Clerkes, fall insert in their registers, takand for everie letter, with the executions thereof, five schillings. Quhilk letter, with the execution thereof, they fall signe with their subscription, and deliver the samin swa signet to the partie, within xxiv. houres, nixt after the receipt thereof. The extract of the quhilk register, fall have as great faith and strength, as gif the originall wer schawin, except the parties havand interest to oppone against the saidis inhibitions and interdictions, offer to imprevie the samin, be way of action, or exception. In the quhilk case, the pairtie purchaser of the saidis letters, and uthers havand interest to defend the samin, fall be halden to produce the principales, and originalles, notwithstanding that they be registrat, as said is. And that na interdiction or inhibition to be rayfed and executed hereafter, be of force, strength, or effect, to onie intention, bot the samin to be null and of nane avall, except the samin be dewlie registrat, as said is.

Ratification of the Act anent prescription in causes of spuilzies and ejections.

OUR SOVERAINE LORD, with advise of his three Estaites, in this present Parliament, Ratifies and appreis the Act maid in his Hienes Parliament, halden and begun at *Edinburgh* the 20. day of October, the zeir of God, 1579. zeires: Anent prescription in causes of spuilzies and ejections. And ordainis the same to have effect and execution in time cumming, after the forme and tenour thereof.

119. Anent the Convention of Burrowes.

FORSAMEIKLE, As it was found necessar to OUR SOVERAINE LORD, and his Hienes Predecessours, That the Commissioners of Burrowes convene at sik times, as they suld think gude; in quhat Burgh they thought maist expedient, with full commission, To treat upon the weilfair of Merchandis and Merchandice, gude rewle and statutes for the commoun profit of Burrowes, as at mair length is conteinid in the Acts of Parliament maid therair, and anent the Priviledges of Burrowes. Therefore our Sovereine Lord, with advise of his three Estaites of this present Parliament. Ratifies and appreis the saidis Actes. And for the better observation of the saidis Conventiones be sik Burrowes, as hes heretofoir not sent their Commissioners at onie time thereto, hes statute and ordained, that in time cumming, quhen onie conventiones of Burrowes is appoynted, be the maist pairt of the saidis Burrowes, or be the Burgh of *Edinburgh* and onie sex or aucht of the rest, The Burgh warned thereto be ane Missive bill of the Proverit and Baillies of the Burgh, quhair the said convention is to be halden, or utherwayes lauchfullie cited thereto, & not convene and be their Commissioner sufficientlie instructed, fall pay for the charges of the Burghes that fall convene the summe of twentie pundes. And ordainis the Lordes of Councill and Session, to grant and direct letters of horning or poynding, against the Burrowes absent fra the same Convention, and adjudged bee the remanent Burrowes, to have incurred the said paine and unlaw. And this at the instance of the Burgh of *Edinburgh*, without farther proces or calling of pairty thereto. The saidis Lords seand the Act authenticklie subscribed be the Clerk of that Convention, That they ar absent and convict, as said is.

120. Anent the cumming of Schippes to the Burrowes in the West Cumtrie.

OUR SOVERAINE LORD, and his three Estaites of this present Parliament, Ratifies, and confirmis the Act, maid be his Hienes maist Nobill Progenitor King *James* the Fourth, of gude memory, Anent strangers repairing within this Realme with their schippes and gudes in all poyntes, passages, clauses, and articles thereof, And decernis the samin to have full effect and strength in time cumming, after the forme and tenour thereof, with this Addition: That all maner of strangers schippes, and uthers repairing to the *West pairtes* of this Realme, *West* and *North Ues* thereof, cum to the Kingis frie Burrowes, sik as *Kircudbright*, *Wigtoun*, *Air*, *Irwing*, *Rotbessay*, *Dumbartane*, or *Romfrew*, and there make their Merchandice with frie-men thereof, of all maner of gudes, alsweill brocht

with in this Realme bee them, as tane furth of the famin, and pay their custome and dewtie to the ordinar Customers in theyr parties, quhair they arrive and passis fra, and takke their cocquettes there, as the uther Lieges of the Realme. Inhibitand expreslie the saidis strangers, that they make na maner of merchandice, at the Loches of the *West* and *North Isles*, nor na uther places, not being frie Burrowes, nor buy onie merchantice of fische, bot salted and barrellid, bot at free Burrowes and that fra free-men: Commanding exchandise of fische, bot salted and barrellid, fraucht, nor pilot onie stranger, to the prestie, all our Sovereaine Lordis lieges, that nane of them conduct, fraucht, nor pilot onie stranger, to the saidis *Isles*, under quhair sum-ever cullour or pretence, to the defraud of our Sovereaine Lordis lieges, and of his Hienes customes, under the paine of tinfell of life, Landes, and gudes. And commanding alswa, all strangers, resorters, and reparers, within the saidis *Isles*, that they, nor nane of them, do, nor attempt onie deed or fact, in contrair heirof, under the paine of amission, tinfell and confiscation of their hail schippes and gudes. Givand alswa full power and commission to the Provestes, Baillies, and Officiares, of all the saidis Burrowes, for quhom they fall be halden to answer, to search, seeke, take, apprehend, and in-bring all the saidis strangers, contraveners of this present Act, every ane of them within the boundes of their jurisdiction: And gif they be foundin culpabil, and breakers heirof, to proceed and do Justice theirupon, and to appoynt and take up their hail schippes and movabil gudes, That is to say: the twa pairt to our Sovereaine Lordis use, quhair of they fall make zeirly compt, in his Hienes Checker, and the thrid pairt, to the apprehender of the saidis contraveners of the said Act. And ordainis letters of publication, to be direct heirupon, gif need beis, in forme as effectis.

121. *Anent the setting of ordour and price on all stuffe.*

OUR SOVERAINE LORD, With advise of his three Estaites, and hail body of this present Parliament, ratifies, appreis, and for his Hienes, and his Successours perpetuallie confirmis, the Actes maid be his maist Nobil Progenitors, for the stanching of dearth of victualles, and setting ordour and price on all stuff. And ordainis all Erles, Lordes, Barronnes, alsweill within Regalitie as Royaltie, and their Baillies to Land-wart, and the Provestes and Baillies of all Burrowes and Cities, to cause the saidis acts of Parliament, to be put to dew execution, everie ane within their boundes and jurisdiction, *Respective*: Makand and constitute them Justices to that effect, with power to them, to make and appoynt statutes and ordinances, for the special observacion of the saidis Actes, at everie head Court zeirly: And to inquire, call, accuse, and punishe, the contraveners of the saidis Actes, at the saidis head Courtes, under the paine of ane hundred pundes, to be payed be everie Erle, Lorde, Barronne alsweill within Regalitie as Royaltie and their Baillies. And of the Provestes, Aldermen, and Baillies of every Burgh and Cietie, that fall be found remisse and negligent in execution of the saidis Actes, for every time that they fall be dewlie called and convict theirof. And ordainis dittay to be tane heirupon, And the saidis Judges to be called to underlie the Law there-foir, uther at general Justice Aires, or at particular diettes, as it fall please the Kingis Majestie to command.

122. *Horse suld not be halden at the hard meat, bot untill the 15. day of Maij, and after the 15. of October.*

FORSAMEIKLE As it is considered be our Sovereaine Lord, and the three Estaites of this present Parliament, That amangis the monie uthers occasiounes of dearth of Victualles within this Realme, there is ane speciallie very unprofitable to the commoun-weill, quhilke is, the halding of horses at hard meat all the Sommer season, used commounlie be persones of meane estaite, Cowppers, of intention to make merchandise of the saidis horses, being for the maist part small Nagges, and na Horses of service. Quhairfoir, IT IS statute and ordained, That nane of our Sovereaine Lordis Lieges, nor being ane Erle, Prelate, Lord, great Barronne, or ony of his Hienes privie Councill, Session, or landed Gentil-man, that may spend of his awin ane thousand markes of zeirlie rent, all charges deduced, fall hald ony maner of Horses at hard meat zeirlie, langer nor the fiftene day of May, nor take them in befoir the fiftene day of October, under the paine of escheitring of the saidis Horses, or paying the avall of them to **OUR SOVERAINE LORDIS** use, And ordainis the transgression of this Act to be a poynt of dittay, And the contraveners, to be accused and punisched at Justice Aires, or particular diettes, as accordis.

123. *For execution of the Actes maid against schutting with Gunnes at wylde Beastes and Fowles.*

OUR SOVERAINE LORD, understanding, that there hes bene divers Actes of Parliament maid of befoir, Anent the slaying of Hart, Hynd, Dae, Rae, Haires, Cunnings, and uthers beastes, with Culverings, Cros-bowes, and Hand-bowes, And speciallie the Act maid in the Parliament, halden at *Edinburgh* in *December*, the zeir of God, 1567. zeires. Quhilkis Actes hitherto hes tane na effect, and that in default of Magistratos, quhilkis were appoynted to put the same to execution. **THEREFOIR** his Hienes, with advise of his three Estaites of this present Parliament, hes ratified and approved the saidis hail Actes, and speciallie the said Act maid in *December*, the zeir of God, 1567. zeires, in all pointes, passages, clauses, and articles theirof with this addition: That in ease the Judge ordinar, within quha's boundes

boundes the contravener of this present Act beis apprehended, dois not execute the famin, sa oft as dittay fall be given unto him upon ony contravener, he fall pay for the first fault the summe of ane hundreth pundes, for the second fault, twa hundreth pundes, and ay sa oft as he failzie, fall double the said paine, to be applyed to OUR SOVERAINE LORDIS use. And to the effect, that the Stewardest, Baillies, and all uthers ordinar Judges within this Realme, may put the said Act to dew execution: OUR SOVERAINE LORD, with advife soirfaid, hes ordainis, and ordainis, the Lordes heritours, or possessours of the ground, to present the contravener of the said Acte, to the ordinar Judge, within quhais boundis the said contravener dwellis and makis residence: The said heritour or possessour, being required be the ordinar Judge, to do the famin, under the paine soirfaid, sa oft as he beis required to that effect, to be applyed to OUR SOVERAINE LORDIS use, as said is, with power to the saidis ordinar Judges, to call and conveye the saidis hentours or possessours, refusand to present the saidis contraveners for the saidis paines. And gif they be found culpable, to convict them their-intill, and to poynd and distrenzie them theirfoir: And to make zeirly compt theirof, to OUR SOVERAINE LORDIS Thefaurer, in his Hienes Checker: Swa that the famin may be applyed to his Hienes use, as said is. And ordainis special letters of publication, to be direct heir-upon, gif neid beis, in forme as effeiris.

124. *Against the transporting of Nolt and Scheepe and uther Cattle forth of this Realme.*

OUR SOVERAINE LORD, With advife of his three Estaites, and haill bodie of this present Parliament, ratifies, apprivis, and for his Hienes and his Successors, perpetually confirmis, the Actes maid be his Hienes maist Noble Progenitours, against the transporting of Scheepe, Nolt or uther Cattle forth of the Realme: And ordainis the same to have full effect and execution in time cumming, with this addition: That it fall be leiffull to ony of our said SOVERAINE LORDIS Lieges, that hapinis to apprehend onie Nolt or Scheepe, zoung or auld drivand, to be transported forth of this Realme, to stay the gudes, and to apprehend and keepe the drivers of them, quhill they have thoiled ane Assise befor the Justice, or his deputies, in the *Tolbouth of Edinburgh*, or betoir the Schireffe, Steward, or Baillie of the boundes, quhair they fall happen to be apprehended, quhom his Hienes makis ordinar Justices in that pairt, for trying of the contraveners of this present act, and executing of the paine of hanging upon them, and confiscation, alswell of the gudes apprehended, as of the remanent of their moveable gudes: Quhilkis persones, being found guiltie, ordainis and declaris, the ane halfe of the saidis gudes apprehended, and their remanent movable gudes, to be equalle divided betuixt the Judge ordinar, and the apprehender for their paines, and the uther halfe of the same escheit guddes to be in-brocht to our Sovereine Lordis use, and compt to be maid of the same in the Checker.

125. *Against the unlauchfull taking of profite be Captaines and keepers of the Kingis Castles.*

FORSAMEIKLE, As amangst findry uthers great disordours, growen in this Estait, sen the Kingis Majesties Coronation, ane, not of the smallest importance, hes bene the making of mercat of the Kingis Castles and strengthes (being the Keyes of the Realme, quhairin the Ordinance, Munitiones and Jewelles of the Crown ar placed) be fun, to quhom the custodie and keeping theirof, happened to be committed for the time: Constraining his Hienes Regentes, in his tender age, and uthers havand his richt and power for the time, to redeeme his awin houfes, Munitiones and Jewelles at his great charges, and with their Landes, livings, and guddes, to the heave damage and interest, alswell of his Majestie, as of them, their aires and posterities. FOR remeid quhairto, and eschewing the like civil example amangst his Hienes Subiectes, to make their unlauchfull advantage and commoditie be his service in all time cumming, IT IS STATUTE and ordained, that quha ever hes received onie summes of money, landes, benefices, or guddes, outhir belangand to his Hienes or his Regentes, and uthers, havand his richt and power, for the rander and delivering of his Hienes proper Castles and strengthes, with his Ordinance, Munitiones, and Jewelles, being therein, sen his Hienesse Coronation, or that happenis to make ony sik contract or merchandice in time cumming, directly or indirectly, fall be halden to rander and deliver againe that quhill they have received, or fall happen to receive, to the behoove of themselves, or ony of their aires, or the availl theirof to his Hienes, and his Successours, being properly his awin, or to his said Regentes, or uthers, havand his Hienes richt and power, their aires and executors, upon cognition had that the thinges given for the said cause, pertained properly unto them, to be bruiked and joised be them, and their aires, in-cass they be capable theirof, or utherwaies to be disposed at their pleafures. And that his Hienes and they, fall have gude action for repetition theirof, as necessarilie given be them for the time, to eschew greater inconvenientes, and zir wrangeouffne received be the takers, for unlauchfull causes.

126. *For punishment of the fraudfull mixtion of Wines, be the Taverners and sellers theirof, and uthers their abuses.*

FORSAMEIKLE As be ane Act of Parliament maid at *Edinburgh* the first day of Februar, The zeir of GOD, M. D. LI. zeires: IT IS statute and ordained, that na maner of Taverners take upon hand, to make onie mixtion of onie auld Wines and new Wines, or put ony Water in the same, under the paine

paine of escheiting of the punschoon, that sik wine or water fall be put into: Togidder with all the rest of all and findrie the Wines, being the awners of sik a Taverne, and tinsell of their freedome for ever. And in like maner, that name of OUR SOVERAINE LORDIS Lieges, buieres of Wines to be topped againe, and haversis of Tavernes, take upon hand to huird or hide sik wines, coft be them. in their houfes and privie places, bot that they put the famin in their commoun Tavernes, and voutles theirow, to be fauld indifferently to our Sovereine Lordis lieges, upon the prices that fall be set, maid, and proclaimed their anent, under the paines foirsaidis. Quhilk Act our Sovereine Lord, with advise of his three Estaites in this present Parliament ratifies and apprievis, Ordaining the same to stande in force and effect, as a perpetual Law in time cumming. And for the better execution thereof: makis and constituris the Provestes and Baillies of all Burrowes his Hienes Justices in that pairt, with power to them to make searchoures, take inquisition, and halde Justice Courtes everie moneth anis, within ilke Burgh, quhair wine is to be fauld, upon the contraveners of the said Act. And as they be found culpable, to execute the saides paines upon them. And in-cas the saides Provestes and Baillies beis found remisse, or negligent theirin, being called and convicte thereof, They to incur the paines of tinsell of their freedome, and not to bruike honor nor office within Burgh in onie time thereafter.

128. Anent the Proclamation of the actes of Parliament.

FORSAMEIKLE, As it is understand to the Kingis Majestie, and the three Estaites of Parliament, that oftentimes, doubtis and questions arifis, touching the Proclamation of the Actes of Parliament, and publication thereof: It being sum-time alledged be the lieges, that they are not bound to observe and keepe the famin as Lawes, nor incur ony paines contained therein, quhill the same be proclaimed at the mercat croces of the head Burrowes of all Schires. For remeding of quhilkis doubtis, in time cumming: It is statute and ordained, be our Sovereine Lord, and Estaites of this present Parliament; That all actes and statutes of Parliament, maid at this time, and that fall happen to be maid at onie time hereafter fall be published and proclaimed at the mercat-croce of *Edinburgh* onely. Quhilk publication our Sovereine Lord and Estaites foirsaidis, decernis and declaris, to be als valuable and sufficient, as the famin were published at the head Burrowes of the hail Schires within this Realme. And alwa declaris the hail Lieges, to be boundin and abstracted to the obedience of the saidis Actes as Lawes, fourtie dayes, after the publication of the famin, at the said mercat-croce of *Edinburgh*, being by-past.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES, and uthers, maid be **KING JAMES** the Sext, in this seventh Parliament, 24. October, 1581. not imprinted.

- 1 **T**HE last pairt of the act anent Ministers stipendes.
- 2 Commission anent certaine articles proponed in Parliament.
- 3 Commission for reformation of Hospitales.
- 4 Anent the establishing of the Kingis Councill.
- 5 Ordour how the King fall be relieved of importune and untimous saters.
- 6 Anent the discharging of factories.
- 7 Anent the taxation of ward landes.
- 8 Anent debatable causes, betuixt the sur-names, Gordoun and Forbes.
- 9 Compromit betuixt the saidis parties.
- 10 Anent the chaunging of the sur-name of William Maxwell appearand of Lammingtoun, in to the sur-name of Baizie.
- 11 Act remitting the decision of the controversie betuixt Dundie and Perth, be the remanent Burrowes.
- 12 Act in favour of John Carnegie.
- 13 The erection of the landes of Doun in ane Lord-schip.
- 14 Act in favour of the Burgh of Aberdene.
- 15 The chaunge of the assumption of the thrid of the Abbacie of Scone.

- 16 *Change of aw pairt of the assumption of the 3. of the Abbacie of Aberbrothok.*
- 17 *Protestation of the Nobilitie anent the murder of the Kingis Father.*
- 18 *Ratification of the faire of Dalkcith.*
- 19 *Ratification of the Burgh in Barrony of the Town of Myretoun.*
- 20 *Ratification of the Burgh in Barrony of the Town of Portfoy.*
- 21 *Ratification of the seinzie faire in Saint-Andrewes.*
- 22 *Of the faire of Striviling.*
- 23 *Of the faire of Auchterardour.*
- 24 *Of the faire at the brig-end of Luntrethin.*
- 25 *Of the priviledge of Silk-making, granted to Robert Dickson.*
- 26 *Ratification of the commission, given to the Lordes of Session, for taking or dour with the Commissars.*
- 27 *Ratification granted to Maister William Bailzie, Lord Provand.*
- 28 *Revocation of the proprietie.*
- 29 *Revocation of the casualties.*
- 30 *Revocation of the Collectorie.*
- 31 *Ratification of the disposition of the reversion of the Erledome of Lennox.*
- 32 *Ratification to Robert Erle of Orknay.*
- 33 *To Frances, sum-time Erle of Bothuell.*
- 34 *To John, Erle of Mortoun.*
- 35 *To William, Erle of Gowry.*
- 36 *To Dame Margret Leslie, Countesse of Angus.*
- 37 *To the Lord Lindefay.*
- 38 *To William Ker of Cessford.*
- 39 *To Andrew Ker of Faldoun-side.*
- 40 *To Henry Stewart bis.*
- 41 *To Andro Monro of Dawachartie.*
- 42 *Item, to Jennet King.*
- 43 *To William Mosman.*
- 44 *To Patrick Creichroun of Lugroun, of sindrie infestments.*
- 45 *Confirmation of the infestment of few-ferme, of the Ile, Abbay and manison of Saint-Colmes-inche.*
- 46 *Ratification of the Abbacie of Newbottle, to Maister Marck Ker.*
- 47 *Ratification granted to Henry Stewart, of the Abbay of Saint-Colmes-inche.*
- 48 *Item, of the Priorie of Pluscarden, to Alexander commendator their of.*
- 49 *Item, of the Priorie of Coldinghame, to Alexander Prior their of.*
- 50 *Ratification granted to Saint Leonards Colledge in Saint-Andrewes.*

E I N I S

T H E A U C H T

PARLIAMENT CURRENT,

Halden at Edinburgh, the XXII. daie of Mayj, the zeir of God, 1584. zeires; Be the richt excellent, richt reich and nichtie Prince, JAMES the Sext, be the Grace of God, King of SCOTTES, and the three Estaites of this Reahne.

129. *Ane act confirming the Kingis Majesties Royal power over all Estaites, and subjectes within this Reahne.*



FORSAMEIKLE As sum perfoncs, being lately called befor the Kings Majestie, and his secreit Councell: to answer upon certaine points to have bene inquired of them, concerning sum treasonable, feditious, and conrumelious speeches, uttered by them in Pulpit, Schooles, and utherswaics, to the disclaine and reproch of his Hienes, his Progenitours, and present Councell, contemptuoussie declined the judgement of his Hienes, and his said Councell in rhar behalfe, to the evil exempil of uthers to do the like, gif timous remeede be not provided. Therefor our Sovereine Lord, and his three Estaites assembled in this present Parliament, ratifies, and appreis, and perpetually confirmis the royal power, and autoritie over all Estaites, alsweill Spiritual, as Temporal, within this Reahne,

in the person of the Kingis Majestie, our Sovereine Lord, his aires and successours, be themselves, and their Councelles, ar, and in time to cum fall be judges competent to all perfoncs his Hienes subjectes, of quhat-sum-ever estaitc, degrec, function, or condition that ever they be of, Spiritual or Temporal, in all matvers, quhairin they, or any of them fall be apprehended, summond, or charged to answer to sik thinges as fall be inquired of them, be our said Sovereine Lord and his Councell. And that nane of them, quhilkis fall happen to be apprehended, called, or summond, to the effect foirsaid, presume, or tak upon hand to decline the judgement of his Hienes, his aires and successours, or their Councell in the premiffes, undor the paine of treason.

130. *Anent the autoritie of the three Estaites of Parliament.*

THE Kings Majestie, considering the honour and the autoritie of his supreme court of Parliament, continued past all memory of man, unto thir dayes, as constitute upon the frie votes of the three Estaites of this auncient Kingdome. Be quhom the same under God, hes ever bene uphalden, rebellious and traitorous subjectes punished, the gude and faithfull preserved, and mainteined, and the lawes and actes of Parliament (be quhilkis ail men ar governed) maid and established. And finding the power, dignitie, and autoritie of the said Court of Parliament, of lait zeires called in sum doubtr, at least sum curiousellie travelling to have introduced sum innovation theiranent, his Majesties firme-will and mind alwaies being as it is zit: That the honour, authority, and dignitie of his saidis three Estaites fall stand, and continue in the awin integritie, according to the ancient, and lovabill custome by-gane, without ony alteration, or diminution. Therefor it is statute, and ordained; be our said Sovereine Lord, and his saidis three Estaites, in this present Parliament, that nane of his Lieges and subjectes presume, or tak upon hand, to impugn the dignitie, and the autoritie of the saidis three Estaites, or to seek, or procure the innovation, or diminution of the power, and autoritie of the same three Estaites, or ony of them in time cumming, under the paine of treason.

131. *Ane act discharging all jurisdictions, and judgements, not approved be Parliament, and all assemblies, and conventiones, without our Sovereine Lordis special licence and commandement.*

FORSAMEIKLE, as in the troublous times, during thir xxiiij. zeires, by-past, sundrie formes of judgements and jurisdictions, alsweill in Spiritual, as Temporal causes, ar entred in the practize and custome, quhairby the Kingis Majesties subjectes ar often-times convocat, and assembled togidder, and paines alsweill civile and pecunial, as Ecclesiastical, injoined unto them: proceses led, and deduced: sentences, and decreets given, and the same put in execution: Na sik ordour as zit, being allowed of, and approved be his Majestie, and his three Estaites in Parliament, contrare the custome observed in onic uthir Christian Kingdome, or weill governed commoun weill: And to the diminishing of the force, and power of his Hienes awin Lawes, be the quhilkis his Majesties subjectes aucht ro be ruled: And speciallic

ciallic his Hienes and his Estaites, considering that in the saidis assemblies, certaine his subjectes have taken upon them to justifie, and authorize the fact perpetrat against his Hienes person and Estate, as *Rutben*, and prosecuted thereafter, quhill his Majestie at Gods pleasure, recovered his libertie, having in their pretended maner, maid Actes theirupon, keipis the same in Register, and as zit seemis ro allow the said attemptat, althrought now publicklye condemned be his Hienes and Estaites as treasonable, none of the authors thereof, having craved his Hienes pardon theirfoir. For remeid quhairasof, in time cumming, swa that according to the lovabil act of his dearest Grand-schir, King *James* the Fourth, of worthie memorie, all his Hienes lieges (being under his obeyfance) mon be ruled be his awin Lawes, and the common Lawes of this Realme, and be naneurther Lawes: Our Sovereine Lord, and his three Estaites, in this present Parliament, dischargis all judgements, and jurisdictions, Spiritual or Temporal, accustomed to be used and execute, upon ony of his Hienes subjectes, quhillkis ar not approved be his Hienes, and his saidis three Estaites, conveyed in Parliament: and decernis the same to cease in time cumming, quhill the ordour thereof be first seene, and considered be his Hienes, and his saidis three Estaites conveyed in Parliament, and be allowed, and ratified be them: Certifieing them, that fall proceed in using, and exercising of the saidis judgements, and jurisdictions, or in obeying of the same, not being allowed, and ratified, as said is: They fall be repute, halden, called, persecuted, and punished as usurpers, and contemners of his Hienes authoritic, in example of utheris. And als it is statute and ordained, be our said Sovereine Lord, and his three Estaites: that none of his Hienes subjectes: of quhat-sum-ever qualitie, estate, or function they be of, Spiritual or Temporal, presume or tak upon hand, ro convocate, conveye, or assemble themselves togidder, for halding of Councelles, Conventions, or Assemblies, to treat, consult, and determinat in ony matter of Estaitie, Civile or Ecclesiastical (except in the ordinar Judgements) without his Majesties speciall commandement, or expresse licence had and obtained to that effect, under the paines ordained be the Lawes and actes of Parliament, against sik as unlawfully convocatis the Kingis Lieges.

132. *The causes and maner of deprivation of Ministers.*

OUR Sovereine Lord, and his three Estaites, assembled in this present Parliament, willing that the word of GOD fall be preached, and Sacramentes adminiftrat in puritie and sinceritie: and that the rentes, quhairon the Ministers aucht to be susteined, fall not be possessed be unworthie perfones, neglecting ro do the duties, for quhillkis they accepted their benefices, being utherwaies polluted with the frail and enorme crimes, and vices after specified. It is therfoir statute, and ordained be his Hienes, with advyse of the saidis three Estaites: That all Perfones, Ministers or Readers, or utheris provided to benefices, sen his Hienes Coronation (not having vote in his Hienes Parliament) suspected culpable of herefic, Papistrie, fals and erroneus doctrine, common blasphemie, fornication, common drunkennes, non-residence, plurality of benefices having cure, quhairunto they are provided sen the said Coronation, Simonie & dilapidation of the rentes of benefices, contrare the lait Act of Parliament, being lawfully, and ordourly called, tryed, and adjudged culpable, in the vices and causes abone written, or onie of them, be the ordinar Bishoppe of the diocese, or utheris the Kingis Majesties commissioners, to be constitute in Ecclesiastical causes, fall be deprived alsweill fra their function in the Ministrie, as from their benefices, quhillkis fall be therby declared to be vacand, to be presented and conferred of new, as gif the perfones possessors thereof, were naturally dead: And that it fall be esteemed, and judged non-residence, quhair the person being in the function of the Ministrie, provided to ane benefice, sen the Kingis Majesties Coronation makis not residence at his manse, gif he ony hes: And failzeing thereof, at sum uther dwelling place within the Parochin, bot remainis absent theirfra, and from his Kirk, and using of his office, be the space of four Sabbath dayes in the haill zeir, without lauchfull cause and impeding, allowed be his ordinar. And quhair onie perfon, is admitted to maa benefices, havand cure, sen our Sovereine Lordis Coronation, the acceptation of the last, fall be sufficient cause of deprivation from the remanent, swa that he be provided to twa, or maa benefices havand cure, sen the time of the said Coronation. And neverthelassie this present Act fall not extend to ony person, provided to his benefice befoir the said Coronation, neither fall the bruiking of that office, quhairunto he was provided of befoir, induce pluralitie of benefices in this case, bot he fall allanerly tine his richt of the benefice, quhairunto he was provided sen the said Coronation allanerly: And union of the Kirks to ane benefice, not to be judged pluralitie, quhill farther ordour be established and provided in that behalfe: Like as alswa, the perfones being in the function of the Ministrie, that fall happen to be lawfullie and ordourly convict befoir our Sovereine Lordis Justice generall, or utheris their Judges competent, of capital crimes, sik as treason, slaughter, mutilation, adultery, incest, thieft, common oppression, usurie against the Lawes of this Realme, perjurie, or falsed: They being likewaies lawfullie and ordourly deprived fra their function in the Ministrie, be their ordinar, or the Kingis Commissioners in Ecclesiastical causes. The benefices possessed be the saidis perfones to waik, be reason of the said conviction, and deprivation. And this to have effect and execution, onlic for crimes, vices, faultes, and offenses, that fall happen to be committed after the dait heriof.

133. *That Ministers fall not be Judges, nor exerce any utber ordinar office that may abstract them fra their office.*

THE Kingis Majestie, and his three Estaites assembled in this present Parliament, earnestly desirous, that all his loving and gude subjectes, fall be faithfullie instructed in the doctrine of their salvation, and that the Ministers of Gods word and Sacraments, may the better, and mair diligently attend upon their awin charges and vocation: Therefor statutis, and ordainis, that all the saidis Ministers, fall faithfullie await there-upon, to the comfort, and edification of the flockes committed unto them: And that none of them presently being in that function, or that fall be admitted therin, in time cumming, fall in any waies accept, use, or administrat any place of judicature, in quhat-sum-ever civill, or criminal causes, nocht to be of the Colledge of Justice, Commissioners, Advocates, Court Clerkes, or Notaris in any matters (the making of Testaments onely excepted) under the paine of deprivation fra their benefices, livings, and function: And gif they failzie heirin, being called, tryed, and adjudged culpable, be their ordinars, or be the Kings Majesties Commissioners in Ecclesiastical causes: They fall then tine their saidis benefices and livings, and others qualified persones, fall be presented, and provided thereto, as gif they wet naturallie dead.

134. *Avent slanderers of the King, his Progenitours, Estait and Realme.*

FORSAMEIKLE, as it is understand, to our Sovereine Lord, and his three Estaites assembled in this present Parliament, quahargreat harme, and inconvenient hes fallen in this Realme, chiefly sen the beginning of the civile troubles, occurred in the time of his Hienes minoritie, throw the wicked and licentious publick and private speeches, and untrew calumnies of divers his subjectes, to the disdain, contempt and reproch of his Majesty, his Councill, and proceedings, and to the dishonour and prejudice of his Hienes, his Parents, Progenitours, and Estait: Steirung up his Hienes subjectes theiry to misliking, sedition, unquietnes, and to cast of their dew obedience to his Majesty, to their evident perrell, tinsell, and destruction, his Hienes continuing alwaies in love and clemencie, toward all his gude subjectes, and maist willing to seek the safetrie and preservation of them all, quhilkis wiltully, needles, and upon plaine malice, after his Hienes mercy and pardon, oftimes asoir granted, hes procuted themselves, be their treasonable deedes to be cut off, as corrupt members of this commoun weill: Therefore it is statute and ordained be our Sovereine Lord, and his three Estaites, in this present Parliament, that nane of his subjectes (of quhat-sum-ever function, degtee, or qualitie in time cumming) fall presume or rake upon hand privaty, or publickly, in Sermones, Declamations, or familiar conferences, to utter any false, slanderous, or untrew speeches, to the disdain, reproche, and contempt of his Majesty, his Councill, and proceedings, or to the dishonour, hurt, or prejudice of his Hienes, his Parents, and Progenitours, or to meddle in the affaires of his Hienes, and his Estait present, by-gane, and in time cumming, under the paines contined in the Actes of Parliament, against makers and tellers of leesinges: Certifieing them that fall be tryed contraveners theirof, or that nearis sik slanderous speeches, and reportes not the same with diligence, the said paine fall be execute against them, with all rigour, in exemple of utheris. Attoure, because it is understand to his Hienes, and to his three Estaites, that the buikes of the Chronicle, and *De jure regni apud Scotos*, made be unquhile, Maister GEORGE BUCHANANE, and imprinted sensine, contreinis fundrie offensive matters, worthe to be deleere: **IT IS THEREFORE** statute and ordained, that the havers of the saidis twa volumes in their handes, inbring, and deliver the same to my Lord Secretare, or his deputes, within fourtie dayes, after the publication hereof, to the effect, that the saidis volumes may bee petused, and purged of the offensive, and extraordinearie matters specified therein, nor meete to remaine as Records of truth to the posterite, under the paine of twa hundreth pundes, of everie person failzieing heirin. And quhair any or not responal to pay the said summe, to be punished in their persones, at **OUR SOVERAINE LORDIS** will. And to the effect, that this ordinance may cum to the knowledge of all **OUR SOVERAINE LORDIS** Lieges, ordainis publication to be maid theirof, at the mrcrat croce of the head Burrowes of the Schires, and utheris places needefull, Thar nane pretend ignorance theirof: And the penaltie contined therein, to be execute with all rigour against the havers of the saidis buikes, the said space of fourty dayes being by-past, after the publication, and proclamation of the said Act in every Schire, as said is.

135. *Against reduction of fore-saltours for nullitie of proces, and that nane travel, nor give counsel to that effect, without special warrand of the Kingis Majestie, and Estaites in Parliament.*

THE Kingis Majestie remembering of the mony rebellious and treasonable deedes, perpetrated against his Majesty, and his maist Noble Progenitours, with the greater audacitie and contempt, For that they have found the fore-saltours led against sum persones, authors of the like treasones of befor, reduced, and taken away in the minorities of his Hienes, and of the Quene his dearest Mother, upon

upon the pretense of sum alleged nullities, found in the processe, the principal causes and crimes, for quihilkis the same persones were fore-faltd, not being purged. For remeid of the quihilk abuse, and that all men may the rather eschew to incur the fearefull spot of treason to themselves, their houses, and posteritie in time cumming.

IT IS statute and ordained be our Sovereine Lord, and his three Estaites, in this present Parliament, that no processe of fore-faltour for treason committed against the King, and his Estaire alreadie standand in force, or that fall happen to be deduced against ony persones, for crimes of Lese-majestie, in time cumming, fall at ony time hereafter be reduced lor ony pretended cause of nullitie, that may be alledged to be in the processe: Quhill first the cause and crime, for quihilk the fore-faltour was led, be freeilie remitted to him be OUR SOVERAINE LORD: Or that he be purged effectually, and the partie tried, and found acquite their of. Bot in case it fall please his Hienes, or his Successours, at ony time hereafter, to restore to ony fore-faltd persones, or their posteritie: that fall onely be granted to them be way of grace: And that na Advocates, writers, or uthers his Hienes lieges presume, or take upon hand to travel, sollicit, or give counsel in contrare the ordour appoynted in this present Act, without special warrand of his Hienes, and his three Estaites in Parliament, under the paine to be repute as favourers, and partakers with traitours: And to undclry the paine and punishment dew their foir.

136. *Remissions and respettes suld not be granted for slauchter and uthor odious crimes: Remission suld conteine satisfaction maid be the partie.*

THE Kings Majestie considering that slauchters, fire-raisinges, and uthers odious crimes, hes bene so commonly committed, throw all partes of this Realme, and a great part of the oceasion thereof supposed to be the ready granting of his Hienes respettes, and remissions to the committers thereof, upon in-opportune suites, maid to his Majestie their foir: His Hienes remembring how greivous sik slaughters, fire raisinges, and uthers odious crimes ar in Gods sight, and how offensive to the Estate of the common weill of his Realme, following the gude and lovable example of his maist Noble Progenitours in like case, at the instant request of his three Estaites, assembled in this present Parliament: And for the better eschewing of trespasses, and enormities against the safetie of his Lieges, and common profite of his Realme, of his special grace, and favour, hes granted, and in the worde of a King promitted to close his hands, and cease fra granting of onie respettes, or remissions, for ony maner of slaughters, fire-raising, or ony uthor odious crimes, that fall happen to be committed, for the space of three zeires nixt-to-cum, after the date hereof: That in the meane time his Realme may be put in peace and rule, and his Lieges live in suretie. And gif ony remissions beis given or granted for auld actions, that it fall be exprimed and provided in the same: that the trespassse was committed before this present Parliament, and that his Hienes and his Thesaurer, hes sene quhair the partie is assithed: and gif the contrare beis found, the remission or respect to be of nane availle.

137. *An act touching the provison to his Hienes of a Garde, and sure payment of their ordinar wages.*

THE Kingis Majestie, and his three Estaites, convened in this present Parliament, having considered how necessary it is to have a reasonable number of Gentil-men to attend continuallie upon his Hienes person, as his garde, hes thocht the number of fourtie persones meet to be elected, and interteined for that effect, able, honest, and weill horsed, and having sum reasonable livinges of their awin: Quhilkis being sworn, and admitted in his Hienes service, fall be unremoveable their fra, during their life-times, without upon worthie and great causes, they fall be justlie deprived. Everie one of quihilkes fourtie persones fall have twa hundredth poundes zeirlie, for their interteinement, thankfullie payed to them at twa termes in the zeir, whit-sunday. and Martine-mes in winter, be equal porcions.

Beginnand the first termes payment, at the feast of Martine-mes nixt-to-cum, in this instant zeir of God, an thousand, five hundredth, fourfoir four zeiris. And for suir payment of their saidis wages, and interteinement, that they fall not in default thereof be compelled to neglect, or leave his Hienes service, or his Majestie to be frustrat, and destitute of the famin, his Hienes nawayes willing to lay the burding of their said interteinement upon his people, be ony taxation, or imposition to be raised upon them, quhair of he is maist willing to ease and releve them, bot to provide the said interteinement utherswise. Their foir with advise of his saidis three Estaites decernis, and declairis, statutis, and ordainis, That of all the Prelacies, and uthers inferiour benefices within this Realme (laick patronages excepted) now vakand, or that hereafter fall happen to vaik, his Majestie and his successours fall have the first zeires fructes, after the decease, soirfaltour or deprivation of the last possessor, according as the same Benefice fall be valued in his Hienes Checker, be the auditoures their of. To quhome, or ony five of them, his Hienes givis and grantis full power, commission and authoritie, to make and set the extent and value of all the benefices small and greate within this Realme in money, according to the quihilk the said first zeires fructes fall be payed. And that the haill zeir after the vacance be expyred, or then the first zeires fructes be instantly payed befoir ony gift, provison or presentation of the benefice bee granted. And als decernis, declairis, statutis and ordainis,

That

That of every benefice, valued to ane thousand pounds be zeir, now vaikand or that fall happen to vaik heirafter, his Majestie and his successours fall have freelic payed to them zeirlic twa hundredta pundes, beside the ordinar thrid, at the termes of *Whit-funday* and *Martine-mes*, be equal portiones. And swa proportionally of every benefice, alswell abone as beneath the said value of ane thousand pundes. And before onie persone nominate to quahatsomever benefice hereafter fall have his presentation exped and past the Registrar or scales, hee fall finde gude suretie for payment, alswell of the first zeires fructes, as of the summe dew to be payed be him zeirlic, to his Hienes and his Thesaurer, in his Majesties name, to his use, and effect abone specified. And during the hail space of the vacance of the saidis benefices, the said Thesaurer to intromet, and uptake the hail rentes, fructes, profites and dewties thereof. Bot because the said first zeires fructes of the benefices presently vacand, and summes appoynted to be payed turth of the said first zeires, will not serve nor extend presently to the payment of the wages of his Hienes guard, his Majestie and his Estaites, considering of the nixt best helpe and provision, and understanding that the Conventes of the Abbayes, Pories, and Nunries, quhillis of auld wer ordained and accustomed to be susteined upon the rentes and fructes thereof, ar for the maist part departed this life, sen the zeir of God, ane thousand, three hundredth, threecore zeires. Nane or few uthers presented be his Majestie, being entred in their placees, bot their portiones be their deathes accessing to the Abbotes, Piores, Commendatares or possessours of the saidis Abbayes, Pories, and Nunries, be na Law, or constitution, zit established be his Hienes and his saidis Estaites. It is therefore found, declaired, staturd and ordained be his Hienes, and his saidis three Estaites, That as the presentationes, giftes, and dispositiones of the saidis prelacies pertainis to his Majestie be the richt, and privilege of his Crown: Swa hes he gude richt and interest to crave, receive, intromet, and uptake all the portiones of the persones of the Conventes of the saidis Abbayes, Pories and Nunries that hes deceased, sen the said zeir of God, ane thousand, five hundredth, threecore zeires. Or fall happen to decease heirafter, quhill the same Abbayes, Pories, and Nunries fall vaik & becum fullie in his Hienes handes, and disposition, be decease, foresaltour, or lawfull deprivation of the present possessours thereof. And that his Majestie, and his Thesaurer in his name, hes, and fall have gude action be law to crave, receive, intromet, and uptake the portions of the persones of the saidis Conventes already deceased, as said is, of the crop, and zeir of God, ane thousand, five hundredth, fourscore three zeires last by past, and in time cumming; quhill the saidis benefices fall happen to vaik, siklike as the saidis persones might have done themselves being on life, and that the Lords of Councill and Session, or checker, direct sik letteris at the instance of the said Lord Thesaurer, for answering and obeying to him of the portions of the saidis persons deceased, as is granted for payment of the *superplus* of the thids of benefices.

138. *Ane Act aient slauchter, and troubling maid be parties in persute, and defense of their actiones.*

OUR SOVERAINE LORD with advise, and consent of his Hienes three Estaites of this present Parliament, hes ratified, and appreived and be the tenour hereof, ratifies and appreivis the Act and statute underwritten: and decernis and declairis the same, to have the strength, force and effect of ane acte of Parliament, of the quhill the tenour followis. At *Edinburgh* the penult day of *Maij*, the zeir of God, ane thousand five hundredth fourscore three zeires. The quhill day, in presence of the Kingis Majestie, sitrand in Judgement, and Lordes of his Hienes Councill and Session, compeird Maister *David Makgill* of *Nisbet*, Advocate to his Majestie, and in the name of his Hienes maist faithfull, humble, and obedient subjectes, exponed and declared, how in the Parliament holden at *Edinburgh*, the xx. day of Junij, the zeir of God 1555. zeites, be his Majesties unquhill dearest Guds dame, *Marie* Queene Dowrier, and Regent of this Realme for the time: Ane ordinance and Act of Parliament was maid, anent the slauchter of parties in persute and defense of their actiones: Quhill Act, althrecht in the selfe maist profitable and necessaric, to have bene ane perpetual law in all times thereafter, for repressing of proud and undantoned braggares, boasters, and oppressours of their parties: Zit was the same only temporall, for the space of three zeires, after the making thereof: Quhill Act, the said Advocate, in name, and for the causes foresaidis, desired to be renewed and established in ane perpetual Law in all times cumming, with the augmentationes following. Upon the quhill desire, our Sovereain Lord, willing to follow the gude exemple and intention of his predecessores, for the reverence and increase of Justice, and assurance of the parties in persute, and defense of their actiones, and executions of the same, hes with advise of the saidis Lordes of his Councill and Session, ordained, decerned, and declared, that fra this day forth, in all times cumming, gif it fall happen either the defender or persuer, to slay, or wound, to the effusion of blude, or utheways to invade ane of them an uther in or yf, quhair upon they may be criminaly accused, after the raising of summounds or precepts, and lawfull execution thereof, or in ony time before the complete execution of the deeteet to be given thereupon: The committer of the slauchter, blude, or invasion, in maner foresaid, or being airt, pairt, or Councill thereof: gif it be the defender, fall be condemned at the instance of the persuer, or in case of his decease, of the nearest of the kin of him quha is slaine, wounded to the effusion of his blude, or invaded, havand richt thereto, without ony probation of the libell persewed, except summar cognition

to be tane of the slauchter, blude-sched, or invasion, before the Justice, or uther criminall Judge, competent thereto, be conviction, or beand fugitive and put to the horne. And gif the decreete be given, the same to be unreduceable for ever. And gif the persewer slay, wound to the effusion of blude, or invade the defender, as it is above written: Or be airt, pairt, red, or Councel theirot, cognition being tane, as said is, in that case the defender, or in case of his decease, the nearest of his kin, able to succede in that richt, fall have absolvitour fra the libell of the persewer *simpliciter*, against the quhilk the persewer, nor na uther be his richt, fall ever be heard be way of reduction or restitution *in integrum*, in ony time thereafter, quhat age, condition, or qualitie that ever the slayer, drawer of the blude, or invader fore-said be of, The proces of transferring in the causes above written *respective*, to be upon ene fiftene dayes warning, but diet, table, or continuation of utheris summondes. And gif the slayer, schedder of blude, or invader, as said is, hes landes or life-rentes, and beis denounced rebell, and put to the horne, for non-finding of sovertie, or non-comperance to underly the Law, for the said slauchter, blude-sched, or invasion, in that case the slayer, schedder of blude, or invader, incontinent after the denunciation fall tyne the lyfe-rent of his landes, benefice, office, and utheris rentes, and commodities quharsumever for his lyfe-time, without ony farder delay of zeir, and day, as in uther causes of tinsell of lyfe-rentes, throw being zeir and daye at the horne.

Attour our Sovetaine Lord, be the faith, and duetie of ane Christiane Prince, promisis to give na respectt, nor remission to the offendates in sik causes. And gif his Majestie or his successours dois in the contrare, (as is not beleevd) the using of the said respectt, or remission be ony of the parties, persewer, or defender, fall be the like cause, and of the same effect, as their conviction, for the cause abone specified. And this act and ordinance to indure for the space of seven zeires immediatlie hereafter. And to be confirmed in his Hienes nixt Parliament, to have the strength, and effect of ane act thereof, and to be observed, as ane perpetual Law, in time cumming.

139. *Ane Act anent the better execution of Decreetes.*

OUR SOVERAINE LORD, with advise and consent of his Hienes three Estaites of this present Parliament, hes ratified and apprievd, and be the tenout hereof ratifies and apprevis the Act & statute underwritten, and decernis, and declairis the same to have the strength, force, and effect of ane Act of Parliament, Of the quhilk the tenout follows. At *Edinburgh* the twentie thre day of Marche, The zeir of Godane thousand, five hundreth, fourscor twa zeires. The quhilk day in presence of the Kinges Majestie sittand in Judgement, and Lordes of his Hienes Councell, and Session compeited Maister *David Makgill of Nisbet*, and in his awyne name, as Advocat to his Majestie, and in name of his Hienes maist faithfull, humble, and obedient subjectes of his Realme, exponed, and declaired, how it was heavlie meaned be his Majesties saides subjectes, that after the tedious, chatgeable, and langsum persure in obtaining of their decreetes, the malice of perfones had daylie swa increased, be making of simular, and fals assignationes, of their moveable guddes, fraudfull and private alienationes of their possessiones, landes, and heritages, That the execution of all decreetes given be quharsumever Judges, within this his Hienes Realme, althocht obtained be maist langsum proces, wer altogidder frustrat, at least swa delayed, that parties war in na better case, after the obtaining of the saides decreetes, nor gif the same had not bene given, the saides manifest fraudes, and daylie invented collusiones, being the stay of Justice, quhair of the principall parte stands in execution.

For remeid of the same, consideration being tane be his Majestie, with advise of the Lords of his Hienes Councell and Session, to quhom be his Majesties maist noble Progenitors, King JAMES the Fifth of gude memory, erecter of the Colledge of Justice, with consent of Parliament, the concluding upon rules, statutes, and ordinances, for expedition of Justice was committed. Therefore his Hienes, with advise & consent foresaid, hes statute and ordained, that for execution of all decreetes, aswell given be the saidis Lordes, in ony time bygane, as to be given in time cumming: And sik-like of decreetes given, or to be given, be quhat-sumever Judges within his Majesties Realme, quhair-unto the authoritie of the saidis Lordes of Session hes bene, or fall happen to be interponed: That letters alswell of horning, as poynding, the ane nocht prejudiciall to the uther, fall be directed at the will and pleasure of the partie obteinert of the decreet, quhider the same be given upon liquidate summes, or that the execution their of utherwayes consist *in facto*. And that na suspension be granted upon the execution of the saidis decreetes, without reall offer be first maid to the partie, in quhais favours the execution of the saidis decreets is directed, and the parties refuse, sufficiently verified to the saidis Lordes, consignation alwayes being maid, as use is: And that according to their late statute and ordinance, quhilk his Majestie, with all utheris their statutes and ordinances maid for expedition, and execution of Justice, ratified, and apprievd. Providing alwayes, that consideration be had upon the space and dayes of the charges, and that according to the distance of the defenders dwelling places, and the quantitie of the summes contained in the saidis decreetes.

140. *Addition to the Actes maid of before, anent the cumming to Courtes, and compeiring at the Barre, in sober maner, in persute and defence of criminall causes.*

OUR SOVERAINE LORD, and his three Estaites, convened in this present Parliament, ratifies, and appreivis, and for his Hiennesse and his Successours, perpetually confirmis the Act maid be King JAMES the Second, of worthie memorie, Intitulate; *That na man cum to Courtes, bot in sober wayes*: As also the uther Act, maid in the Regiment of his dearest Gud-dame MARIE, Queene Dowrier and Regent of this Realme, anent the cumming to the Barre for persute, and defence in criminall causes, and ordainis the saidis Actes to be inviolable kept, and to be put to execution in time cumming, with this addition: That none of his Hiennesse Subjectes repair to Courtes, and in speciall, to his Hiennes Justice Court, or utheris Justices quhatsumever, for criminall causes, bot be sik number and company, as the saidis actes providis, under the paine of incurring of the crime of convocation of our Sovereaine Lordis lieges, to be execute alsweill upon the persones, quahall happen to make the said convocation, or quahall be convocare, with all rigour. And further, for reformation of the troubles and tucation, or quahall be fallen out, and continuallie growis be the assembling of our Sovereaine Lordis lieges, to fortifie and assist, the persute and defence of criminall causes, mooved before our Sovereaine Lordis Justice, quhair-upon great inconvenientes hes followed, to the contempt of Justice, hinder of the course of the commoun Law, and punishment of offences. IT IS statute and ordained, that in all time cumming, quhen onie letters fall happen to be direct for onie crime or offense to ane particular diet, that the partie raisers, and purchessares thereof, at the finding of their caution, to report the letters dewlie execute & indorsat at the day appoynted, fall also finde caution to the Justice Clerke, and his depures acted in the buikes of adjornall, That they fall not enter within the Tolbuith or place, quhair the said Justice court fall be holden, bot accompanied with the number of persones specified in the former Act of Parliament maid thereint, comptand therein their preloquutores, quahall allanerlie fall remaine with them to their departing furth of the place of Justice, under the like paine, quhilk they wald and suld have incurred, in-cas the saidis letteris had nocht bene reported at the day dewlie execute and indorsat. And sik-like, that the saidis letters to be raised to particular diettes, for causes criminall, beare this clause: Commanding the officiat to charge the persones delated and compleened upon, to finde sikker sovertie to the said officiat executor, within sixe dayes nixt after they be charged, that they fall compeir the day and place contented in the saidis letters, accompanied in sober maner, with their domesticque and houshold servandes. And that in the Town of the resort of the said Justice, they fall behave themselves in quiet maner, onely accompanied, as said is: And enter in the Tol-buith, or place quhair Justice fall be holden, accompanied with the number of persones allanerly specified in the former Act of Parliament, comptand therein, three preloquutores, quahall fall onely remaine with them in the said Tol-buith, or place quhair Justice fall be holden, quhill the Court be ended. Quhilk soverty fall be taken under this condition: That gif the partie defender, utherwayes compeir or present himselfe in the place of Justice, and be found with ony greater number; nor is before specified, their soverties fall be unlawed, as gif they had not compeired: And the parties defenders, quahall hes found the said soverty, fall be adjudged fugitive fra the Law, and put to the horse, and their escheir in-brocht, be reason of the excesse of the said number, in the samin maner, as gif they had not compeired. And sik-like, quhatsumever persones fall be found in the said Tol-buith, or place, quhair Justice fall be holden, the Justice and his depures for the time, fall make record in the buikes of adjornall of their presence, in company with ony of the parties, attour the said number appoynted. And immediatly thereafter, fall direct his precepts to denounce the saidis persones rebelles, and put them to the horne, and ordeine their movable guddes to be escheited and in-brocht to OUR SOVERAINE LORDIS use, for their contemption. And als it is statute and ordained, that in all the premises, the denuntiations to be maid at the mercat-croce of the head Burgh of the shire, quhair the said Justice court fall be holden allanerly. And the processe of horning registrat in the buikes of adjornall, fall be als sufficient, as gif the said denuntiation were maid at the mercat croce of the head Burgh, and as gif the said proces of horning were registrat in the Schireffes buikes of the Schite, quhair the persones denounced dwellis: Notwithstanding the Act maid of before, anent the registration of horning, in the Parliament holden at *Edinburg*, the xxiv. day of October. 1579.

141. *Anent the gage and standard of Salmund, Herring and quhire-fish, and principall staples thereof.*

ITEM, OUR SOVERAINE LORD, with advise of the three Estaites of this present Parliament, ratifies and appreivis, all and sindrie Actes and statutes maid be his Hiennes, and his predecessours, concerning the measure of Salmund, Herring, and quhire-fishe: gageing, butning, and measuring thereof. And to the effect the saidis Actes may be the better kept, and for eschewing of defraud of the saidis measures, and of false and uniuist packing of Salmund, Herring, and quhire-fish, quhilk is meikle used be unsee-men, fishers and utheris slayers of the said fish, to the great hurt of the free-men, Burgeses and Merchandes, and hail commoun weill of this Realme. Therefore it is statute and ordained, that

that there be ane just meafure and ftandard for the Salmond, maid be the Burrowes, conforme to the auld Actes of Parliament, and the famin to remaine at the Burgh of *Aberdene*. And fik-like, that there be ane just ftandard and meafure for Herring and quhite-fifh, quhilk fall be burnt, and remaine in the keeping of the Provett and Baillies of *Edinburgb*. And that all Salmond trees, Herring trees, and quhite-fifh trees, univerfallie throw this Realme, fall be of the gage and meafure fore-faid. And that ilk Burgh fall receive ane pattone and meafure of the gage fore-faid, and fall caufe the Couppers within their boundes, make their trees conforme to the faid meafure, and the fame to be burnt be the Town Iron, and Couppers Iron on baith the endes, and upon the fteppe, befide the bung. And in cafe ony Salmond, Herring, or quhite-fifh, be packed in uthers trees, nor of the juft gage fore-faid, burnt and marked, as fadis, the famin fall be efcheit to our Sovereine Lord. And ordainis the principall ftaple of Salmond fra *Dee* north, to be at the Burghes of *Aberdene* and *Elgine*: and the principall ftaple of Herring, and quhite-fifh, flaine be the inhabitants within the water of *Forth*, to be in *Leith*, within the privileg and freedome of the Burgh of *Edinburgb*, and within the port and haven of *Carrail*. And the ftaple of Salmond, Herring and quhite-fifh, flaine be North *Fiffis-nes*, to the water of *Dee*, to be at *Dundie*, or *Perth*. And that the fadis Provett & Baillies of *Edinburgb*, *Aberdene*, *Carrail*, *Elgine*, *Perth*, and *Dundie*, fall appoynt ane difcreet man to be vifitour, wracker, gager, and burner of the fadis trees, and appoynt to him ane reafonable dutie of ilke laft thereof, for his laboures. That all unfree-men, fifchers, and flayers of herring and quhite-fifh, dwelland within the boundes of the water of *Forth*, on baith the fides, to the water mouth of *Tay*, bring their Herring and quhite-fifh to be flaine be them in time cumming, to the portes of *Leith* or *Carrail*, and at West-fide, to *Aire*, and *Dumbertane*, dividand the boundes betuixt at the *Clochtawe*: there to be gaged, marked, and faultd to the free Burgefes of this Realme. And that na fifhers, or uthers unfree-men, fell their faid Herring, and quhite-fifh to ony ftangers or unfree-men, or carrie the famin furth of this Realme to ony uthers cuntries, to be faultd be themfelves, under the paine of efcheiting of all their moveable guddes: The ane halfe to our Sovereine Lordis ufe, and the uthir halfe to the Burrowes, quha fall convict them, be vertew of their Commiffions.

142. *For explication of the Act maid befoire, for punifhment to rebelles, contemptandly remainand at the Horne.*

FORSAMEIKLE as in the Parliament halden at *Edinburgb*, the xx. day of October, the zeir of God, 1579. zeires: There was ane ftatute maid for punifhment of Rebelles, contemptandly remainand at the Horne: In the quhilk it was ordained, that all hornings execute before the dait of the faid Act, within xv. dayes after the publication thereof, and all hornings to be execute thereafter, within xv. dayes after the denuntiation, fuld be dewly regiftred in the Schireffe Clerkes buikes of the Schiref-dome, quhair the faid denuntiation is maid, marked and figned be the Schireffe Clerk, and delivered againe to the partie, with exprefse provifion contained in the faid Act, that hornings not regiftrat, after the forme and tenour thereof, fuld make na faith, nor be of ony force nor effect, as the faid Act at mair length proportis. Be the generalitie quhair of, findrie doubtis arrifand: It was proponed, to our faid Sovereine Lord, and defired to be declared, be his three Eftaites in Parliament, gif the provifion of nullitie of horning therein contened, for non-regiftation thereof, according to the forme prefcribed in the faid firft Act, fuld have place in hornings, execute at the instance of ane perfon deceafed lang before the making of the faid Act, quhair the perfon denounced was alwa departed this life, before the making of the fame: The purchaffer of the letters of Horning beand donatour to the efcheit, and the gift of the faide efcheit, having taken full effect in the donatoures perfon lang of before, and therethrow the donatour, and the purchaffer of the letters, being fatified of his debt, and the rebell punifhed, and departed this life, before the faid ftatute, quhilk culd na wayes be extended to the perfones quhilkis were deceafed, before the making thereof, and quhilkis were punifhed for their faid rebellion. The Kingis Majesty, with the advife of the fadis three Eftaites of Parliament, beand ripelic advifed therewith, hes declared and declaris, that the faid Act of Parliament, is nor, nor fall not be hereafter extended to fik hornings, as were execute at the instance of ony perfon departed this life, before the dait thereof, againft the rebell quha deceafed before the date of the faid Act. And specialie quhair the efcheit falling be the faid horning, was difponed, and the donatour had intrometted with the guddes, takkes, and poffefiones, contened within his gift: Bot that the faid horning, in the caufe forefaid, albeit the fame be not regiftred, hes bene, and fall be, in all time cumming, of full force and effect. Like as alwa our Sovereine Lord, and the three Eftaites forefaidis declaris, that all letters of horning, dewly execute and indorfat, for non-compeiring to underly the Law, or for not finding of fovertie to that effect, reported to the Justice Clerk, and his deputies, as uf is, hes bene, and fall be als fufficient, as gil the fame were regiftred in the Schireffes buikes, quhair the fadis rebelles were denounced. And that it fall be fufficient that the hornings within Stewartries and Regalities, be regiftrat within the buikes thereof, and that hornings execute upon perfones, for their non-comperance to beare wites, fall neede na regifttation.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES and utbers, maid be KING JAMES the Sext, in this aucht Parliament, 22. of Maij, 1584. not imprinted.

- 1 **R**atification of the declaratoure touching the proceedings against the King at Ruthven.
- 2 Ratification of the prosecution and punishment of the said Rebellion.
- 3 Act annulling certaine alienationes and dispositiones, maid in prejudice of the King.
- 4 The constitution of certaine the Kingis Majesties Officiares of the Estaite.
- 5 Commission aient the Ministers stipendes.
- 6 Ratification of the Kingis Majesties lait revocation.
- 7 Reformation of the Colledge of Justice.
- 8 Approbation of the lait lay-money.
- 9 Aient one new cunzie of Gold.
- 10 Ratification of certaine infestments granted to Sir John Maitland of Thirlestane Knight.
- 11 Ratification of Freer-landes and annuales of Aberdene, to the Hospitall thereof.
- 12 Revocation of landes pertaining to unquibile William Maitland of Lethingtoun.
- 13 Ratification of the infestment maid to Andrew Lord Ding-well.
- 14 Commission granted to Colonell William Stewart.

F I N I S.

T H E N I N T H

P A R L I A M E N T,

Halden at Edinburgh the XXII. daie of August, the zeir of God, 1584. zeires. Be the richt Excellent, richt heigh and meichtie Prince, JAMES the Sext, be the Grace of God, King of SCOTTES, with advise of his Estaites.

1. Prelacie may not be given, bot be the possessours deceasse, fore-faltour, or simple resignation with reservation of his life-rent.



THIS Statute and ordained, be our SOVERAINE LORDE, and the three Estaites, that all giftes, provisones, and dispositiones of Succesours of Prelacies, Abbacies, Priories, and Nunneries, maid and granted be his Hienes, to quhatsumever perfonen, his Hienes subjectes, upon the resignations or dimissions, of the possessours of the same Abbacies, Priories, and titulaires of the same with reservation of their awin life-rentes, are and fall be of nane availe, strength, force nor effect, with all that hes followed, or fall happen to follow there-upon, without farther procces: And that na gift or provision of ony sik Prelacie, fall be vailzeable in ony time to cum: except it fall vaik be deceasse, fore-faltout, or simple dimission of the possessour theroof, and na uther wayes, without prejudice alwayes of the life-renters, and present usu-fructuaries.

2. Possession be the space of five zeires, is sufficient to the King, or his Donatour, of landes, takkes, beyndes, cum in his bandes, be fore-faltour.

FORSAMEIKLE As be the common Law of this Realme, the lands and heritages of all perfonen convict of treason, halden immediatly of our Sovereine Lord, ar adjudged to petteine to his Hienes, & to returne as propertie to his Crown: And als his Hienes, hes richt and power to dispons quhatsumever uther landes and heritages, petteining to the perfonen convict of lese-majestie, quhilkis ar immediatly halden of ony of his subjectes, be presentation of ane heritable tennent, to the Over-lord. And in like maner hes richt and title to all takkes and possessiones of teindes and landes, bruikid be the saidis perfonen before their conviction: and as the crimes of treason growis within this Realme: Sua the fraudefull inventiones, to the hurt and prejudice of our said Sovereine Lordis Estaites, daily maid and maid increasid, be abstracting of the evidentes, infestmentes, and seasinges of the lands and heritages, takkes, and utheris richtes, apperteneing to the perfonen quhilkis ar convict and fore-falted for lese-majestie: Tending thereby to draw our Sovereine Lord and his Succesours, and the perfones to quhom the saidis landes and heritages foresaidis, ar, and fall be hereafter dispond, in question of their heritable richtes, and titles of their rowmes and possessiones, nocht having in their handes the evidentes of the saidis perfonen convict, or to be convict, as said is. For remeid quhairof: It is statute and ordained be our said Sovereine Lord, and the three Estaites of this present Parliament, that all Landes, Lordshippes, Bartonnies, Annual-rentes, milnes, multure, fischinges, tennentes, tennandries & service of free tennentes, and utheris heritages quhatsumever, quhilkis have bene, or hereafter fall be, peaceable bruikid, and possessed be quhatsumever perfonen forfalted, or that hereafter fall be fore-falted for crimes of treason and lese-majestie, committed, or that hereafter fall be committed against his Hienesse and his Succesours: Or be them to quhom our Sovereine Lord and his Succesours suld succede, be reason of the fore-faltout of their nearest aites, as their heritage, be labouring the same with their awin guddes, setting the same to tennentes, and up-lifting of the mailles theroof, as their heritage: And swa repute, halden and esteemed heritable possessours theroof, be the space of five zeires, immediatly preceding the proces and sentence of fore-faltour, led, or to be led against them, be the space of five zeires, immediatly preceding the deceasse of the perfonen, to quhom our said Sovereine Lord, suld, or may succede, as aire throw the fore-faltout, led, or to be led against their nearest aites: That all and findric the saidis Landes, Lord-shippes, Bartonnies, annual-rentes, tennentes, tennandries, and service of free-tennentes, milnes, multure, fischinges, and utheris heritages, quhatsumever, lies appertained, and fall appertaine to our said Sovereine Lord and his Succesours, hes becummin, and fall becum in their handes, as escheit, to be dispond and used be them, as their propertie, in all times cumming. Swa that hereafter, na question fall be mooved to his Hienes and his Succesours, nor zit to the perfonen quhilkis have already obtained, or hereafter fall obtene, heritable richt of the saidis Landes, Lordshippes, annual-rentes, and uthers above specified be their disposition. Notwithstanding, that they be not able to schaw, nor produce in Judgement, the heritable richt and title theroof: Or contractes, renunciaciones, and utheris securitatis maid theroof, to the perfonen fore-falted, or to be fore-falted,

as said is, or their predeceffours. And to the effect that the said five zeires possession of the saidis perfones, as heritable possessioners, may be sufficiently verified and proved, our said SOVERAINE LORD, and his Successours, fall, at all times needefull and convenient, at the instance of his Advocate, or quhat uthers his Lieges, having interest, direct commissions under the testimoniall of the great Seale, in dew and competent forme, makand sik perfones as his Hienes, be the advife of the Lordes of his secrete Councell, fall finde maist meete and expedient his Schireffes in that part, to tak cognition be ane condigne assise, of the Schireffdomes quhair the lands lies, or uthers least suspected, quahabest knawis the veritie, quhat Landes, Lord-shippes, and quhat heritages war bruikeid and possessed be the saidis perfones convict or to be convicted of treason; and war bruikeid be them in maner foresaid, as heritable possessioners thereof, Sa commounlie halden, repute and esteemed, be the space of the saidis five zeires, immediatlie preceeding the processe and sentence of foresalour led, and to be led against them, quhilkes ar or fall happen to be heirafter convicted of treason, as said is. And quhat Lands war bruikeid be the perfonis, to quhome OUR SOVERAINE LORD and his Successours, may or fuld succede as aires through foresalour led, or to be led against them for treason, as said is. And to call all parties havand or pretendand interest. Quhilks perfones of Assise, fall give their small determination thereupon before the Judge: quha fall interpone his decreete and autoritie thereto. And thereafter fall retoure the same to his Hienes Chancellarie, under the seales of the saidis assise, quhair the same fall remaine, *ad perpetuam rei memoriam*. And fall in all times thereafter make als full faith in Judgement, as outwith: and be of als great strength, force and effect, to OUR SOVERAINE LORD, and his Successours, and uthers havand richt, be their disposition, for bruiking of the saidis Landes, Lord-shippes; heritages and annual-rentes, as gif the hentable infestments, charters and seafinges thereof, maid to the saidis perfones foresalded, or to be foresalded, as said is, or their predeceffours, war schawen & produced in Judgement. And as concerning takkes and possessiones of lands and teindes, bruikeid and possessed be the saidis perfones fore-salded: or the perfones to quhome our said Sovereine Lord, and his Successours fulde or may succede, as aires throw foresalour led, or to be led against their narrest aires: It is statute and ordained that letters be directed, be deliverance of the Lords of his Hienes secrete Councell, at the instance of his Hienes Comptroller, Or sik as hes obtained, or that fall happen to obtaine, be OUR SOVERAINE LORDIS gift, the richt of the saidis takkes and possessiones, Chargeing the possessioners of the saidis lands and teindes, to enter the said Comptroller or Donatour thereto: To be peaceable possessed and bruikeid be them: ay and quhill they be lauchfullie called, and ordourlie put their fra be the Law, within ten dayes nixt after the charge, under the paine of rebellion and putting of them to the Horne: And gif they failzie therein, The saidis ten dayes being by-past; To denunce them rebelles, and escheit all their mooveable guddes to his Hienes use. And that they fall not be altered, heichted in maill or dewtie, or removed fra the saidis takkes or possessiones of Landes, or teindes, for the said space of five zeires. That in the meane tyme they maie have time and commoditie to search and seek out the takkes, richtes, titles and provisiones of them, quhom of their richt, and securtie procedis: and quahais place they succede unto, be foresalour and escheit, as said is. Quhairby they may mainteine and defend their richt or possession of the Landes or teindes acquired, as said is. And that alwayes the fruites of the saidis Landes, rowmes and possessiones, for the said space of five zeires, fall apperteine and remaine with our said Sovereine Lord, & his donatour for ever. And because his Majestie & his donatours may be greatly defrauded: As also vassalles & sub-vassalles to fewars hurt, through the absenting and abstracting of the evidences & richtes of the perfones foresalded: Sum pretending to claime annual-rents, and few dewties of Landes, fallen in fore-salour, of many zeires preceeding: Quhilks is probably ar taken away be posterioir richtes or discharges, confild or abstracted be the said perfones fore-salded. Therefore it is statute and ordained, be our said Sovereine Lord, and his three Estaites: That na person presented be our Sovereine Lord, to few-landes fore-salded, nor ony vassall of ony fewer fore-salded, fall be compelled to produce the acquittances of few mailles, or annual-rentes, of their fore-salded Landes, of ony zeires preceeding the fore-salour of his immediat superiour: Nor zit of ony zeires sen the said Landes come in his Hienes hands, be reason of the fore-salour: notwithstanding, ony claime irritant, contained in the infestmentes, or titles of the fore-salded perfones, quhilks were obscure to the perfones presented be his Hienes, and sub-vassalles foresaidis: They alwayes payand the saidis annual-rentes, or few dewties for the time to-cum, how soone it fall be verified, that the Landes were sa oblithed be the infestmentes of the saidis perfones fore-salded, abstracted, as said is.

3. *In causes of double poynding the partie quha is lauchfullie summoned, and compeiris not, fall not be hearde in the second instance.*

FORSAMEIKLE As complaint being mooved, at the instance of tennentes of Landes, against divers parties; be quhom they ar charged, poynded and distreinzed, for their mailles and dewties: And of the parties compeined upon compeirand, and schawand their richts and titles of the Landes: and the uther being lauchfullie summond, and not compeirand, the partie compeirand, is ordained to be answered and obeyed of the mailles and dewties of the Landes, being in question, according to his richt and title then schawen and produced: Not *simpliciter*, but with this limitation, for ouicht that the Lordes of Councell or uther Judges ordinaris; before quhome the said action dependis, had seene. And the uther party

tie lauchfullie summoned, and not compeirand, is likewise decerned, to desist and cease fra all farther molestation, or troubling of the saidis tennentes, for ouch that the saidis Lordes then had seene. Be the quhilk decreete, the parties compeirand, hes undoubted richt to the mailles and duties of the landes, ay, and quhill he be warned at the instance of the uther party, and better richt schawen. And because mony zeires, after the giving of the same decreete, the partie quha was lauchfully summoned, and be contumacie was absent, hes intended action for reduction of the said decreete, from the beginning: And consequently, for compelling of the partie obtainer thereof, to rander and restore the haild profites of the landes, incommenced with be him, of mony zeires, expresse against the provision of the commoun Law, and gude reason: That he quha compeiris and obeys the Judge, fall be in worse case, nor he quha contemned the judgement, and absentis him therefra. For remeid quhairto, It is statute and ordained, that quhair-ever the partie nor compeirand, is lauchfullie summoned, and schewis nocht richt, he fall not be heard to retreat and reduce the said decreete, nor zit fall be restored againe to the same: Except he have an necessary cause of his absence, & nocht compeirance quhen he was summoned, nor zit fall have ony action for the by-run profites, incommenced with, be the obtainer of the decreete, fra the obtaining thereof. And he quha obtaines the said decreete, fall onely be obliged to answer the uther partie compleinand in the secund instance, according to the richt, quhilk is then competent in his person, & quhilk he fall schaw and produce valziable to bruk, at the time of his complaint and sute, and na utherwayes. And that this ordour be kept & observed, before the Lords of Session, & uther Judges, as effectis, nocht only in all sik questions, as may occur hereafter: But als in all matters of the like sort, by-gane intended, or to be intended, dependant and undecided before the saidis Lords of Session, and uther Judges ordinar. It is alwayes provided, that gif the partie called, and nor compeirand, in the first instance be *minor*, and have tutours and curators, he fall have his action for his damage and interest sustejnd be him, throw his non-compeirance, against his tutours and curators allanerly. And gif the persone being *minor*, having na tutour nor curators, fall have their remeid to be restored in *integrum*, as accordis of the Law, upon reasonable cause proponed to that effect.

4. *Writtes ordained to be registrat, necessarily suld nocht be sealed. Instrumentes of leasing ar valide, albeit they be nocht subscribed be twa Notares.*

THE Kingis Majestic, with advise of the three Estaites of this present Parliament, exponis and declaris, that the act anent the sealing of writtes of importance, is nocht to be understand of sik writtes, contractis, or obligations, as ar be the parties agreed upon, to be registrat in the buikes of our Sovereine Lordis Councell: or uther ordinar Judges. seeing the parties consents to registrat the same. Quhilk is ane greater solempne Act, nor the sealing thereof. And that the non-sealing of the same, fall be na exception against the validitie of the saidis writtes, being subscribed be the parties, and agreed on, to be registrat, as said is. Quhilkis his Majestic and Estaites foresaidis, decernis to be ended na sealles. Neither that the said act, anent the saidis writtes, to be subscribed be twa Notaris, fall be extended to instrumentes of leasing, quhair-unto ane faithfull Notar, with ane reasonable numbet of honest and famous witnesses is sufficient. And this declaration to be observed as ane Law, in all times cumming.

5. *The eaters of flesh in forbidden times, suld be punished be escheitring of their guddes.*

IT IS statute and ordained be our Sovereine Lord, with advise of his three Estaites, that na maner of person nor persons his subjectes, of quhat Estait, degree or condition that ever they be of, fall presume or tak upon hand, to eat ony maner of flesh in time cumming, on Wednis-day, Friday, or Setterday, or in the time of *Lentron*, under the paine of confiscation of all their moveable guddes to our Sovereine Lordis use, & that his Majesties Thesaurer, cause inquire, search and seeke, the contravenares of this present act, call & accuse them therefore: And they being convict, to arceist and uplift the said paine upon them, with all rigour, in exemple of uthers.

6. *Dissolution of annexed landes.*

FORSAMEIKLE As in auncient times, our Sovereine Lordis maist Noble Progenitours, with consent of the three Estaites of Parliament, have judged it maist convenient for the weil of the Realme, that every Free-holder, Spirituall and Temporall, suld sett their landes in few: And that our said Sovereine Lordis Predecessours, of maist noble memorie, being for the time, be setting of their landes, allweill annexed, as un-annexed in few-ferme, suld give exemple to his free-holders to do the like. And to that effect in diverse Parliametes, halden in the dayes of our Sovereine Lordis Progenitours foresaidis, The annexation and union of landes to the Crown, wete dissolved, and now our Sovereine Lord, following and the read of his saidis Predecessours, for the great desire quhilk his Hienes hes, that policie suld increase within his Realme, hes be the advise of his saidis three Estaites in Parliament, dissolved, and be the tenour of thir presentes dissolvit, the union and annexation, of quhat-somever Landes, Lord-schippes, Barronies, milnes, miltures, fischinges, maid to the Crown, in this Parliament halden in his awin time, or in the dayes of quhat-somever his Hienes maist Noble Progenitours: To the effect that the said Landes,

8. *Aient money and victuall, assigned to the keeping of the Castles of Edinburgh, Dum-bertane, Striviling and Blacknes.*

FORSAMEIKLE As the Castles of *Edinburgh, Dum-bertane, Striviling* and *Blacknes*, being four of the chiefe strengthes of this Realme, maist necessar to be kepted, alsweil for OUR SOVERAINE LORDIS service, as his residence within the same, at times convenient: as for the guard and keeping of prisoners and wardourtes, charged for their offenses, to remaine within the same. Quibilk Castles cannot be safely kepted to his Majesties behoove, and weil fare of his Rcalme, bot be his subiectes and servandes, of sik fame, laurie and credite, as his Hienes esteemis woorthie to discharge their dewtie in that behalfe: Quhar never able to do the same, but sufficient rent and living, quhairupon the persones, continually attending upon the said charge and service, may be maintained. Therefore our Sovereine Lord, with advise and consent of the three Estates of this present Parliament, hes statute and ordained, and be the tenour hereof, statuis and ordainis, that all the money and victuall assigned, given befor for keeping of the saidis Castles: And quhair of the Captaines and keepers of the same *respective*, have bene in possession, be the space of 5. zeiris, preceeding the daie of thir presentis, fall in time cumming, remaine and abide, with the Captaines and keepers thereof, for susteinuing of the charges of their offices: That is to say, to the said Castle of *Edinburgh*, twelfe hundreth markes, to be payed monethlie, fourth of the customes of the Trone of *Edinburgh*, and fourth of the *superplus* of the thrides of benefices: The hail thrid of the quheite of the Arch-bischoppriek of *Saint-Andrewes*, seven chalder, twa bolles, thre firlothes, ane peck. The rest of the thrid of the quheite of the Abbaie of *Score*, three bolles: the hail thrid of the quheite of the Priorie of *Charter-houffe*, twa chalders, five bolles, iiij. part boll. The hail thrid of the quheite of *Lundoris* three chalder, four bolles, iiij. firlothes, three peckes. The hail thrid of the quheite of the Kirke of *Mony-frith*, ane chalder, three bolles, thrid part boll. Out of the thrid of the beir of the Arch-bischoppriek of *Saint-Andrewes* aicht chalders, five bolles, thrid part peck. Of the thrid of the beir of the Abbaie of *Score*, ane chalder, twa bolles, ane firlot, twa parte peck. Out of the thrid of the beir of the Priorie of *Charter-houffe*, three chalders, three bolles, ane peck, thrid part peck. Out of the thrid of the beir of the Abbaie of *Lundoris*, sixte chalders, nine bolles, ane firlot: Out of the thrid of the Beir of the Abbaie of *Aberbrothok*, ane chalder, nine bolles, three firlothes, twa parte peck. Out of the thrid of the Beir of the Bischoppriek of *Dunkeld*, four chalder, xiiij. bolles, thrid part boll. The thrid of the meale of the Arch-bischoppriek of *Saint-Andrewes*, four bolles. Out of the thrid of the meale of the Abbaie of *Score*, xj. bolles, ane firlot. The hail thrid of the meale of the Priory of *Charter-houffe*, twa parte boll. Out of the thrid of the meale of the Abbaie of *Lundoris*, four chalders, xj. bolles, three firlothes, twa peckes: Out of the thrid of the meale of the Bischoppriek of *Dunkeld*, four chalders. The thrid of the peas and beanes of the Arch-bischoppriek of *Saint-Andrewes*, ane boll, thrid part boll. To the Castle of *Dumbertane*, the mailles, fermes, profits and dewties of the landes of *Cardrosse* and *meikle Cimray*. The pension of the ferme meale of *Kirk-Patrick*. The Customes of *Dumbertane*, & five hundreth and fiftie markes, out of the *super-plus* the of thrides of benefices. To the Castle of *Striviling*, the few mailles of the Lord-shippes of *Striviling* schire, *Menteith*, *Brechin* and *Nevar*. To the said Castle of *Blacknes*, the money and victuall of the Lord-shippe of *Linlithcow* schire, according to the gift maid thereanent. And gif ony part of the money and victuall, before assigned to the keeping of the foresaidis Castles, and quhair of the keepers and Captaines, for their service, hes bene in possession, allowed in our Sovereine Lords Checker, be the said space of five zeiris last by-past; be disponed, given and assigned, or hereafter fall happen to be disponed, given and assigned, to quhar sum-ever uther person or persones, for times lang or shorte: except to the saidis Captaines and keepers now present, or quibilk fall happen to be for the time: OUR said SOVERAINE LORDE, be advise and consent foresaid, revokis, annullis, and dischargeis the same, and als decernis and declaris, that the saidis gifts, assignationes and dispositiones, quhat sum-ever maid contrare the tenour of this Acte, ay, and in all times cumming, fall be of nane availle, forec nor effect, with all that may follow thereupon:

9. *Confirmation of the Act maid aient forbidden guddes.*

OUR SOVERAINE LORD, with advise of his three Estates convened in this present Parliament, Ratifies and apprecvis for his Hienes and his Successours, perpetuallie confirmis all Actes of Parliament maid be his Hienes, or his maist Noble Progenitours, against the transporting of forbidden guddes and Wares, out of this Realme. And ordainis the same to have full effect and force in time cumming. Commanding his Hienesse Thesaurer, and all utheris his Officiaries; to quhom it apperteinis, to see the saidis Actes put to dewe execution, against the contraveners thereof: As they will answer upon the dewtie of their offices, at their hiest charge and paine.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES, and utheris, maid be KING JAMES the Sext,
in this ninth Parliament, 22. August, 1584. not imprinted.

- 1 **E**Xception of the Abbotes of New-bogle, and Kinlosse, fourth of the Act anent successours to Prelacies.
- 2 All maid anent factiours of landes, pertaining to persones delated of treason.
- 3 Ratification of the actes anent the libertie of Burrowes.
- 4 And of the Act anent the excesse of coarsly cleething.
- 5 Commission anent discussing of articles proponed in Parliament.
- 6 Act in favoures of the Laird of Letlungtoun.
- 7 Commission anent the erection of the Colledge of Aberdene.
- 8 The annulling of pensiones fourth of the Bisshoppriks of Saint-Andrewes, and Aberdene.
- 9 Ratification of the Kingis revocation.
- 10 Ratification granted to the Commendatar of Pettin-weeme.
- 11 Ratification of the infestment of Beau-lie, to my Lord Lovat.
- 12 Ane uther of the decreete given in favours of the Erle of Suther-land, against the Erle of Caithnes.
- 13 Ane uther of the decreete arbitral, betuixt the merchandes and Craftesmen of Edinburgh.
- 14 Ratification granted to Alexander Erskene of Gogar, upon the discharge of the Castle of Edinburgh.
- 15 Ratification of the contract, betuixt the King and Eustathius Rogh, anent the myndes.

F I N I S.

THE

THE TENTH

PARLIAMENT CURRENT,

Halden at Linlithcow, the X. daie of December, the zeir of God., 1585. zeires. Be the richt excellent, richt heich, and nichtie Prince, JAMES the Sext, be the Grace of God, King of SCOTTES, and the three Estaites.

10. *Authors of slanderous speeches, or writts, suld be pmissid to the death.*



THIS Statute and ordained, be our SOVERAINE LORD, and the three Estaites, that all his Hienes Subjectes content themselves in quietnes and dewtifull obedience, to his Hienes and his authoritie. And that nane of them presume, or take upon hand publicklye to declaime, or privaty to speake or write ony purpose of reproch, or slander of his Majesties persone, Estait, or government: Or to deprave his lawes and actes of Parliament, or misconstrue his proceedinges, quhairby ony mislyking may be mooved, betuixt his Hienesse, and his Nobilitie, and loving subjectes in time cumming, under the paine of death: Certifieing them that does the contrare, they fall be repute as seditious and wicked instrumentes, enemies to his Hienesse, and the commoun-weill of this Realme. And the said paine of death fall be execute upon them, with all rigour, in exemple of utheris.

11. *All Ecclesiastical Persones, fall finde caution to leave the Benefice, als gude as they faude it.*

THE Kingis Majestie, considdering the great and shamefull dilapidation of the rentes of the benefices of this Realme; without respect of the posteritie: to the great hurt of the Crown and common-welth of this Realme: Thetefore for sum stay of the said disorder, quhill the inconvenientes past, may be better tryed, and the full remede provided: Be the advise of the three Estaites, convened in this present Parliament, statuis and ordainis that all persones to be provided hereafter, to the Bishoppricks, Abbacies, Priories, or quhat-sum-ever inferior benefices, being at his Hienes presentation, fall before the expedition and Registratation of their signatours, find sovertie to the Clerk keeper of the Register: That they fall leave the said benefice at their decease and dimission, unhurt or vitiat in the quantitie of the zeirlye rent theirof: as they find it at their entrie theiro. And that their signatours and provisiones on-nawages be expedie or passe the sealles quhill the said sovertie be founden. And the same testified be the same Clerk. And in-case ony of the saides persons, provided to the saides benefices, fall happen to doe utherwayes: And be ony fewes, takkes, pensions or changing of victual for money, or ony uther disposition, fall make their benefice in worse estate, nor the same was at their entrie theiro: all setting and disposition, fall be of nane avail, force nor effect.

12. *All leagues and bandes, maid without the Kinges consent, are null.*

FORSAMEIKLE as their wes ane Act maid of before in the regiment of umquhile Marie Queene Dowrier and Regent of this Realme, OUR SOVERAINE LORDIS Gud-dame of wortie memorie: Anent leagues and bandes, as being thocht against all law and obedience of subjectes towardes their Princes. Quhilk Acte sen the making nocht weill observed; It hes given occasion in a pairt of mony troubles, that hes occurred sen-syne. Quhairfore OUR SOVERAINE LORD, with advise of his three Estaites, convened in this present Parliament, Rarifies, appreivis, and for his successoures perpetually confirmis, the said Act of Parliament, and ordainis the same to have full effect, and execution in time cumming. And als of new with advise of his saidis three Estaites, dischargis and annullis all leagues and bandes maid betuixt his liges and subjects in time bygane, preceding the dai heirof. And statuis and ordainis that in time cumming, na leagues nor bandes be maid amangs his subjects of onie degree, upon quhat-sum-ever cullour or pretense, without his Hienes or his successours privitie and consent had and obteneid thereto: under the paine to be halden and execute, as moveris of sedition and unquietnesse, to the breake and trouble of the publick peace of the Realme, and to be called and persewed therefore, with all rigour, in exemple of utheris.

13. *All charges, super inquirendis, ar discharged. The writers suld not alter the auld forme and stile.*

OUR SOVERAINE LORD, with advise of his three Estaites, statuis and ordainis, that his Hienesse Secretar, or his deputies, keepers of the signettes, passe na mauier of Letters to charge ony persones

persones to compeir, *super inquirendis*, Or to enter their persones in ward, or to do onie deede, under the paines of treason or rebellion: And in case of failzie, to denunce without calling, or cognition tane of before. Notwithstanding the subscription of his Hienes, or ony twa, or ma of his Councill: Except the same letters be specially subscribed by the chiefe officiares of the Estaite, at the least be four of them: quhair of the Chancellor, The Treasurer, or Secrerar fall be alwayes ane, and fall perfectly understand, and answer, that sik letters ar advicedly directed, for matters being in themselves treason in deede: or utherwayes of highest importance, concerning his Hienes person, and proper Estaite, that may suffer na delay. And that the Secrerar admonieth all his deputies and writers to the signet, that name of them take upon hand to write, or put in forme ony maner of Signarour or Letter, to be past his Majesties hand, that containis novaltie or informalicie, contrair the lovable and accustomed stile and forme, notwithstanding the desire of ony partie, under the paine of deprivation. And that everie writer subscribe his name on the back of the signatour, or letter, as allowed be him, That it is written according to the ordinar stile and forme: And that na signatour, or letter passe unallowed or subscribed be the writer, as said is, as they will answer thereupon, at their highest charge and perrell.

14. *Fish slaine on ather side of the water of Forth, may be brocht to ony free Burgh.*

FORSAMEIKLE As in the Act of Parliament, lately maid anent the packing, and peeling of Herring and quhit-fish, and uther fish, slaine on ather side of the waters of *Forth*: It is expresse provided, that all the saidis fishes, fall be brocht to the Portes of *Leith*, or *Carrail* allanerlie: There to be graithed and handled, as in the said act at mair length is contened: Quhilk sensinc hes bene very hurtfull and prejudicial to the remanent free Burrowes and Sea portes, on ather side of the said water of *Forth*. Therefore our said Sovereaine Lord, with advise of his three Estaites, convened in this present Parliament, declaris, statutis and ordainis, that it fall be lesum to the remanent of the saidis free Burrowes, to have the saidis fishes brocht to ilk an of them in time cumming, alsweill as to the saidis Portes of *Leith* and *Carrail*: Notwithstanding ony restriction maid their anent, be the said Acte, or utherwayes of beloier, dispensand therewith for ever. And ordainis letters of publication to passe here-upon, in forme as effeiris.

15. *Licences auent transporting of forbidden guddes, nocht subscribed be the Comptroller, ar of nane availe.*

FORSAMEIKLE As sundrie persones, under coullour of our Sovereaine Lordis licences granted to them, hes transported, and daylie transportis foorth of this Realme, wooll, tallon, victual, and sik uther forbidden guddes, to the great hur and prejudice of his Hienesse customes, and the commoun-weill of this Realme. For eschewing of the quhilk in time cumming, our said Sovereaine Lord, and the three Estaites of this present Parliament, decernis, statutis, and ordainis, that all sik licences, for transporting of the saides forbidden guddes granted or to be granted be his Majestie, be subscribed be his Hienes Comptrollers, present and to cum. And utherwayes to be invalide and to have na force nor effect. And ordainis letters to be directed to the effect foresaid.

16. *Addition to the Act maide anent Sornares and thieves of Clannes.*

IT Is statute and ordained be OUR SOVERAINE LORDE, be advise of his three Estaites in Parliament, that in case ony of his Hienes gude subjectes, that received onie harme or skaith, throw slawth or maisterfull reiffe of their guddes, be ony of the notorious rhieves, broken men, or Sornares of the clannes of thieves in times cumming, fall happen nocht to be of power of themselves to stay and arreist the bodies and guddes of the persones that hes offended against them, or utherwayes of the same Clan, their servands dependares and partakers being apprehended be them: Thar then the compleener fall desire the Schireffe, Stewart, Baillie, or their deputies, or Provest and Baillies, within Burgh, or onie uther person, being of power, that happens to be present for the time. To concur and assist to the same compleener, in making of the famin stay and arreistment, conforme to the Acte of Parliament maid at *Edinburgh* the xxiv. day of October, Ane thousand, five hundreth, auchtie ane zeires, Against notorious thieves and Sornares of clannes, as they will answer to his Hienes upon their obedience, and under the paine to be reputed, and esteemed partakers with the saidis thieves, in evl decedes: Quhaitin gif they failzie, his Hienes with advise of his saidis Estaites, declaris that the said compleener, being his Hienesse obedient subject, fall have sik-like action criminally, or civilie, against the saidis Schirreffes, Stewarts, and Baillies, Provest and Baillies within Burgh, or uthers persones of power happening to be present for the time, And failzeing readlie to concur and assist, as said is, as against the principal thief or riever. And further declaris, statutis, and ordainis, that it fall be lesum to his Hienes trew and obedient subjectes, having their guddes stolen and rest be the saidis notorious thieves, broken men, or Sornares of clannes, to apprehend, take, and intromet with the guddes and persones of the offenders, or onie uthers of the same Clan, their servandes, defenders, or partakers, with quhome the thieves, and trew mennis guddes stollen or rest be them, were receipt: and to reenee the famin, as their awin proper guddes,

ay and quhill the offenders, or uthers of the said Clan, cum to compt and reckoning, and make sufficient suretie for redress of the trew mens skairh: Conforme to the said Act of Parliament, and assoilziez them fra all danger of spoilzie, or violent proffitres, but onely to be answerable for the principal guddes, quhen they fall have reckoning, compt, and dew redress of their awin guddes, with their coastes and skaithes.

17. *Revocation of the Kingis proprietie.*

OUR SOVERAINE LORDE, Having at sundrie time heretofore, commanded ordour to be taken with the Estaitte of his Houfe and toward his proprietie, quhair-upon the same suld be susteined: And finding nathing effectual done thereanent, as zit. Bot in default of the same, diverse abuses entered, and still continuand in the same house, and great diminution of his Hienes rentes, his Majesties debtes, and his awin house alwayes increasing. FOR remeid quhairof, his Majestie be advise of the Lordes, and of his Estaites alwa in Parliament, hes maid, and caused publish diverse revocations, quhillkis notwithstanding, hes tane small effect to his Hienes commoditie: Because the things appoynted to be recovered, and brocht againe to the same revocations, were alwayes newly impetrat and purchased of his Majestie be inoportune and unreasonabie suites, quhairby his Hienes awin necessitie aucht first to be provided for. THEREFORE his Hienes, zit as of before, with advise of his three Estaites, convened in this present Parliament, revokis, cassis, and annullis, all infestmentes, takkes, pensiones, giftes, assignationes, reversiones and exceptiones quhat-sum-ever, maid of the rentes of his proprietie annexed and pertaining to his Crown, in the dayes of his dearest Gud-schir, King JAMES the Fifth, of worthie memorie. Or in ony time by-gane, preceeding the dait hereof, being of their awin nature, or be custome or Lawes of this Realme revocable. And declaris the saidis infestmentes, takkes, pensiones, giftes, assignationes, reversions and exceptions, to have bene, and to be null, and invalide for the crop and zeit of God, 1585. zeires instant, *Whit-sunday*, and *Martine-mes* termes of the same, and in time cumming: Notwithstanding, ony ratifications or confirmations thei of, be Parliament or urtherwayes, and ordainis the saidis rentes, to be charged for, intrometted with, and in-brocht to his Hienes proper use, be his Majesties Comptroller, and his deputies, to his Hienes use. Attour his Majestie awis in the word of a Prince, & promises inviolablie to observe this Act, and to absteine from all new dispositions, of ony of the saidis rentes revokid, as said is, quhill his awin necessities be first of all dewlie and sufficiently provided for. As alwa to allow of that gude forme in his house, quhillkis the saidis Lordes of his secreit Council, and Officiars of his Estaitte, appoynted in this present Parliament, fall appoynt to beginne the first day of Januar nixt-to-cum. Dischargeing his Hienes Comptroller, of all answering or admittin of ony precepts or fees, pensiones or wages, to ony persons, of the termes foresaid, or in ony time cumming: quhill it be newlie directed, and specially appoynted be his Hienes, with advise of the saidis Lordes of his Privie Council, and Officiars of his Estaitte, sittand togidder in that number. Quhill be this present Parliament ar appoynted, his Hienes awin necessitie being first considered, quhat pensiones, fees and wages, fall be allowed and payed in the Office of Comptrollerie, of the zeit of God foresaid, and in time cumming. To the effect it may be seene, that the things commanded to be answered, ar reasonable and profitable to be done, without his Majesties hurt and inconvenient, his awin necessitie being alwayes first considered and provided for, as said is: And consideration had also of the payment of his by-gane debtes, sa far as is possible: Certifieing the said Comptroller, gif he do in the contrair, he fall have na allowance of his doing: notwithstanding ony warrand past before the dait of thir presents.

18. *The narrest Agnat suld be curatour to Fooles, Idiotes, and Furious persones.*

OUR Sovereain Lord, be advise of this present Parliament, statutis and ordainis, that the narrest agnates and kinsmen of natural Fooles, Idiotes, and furious persones fall be served, received, and preferred, according to the disposition of the commoun Law, to their tutorie, and curatorie.

19. *Addition to the Act anent double poynding.*

FORSAMEIKLE, As there was an Act maid in the last Parliament, balden at *Edinburgh*, in the Moneth of August, ane thousand, five hundreth, fourscor four zeires, anent decreits given upon double poyndings, and hornings, the ane part being lauchfullie summond; compeiris not in that instant, and thereafter desires to be heard be way of reduction, They fall not be heard to reitre and reduce the said decreit, not zit fall be restored againe to the famin: neither zit have onie action for the by-run proffitres intrometted with be the obtainer of the decreit: As ar mair length is contened in the said Act. Quhill act is not only extended to all sik questions as may occurre hereafter, but alwa in all sik matters of the like sort by-gane intended, or to be intended, depending and undecided before the Lordes of Session, and uthers Judges ordinar, to ane great hurt and prejudice of ane great number of our Sovereains subjectes, secluding them fra their actiones of reductions of decreetes of double poyndings and hornings, and from the profites resultant thereupon, already intended and depending lang before the making of the said act, quha of law and equite, aucht not to be astricted to observe ony statutes or ordinances, before the making of the famin: seing Lawes suld be extended *ad futura*, and not *ad praterita*. Therefore our Sovereain Lord,

Lord, with advise of the three Estaites of this present Parliament, decernis and declaris, the foresaid Act of Parliament, only to be extended to the reduction of decreetes of double poyndings and hornings, as hes, or fall be obtained sen the making of the samin: and not to sik as wes intended and depending lang of before, and that in respect, our Sovereine Lordis subjectes, could not observe the said act, before the making heir of, and ordainis letters to be dire& hereupon, in forme as effectis.

20. *Signatoures and other writties, fuld be presented be the ordinar Officers.*

OUR SOVERAINE LORD understanding how faire his Hiensse is grudged, be the subscribing of sundry Signatoures and letters, at in-oportune ture and desire of sundrie perones, his Hiensse not being fore-warned nor trewlie informed of the effect and contentes of the said signatoures and letters: For remeid quhairof, his Majestie with advise of his three Estaites, convened in this present Parliament, staturis and ordainis: That na signatour or letters quhat-sum-ever, fall be presented to his Majestie, to be subscribed in time cumming, bot be his ordinar officers, unto quhais offices the same properly belangis. And in case ony signatour, aithet ignorantly, or upon inoportunitie, fall happen to be subscribed, be his Hiensse urtherwayes; Commandis his saids ordinar officers to stay them: And in no wayes to subscribe or passe them; As they will answer at their highest charge and perrell: Quhilk staying of the passing of sik signatoures, fall be impure to them for na offense: Bot esteemed be his Majestie, as acceptable and gude service, tending to his Hiensse honour, and commoun-weill of this Realme.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES, in this Tenth Parliament, 1585. and not imprinted.

- 1 *Ratifications of the Act of Parliament maid anent infestments given for delivring of Castles.*
- 2 *Of the assent of the estate, for concluding of ane league, with the Queene of England.*
- 3 *Ratification granted to James Richardson of Smeeton.*
- 4 *Item, to the Laird of Elphinstoun.*
- 5 *Item, to the Laird of Car-michael.*
- 6 *Item, to the bairnes of the Laird of Segie.*
- 7 *Item, to Alexander Wood.*
- 8 *Item, to Walter Dundas.*
- 9 *Item, to William Commendatar of Pettin-weeme.*
- 10 *Item, to unquibile Sir James Balfour, his wife and bairnes.*
- 11 *Item, to William Dowglas, of the Provostrie of Lincluden.*
- 12 *Item, to Maister Edward Bruyse, of the Abbacie of Kinloss.*
- 13 *Item, to the Laird of Cessford, anent the landes of Ormeletoun.*
- 14 *Item, to George and Andrew Haliburtonnes, of their Pensiones.*
- 15 *Item, to John Authinleck, of his Pension.*
- 16 *Item, to Maister George Young, and John Andro.*
- 17 *Item, to the Toun of Anstruther, in free burgh.*
- 18 *Item, anent confirmation of sewes and Kirk-landes.*
- 19 *Item, in favour of the Colledge of Justice, anent the time of sitting.*
- 20 *Item, of them quha maid payment to factoures.*
- 21 *Item, of Advocates, to trie and consult with perones sore-falsed, anent their restitution.*
- 22 *Item, of Noble-men and uthers restored and received to the Kingis favour.*
- 23 *Item, of John, Erle of Mortoun, his friendes and servandes.*
- 24 *Item, of Ministers and Maisters of Colledges, and Schooles, concerning their restitution.*
- 25 *Item, of my Lord Hammiltoun, as curatour to his brother.*
- 26 *Item, of Claude, Lord Hammiltoun and certaine his friendes, with exception of W. Sinclair.*
- 27 *Item, of the bairnes natural, of unquibile, James Erle of Mortoun.*
- 28 *Item, of the Erle of Angus, anent the aires of Qubric-law.*
- 29 *Item, in favour of the Toun of Drum-freis.*
- 30 *Item, of Maister William Lestie.*

- 31 *Item, of the posteritie of William Erle of Gowrie. Item of John Achefon.*
 32 *Item, of Sir William Stewart, lait Captaine of Dumbarten.*
 33 *Item, to my Lord Glammes.*
 34 *Item, of the Maister of Glammes.*
 35 *Item, of the servandes of the Erle of Mar, and Maister of Glammes.*
 36 *Item, of my Lord Hammiltoun and Claude Commendatar of Paislay, bis brother.*
 37 *Item, of the Laird of Holmendis, and his friendes.*
 38 *Item, of Sir John Maitland of Thirle-stane Secretar, and James Maitland his brothers some.*
 39 *Item, of John Hammiltoun of Drumry.*
 40 *Item, of William Dowglas of Drumlang-rig, anent the landes of Armemes.*
 41 *Item, of John Hepburne of Bonchard.*
 42 *Item, of Fraunces Erle of Errol.*
 43 *Item, of James Murray, and the Ladie Polmaes.*
 44 *Exception of the Erle of Orkney.*
 45 *The Lord Ding-well, and William Murray, fra the Act maid anent the revocation of the Kingis propertie.*
 46 *Item, of the Justice Clerke, anent the landes of Woodhoufley.*
 47 *Commission anent the fees of the sealles and chalmer, and subscription of officiairs.*
 48 *Item, anent Commissioners of schires, to be sent to the Parliament, remitted to the Kingis will and ordinance.*

F I N I S.

T H E E L L E V E N T H
P A R L I A M E N T,

Halden at Edinburgh, the XXIX. daye of Julij, the zeir of God, 1587. zeires. Be the richt excellent, richt heigh, and nichtie Prince, JAMES the Sext, be the Grace of God, King of SCOTTES, with advife of his Estaites.

22. *The Kingis perfite age, is after twentie ane zeires compleete.*



NENT The proposition maid be OUR SOVERAINE LORD, and his three Estaites convened in this present Parliament, for declaration quhat is the perfite age of his Hienes, makand mention of ane Acte of Parliament, made be King James the Second, of gude memorie, of the daite the twentie day of March. the zeir of GOD. 1437. zeires. And sike-like, of the late Acte maid be his Hieneffe umquhile dearest Mother, of the daite the fiftene day of December: The zeir of GOD, 1564. zeires: Like as the saidis Actes at main length proportis. Desiring therefore the declaration of the saidis Actes, anent the lauchfull and perfite age of the Prince, gif it be of twentie ane zeires compleete.

OUR SOVERAINE LORDE, and his saidis three Estaites, hes declared, and declaris, that the Kingis Majesties Predecessours, Kinges and Queenes of this Realme, were be the saidis Actes, halden of lauchfull age, at twentie ane zeires compleete: Like as OUR said SOVERAINE LORD, being now of twentie ane zeires compleete, is of perfite and lauchfull age: Swa that his Hieneffe, his Predecessours and Successours, after the said age of twentie ane zeires compleete; might have done, and may do all things that thereafter ane Prince of lauchfull and perfite age, might have done, or may do of the Law.

23. *Ratification of all Lawes, maid anent the libertie of the Kirk, and all utheris in the Kingis minoritie.*

OUR SOVERAINE LORD, now after his lauchfull and perfite age of twentie ane zeires compleete, with advife and consent of his Estaites convened in this present Parliament, ratifies, apprevis, and for his Hienes and his Successours perpetualis confirmis, all and quhat sumever Actes maid be his Hienes, in the Governements of his Regentes, during his zoung age. Orfen the acceptation of the Governement of this Realme in his awin persone; Or be his mainit noble Progenitours, anent the Kirk of God and Religion now presentlie professed, and be the Lawes established within this Realme; and that the said Ratification be als effectuell, as gif all the saidis Actes war heirin expressed, named and numbered, and cassis, annullis and abrogatis all Lawes, Actes, and statutes, canon, civile, municipal, and uthers ordinances quhat sumever, maid in onie times of before, contrait or in prejudice of the said trew Religion, and Professours thereof.

24. *Anent tryal and punishment of the Adversaries of the trew Religion.*

OUR SOVERAINE LORD, and his three Estaites convened in this present Parliament. Ratifies and apprevis the Actes, and statutes, maid of before, anent the punishment of the Adversaries of Gods trew Religion, presently professed: and be lawes established in this Realme: and the seducers and perswaders of his Hieneffe obedient and faithfull subjectes to decline theirfra. And ordainis the same to have full effect; and execution in time cumming, with this addition: That quhatsoever professed and avowed Jesuites, or Seminarie Priestes, fall be fund in ony part of this Realme, within the space of ane Moneth anent the publication of the Actes of this present Parliament: fall be taken, apprehended, called, and persewed, and incurre the paine of death, and confiscation of all their guidde moveable. And quhaever willingly, and wittingly receiptis or supplies onie of them thereafter, be the space of three dayes, and three nights together, or severally at three times, upon certaine knowledge, that they are persons of that profession, and beis lauchfullie, and ordourly convict of the same, fall incurre the tinsell of their life-rents. And that they, as als wa all fayers and hearers of Messe or prophaners of the Sacramentes; Or uthers waies persones suspected to have declined fra the trew and Christian Religion, or refusand to resort to the preaching of Gods word, or quhat sumever person that fall be reasonning, or dispersing of buikes or letters, presume to perswade onie of his Majesties subjectes, to decline fra the profession of the said trew Religion, being called to compeir, and answer thereupon before his Hienes and his privie Councill: in case the persones sa accused, and

and delated, or onie of them, fall be fund culpable, be his Hienes privie Councell or five of them, his Majesties Chancellor, and Clerk of Register being twa of that number, either be the Confession of the saidis perones accused, Or be the deposition of famous witnes: Or gif the saidis perons delated, being called and adjudged criminallic (in-cas his Hienes and his Councell fall swa thinke gud) and beis fund guiltie and culpable in the premis: That they there-throw, incur the paine of tinfell of all their moveable guddes: Together with the life-rentes of their Landes and livings quhat-soever, to be uptaken and employed to his Hienes awen use: and na wayes to be dispõned to the persons convict or fugitive, for the causes foresaidis.

25. *The sellers and dispersers of erroneous buikes, suld be punished and the buikes destroyed.*

FORSAMEIKLE as findrie perones brings furth of utheris Realmes divers buikes and writes, containing erroneous doctrine, against the trew word of GOD, and Religion professed, and be the Lawes established in this Realme: Or conteneing superfluous rites and ceremonies *Papisticall*, quhair-by the people ar greatly abused. FOR remeid quhairof, OUR SOVERAINE LORDE, and the three Estaites of this present Parliament, statuis and ordainis, that quhairsoever ony perones suspecte of hame-bringing of the saidis buikes, fall repaire, resort, and remaine within ony Burgh, it fall be lauchfull to the Proveit and Baillies of the same Burgh, with ane Minister, to search and seeke the saidis buikes, and being funde sik buikes as ar before declared, to destroy them, and to committ the hame-bringers to wairde, quhill they be punished in their perones and guddes, at OUR SOVERAINE LORDIS will. For the quhilk this present Act, fall be sufficient commission to the saidis Proveit, Baillies, and Minister: And their said searching, seeking, intromission, and destruction of the saidis buikes, fall be repunte ane lauchfull deede, for the quhilk they fall incurre na danger of spuilzie, or intrusion, or ony thing that may follow there-upon.

26. *Ministers provided to Benefices under Prelacies, suld be free of the first zeires fruites and fifth penny.*

ITEM, It is declared, statute and ordained, that all Benefices of Cure under Prelacies, quhair-unto Ministers ar Readers or admitted (that actuallic servis, and dois their dewties at their Kirkes) fall in all time cumming, be free of the first zeires fruites, and fifth pennie of their Benefices. And fall from this time forth have their Signatoures of presentation past at the Privie Seale, upon his Majesties awin Subscription onely, and his Secretaris, without ony payment, or caution to his Thesaurer for the saidis first fruites or fifth penny.

27. *Punishment of troublers of the Kirk, invaders of Ministers, and of Excommunicat perones, entrand into the Kirk.*

OUR SOVERAINE LORD, with advise of his three Estaites, in this present Parliament, statuis and ordainis, that quhat-sumever person or perones, fall happen hereafter, to perturb the order of the Kirk, in time of Divine service, or to make ony tumult, raise ony fraie, either in the Kirk or Kirk-zaird, quhair-throw the people then convened, fall happen to be disorderd, troubled, or dispersed: The same fall be ane poynt of dittay, and the perones to be convict thereof, fall tyne all their moveable guddes, to befecheit to OUR SOVERAINE LORD, for their offense; but prejudice of greater punishment, gif there happen ony greater offense, as slaughter, blood, mutilation, schutting of Hag-buttes and Pistolertes, according to the Lawes of this Realme: And for-sameikle as divers perones having committed findrie offenses, for the quhilk they merite to be separate from the societie of the Kirk; And zit seekis na reconciliation there-unto, bot for necessitie of *Baptisme* to their bairnes, or marriage of themselves, or of their friendes, sum-times minacis and boastis the saidis Ministers, and sum-times for seeking of their livings, or sik uther quarrelles, sparis not to put violent handes on them. FOR remeid quhairof, it is statute and ordained, be OUR SOVERAINE LORD, with advise of the saidis Estaites; That quhat-sumever person or perones, invadis ony Minister, or puttis ony violent handes in him, for the causes above expremed, or ony uther sik forged quarrell, fall be punished therefore with all rigour, and incurre the paine of tinfell of all their moveable guddes, for the said invasion and violence allanetlic; Albeit na slaughter nor mutilation follow thereupon: The ane halfe of the saidis moveable guddes, to be applied to our SOVERAINE LORDIS use, and the uther to the partie offended; But prejudice of greater punishment, gif ony heigher crime concurre, with the violence and invasion foresaidis. And for the better execution hereof; It is statute and ordained, that all perones, delated of the saidis offenses, fall be called and presented therefore criminallic, before the Justice and his deputies, either in Justice aires, or at particular dietes. And that letters be direct to thar effect in common forme, at the instance of the Minister, or the Kingis Advocate, or Procuratour for the Kirk, or ony uther that will persew the saidis offenses. And quhair ony excommunicat perones enters in the Congregation, the time of the Ministration of the Sacramentes, or common Prayers; The Minister being certified thereof, fall incontinent thereafter, charge the Excommunicat perone,

fone, in the name of GOD, and OUR SOVERAINE LORDE to depart: Quhilk being refused, he fall after the Ministratour of the Sacramentes, or Common Prayers ended, require sa mony of the maist wife, discreete, and substantious of the Paroche, as he pleais: That they, in OUR SOVERAINE LORDIS NAME, fall take and apprehend the said Excommunicate persone, and present him to the Judge Ordinar, within the boundes of the shire, quhair the Paroche lies, quhilk Judge Ordinar, fall be halden to receive the same Excommunicate person off their handes, and keepe and reteine him in prison, till he finde caution, under sik summes as fall be modified be the Minister. And sa monie of the Elders of that Kirk, as at present for the time, or resortis to the oulkie assemblies; That the Excommunicate person reconcile himselfe to the Kirk, and fall make amendis for the said offense.

AND gif the Excommunicate person forefald, desercis ony of them in the execution of the premissses, he being convict thereof, his moveable guddes, fall fall in escheit to OUR SOVERAINE LORDE: And his persone fall be punished, at his Hienes will and pleasure.

28. Interpretation of the Act maid anent deprivation of Ministers.

ITEM, It is statute and ordained, that the Commission for deprivation of Persones provided to benefices, for the cause of deprivation, fall extend alswa againt Persones provided to Prelacies, as uthers inferiour benefices under Prelacies, to be used be the persones specified in the said Commission: Or sik uthers, as his Hienes fall give Commission to, in that behalte, for all transgressions of the Actes maid their anent, sen the Parliament halden at *Linthcove*, in *December*, the zeir of God, 1585. zeires.

29. Annexation of the Temporalitie of benefices to the Crown.

OUR SOVERAINE LORD, and his three Estaites of Parliament, persitely understanding the greatest part of his proper rent, to have bene given and disposed of auld, to Abbais, Monasteries, and uthers persons of Clergie: quhairby the Crown hes bene sa greatlie hurt, that thereafter his maist Noble Progenitours had nocht sufficient meanes to beare toorth the honour of their Estait, as they had before, quhilk hes bredde findrie inconvenientes within this Realme. And seeing the causes of the dissolution of the patrimonie of the Crown, to the Kirk, after the trueth knawin, ar found nather necessar nor profitable: And that be manie occasiones, through a lang processe of time, the dearth hes sa greatlie increased, not only in this Realme, Bot in all Cuntries, that the Princes charges, ar not able to be upholden be that part of the patrimonie, quhilk now restis in his handes: And his Hienes for the great love and favour quhilk he bearis to his subjectes; being na waies minded to greeve them with un-profitable taxations, specially for his royall support. It is found maist ineete and expedient, that he fall have recourse to his awin patrimonie, disposed of before (the cause of the disposition now ceasing) as ane helpe maist honorable in respect of himselfe, and least grievous to his people and subjectes.

AND THEREFORE Our said Sovereine Lord, and his saidis three Estaites of Parliament, be the force of this present Acte, have united, annexed and incorporate, and unitis, annexis and incorporatis, to the Crown of this Realme, to remaine therewith as annexed, and as it were propertie thereof, in all time cumming, and with our said Sovereine Lord, and his Successours for ever; All and findrie Landes, Lordships, Barronies, Castles, Towres, Fortalices, Mansions, Manour places, Milnes, Multurens, Wooddes, Schawes, Parkes, Fischinges, Townes, Villages, Burrowes in Regalitie, and Baronnie, annual-tentes, tenementes, reversiones, customes great and small, few-fermes, tenementes, tennendries, and service of free tennementes. And all and findrie uthers commodities, profites and emolumentes quhatsumever, alswell to Burgh, as to lande, (except, as hereafter fall be excepted in this present Acte) Quhilkis at the day and dait of this presentis, viz. The xxix. day of *Julij*, the zeir of God, 1587. zeires, pertainis to quhatsumever Arch-bishope, Bishope, Abbot, Prior, Prioreffe, and quhatsumever uther Prelat, either Ecclesiasticall, or beneficed person, of quhatsumever estait, degre, high or lawe, and at the day and dait of thir presentes pertainis to quhatsumever Abbay, Convent, Cloister, quhatsumever ordour of Friers, or Nunnes, Menkes or Channonnes, howsumever they be named, and to quhatsumever Colledge Kirk, founded for Chantorie and singing; Or to quhatsumever Prebendarie or Chaplanarie quhair-ever they be, or be situate within this Realme and dominion thereof. And sik-like, all and findrie common landes, bruked be Chaptours of Cathedral Kirkes, and Chantrie Colledges as common: And quhair of the saidis Chaptours have bene in possession before in commonitie, to be in all times hereafter, taken, halden and repute, as it were the propertie and patrimony of the Crown, to remaine therewith in all times cumming, after the forme and tenour, and ordour of the Act of annexation, maid in the time of our Sovereine Lordis maist Noble Predecessour, King JAMES the Second; And according to all clausies, conditions, and circumstances thereof, quhilk in all poyntes is halden for expressed in this present Act. And als it is statute and ordained, that the execution of this act, in levying and uptaking of the profites, fall begin and take effect; at the terme of *Martine-mes* nixt to-cum: That our said Sovereine Lord, may receive the rentes and dewties of the said terme, and swa fourth to continew in time cumming.

Taxation.

AND because it is nocht reasonable, that after the said annexation of the said Temporall landes to the Crown, the saidis Prelates and Ecclesiastical persons be burdened with ony taxaciones, for, and in respect of the saidis annexed landes, his Majestie, and his Estaites of this present Parliament, hes remitted the ordour to be taken for their reliefe in that behalfe, to certaine persones to quhom the ordour of the general taxation of all landes within this Realme is committed. Quhilk ordour to be taken, shall be observed in all times cumming, and the heritable possellours of the saidis landes, and utheris addebted in taxaciones, shall pay their taxt, according thereto.

Warrantize.

AND Further, is declared, decerned, statute and ordained, be our said Sovereine Lord, and his saidis three Estaites of Parliament, that in case ony of the saidis Prelates, or persones Ecclesiasticall, quhais Temporall landes ar properly comprehended in the said annexation, shall be hereafter called and presented, at the instance of quhair sumever persones, for warrandize of ony of the saidis Kirk-landes, set in few, or takke be them, or their predecclours to divers persones, be occasion of double infestmentes, or affectaciones: or for quhair sumever uther cause, they, and their succellours fall na wayes bee obliged to warrand the same, bot for their awin deed: to wit, quhair the warrandize proceedis, and takis occasion upon double infestmentes, or affectaciones of ane land, baith proceeding from ane person disponer theteof, zit on live; In quhilk case allanerlie, they shall be obliged, as said is.

Persones convicted of barratry or restored.

IT IS Aswa concluded, statute and ordained, be our said SOVERAINE LORD, and his three Estaites of Parliament, that the said annexation shall have full strength, force and effect, in all Lord-shippes, tennendries, Barronnies, and uther Temporall Landes, quhilk pertained to ony Prelacie, or uther Benefice, possessed before, be quhair sumever Prelate or Ecclesiasticall person, against quhome processe of fore-falour, or Barratry hes bene led at ony time, sen our said Sovereine Lordis Coronatioun; Albeit they have bene in ony Parliament before, or fall be now in this present Parliament, or hereafter fullie restored against the saidis sentences, and processe, and their restitution shall have na effect, against the said annexation: bot the said annexation, shall have effect against them, notwithstanding the said restitution.

Femes to be set be the King.

IT Shall be alwayes lauchfull to our said Sovereine Lord, in his awin time, to sett in few-ferme, quhair sumever the saidis Kirk-landes, quhilkis were not sett in few-ferme before, gif ony be. And sik-like, gif ony infestmentes of few-ferme of the saidis landes, now annexed, quhilkis were sett in few-ferme before, shall happen to be retreated and reduced, for the reasons and causes hereafter expressed: Quhairin his Hienes and his Succellours, shall onely be heard to quarrell and claime. It shall be lauchfull to his Hienes in his awin time, as said is, to sett the same in few-ferme, notwithstanding the said annexation. And to the effect foresaid, the said provision shall serve for a sufficient dissolution in that behalfe, and his Hienes, and his three Estaites foresaidis, dissolv the same in that part.

Dissolution.

Exceptioun.

AND Sik-like, it shall be lauchfull to our said Sovereine Lord, to use the superioritie and few-fermes of the Landes of *Tullois*, the milne of *Craguby*, millandes and sucken of the same: The Landes of *Corstoun* quhilkis pertained to the Abbacy of *Aberbratbock*, lyand within the Schireffe-dome of *For-fare*, and Regalitie of *Aberbratbock*, as shall seeme gude to his Hienes. And that the conversion of the victuall in money, or diminution of the rentall, shall be na cause of reduction of the infestment, the said annexation, or ony claufe, or condition therein contened notwithstanding.

FURTHER, Our said Sovereine Lord, and his saidis three Estaites of Parliament, hes declared, and be the renour hereof declaris, decernis and ordainis, that the Landes, Lord-shippes and Barronnies underwritten, erected be his Hienesse in temporall Lord-shippes and Barroinies, before the dait of this present Acte, quhilk is the xxix. day of *July*, the zeir of God, 1587. zeires, ar not, nor shall not be comprehended in the said annexation: excluding the same alluterly their-fra, to remaine with the persons to quhome they were first disponed, after the forme and tenour of their infestments, maid to them thereof. They ar to say; The Lands, and Lord-shippes of *Torphichin*, The Erledome of *Gowrie*, the Lord-shippe and living of *Deir*, now called the Lord-shippe of *Altrie*. The Landes and Barronnies of *New-bottle*, with the uther landes annexed thereto: The Barronnies of *Brouchtoun* and *Kerse*, the Burgh of the *Cannon-gate*, and ane part of the Town of *Leib*, the Barronie of *Alhamner*, alias called *Qubite-Kirk*: Quhilkis of before, pertained to the Abbacie of *Halyrude-bouffe*. The Landes and Lord-shippes of *Mussel-burgh*, quhilkis of before pertained to the Abbaie of *Dumfermeling*. Quhilkis Lands and Lord-shippes ar disponed to diverse persones, as their particular infestmentes bearis: And als excepted the hail remanent landes of the Abbay of *Dumfermeling*, declared as zit to abide with the said Abbay, in the same estait, quhairin they then were, and ar not comprehended in the annexation foresaid: Bot to remaine with the said Abbay, quhill forder ordour be taken. As alwa excepted fourth of the said annexation of Kirk-landes to the Crown: The infestment of the Temporalitie of *Paislay*: And the Priorie of *Physcarden*, and temporalitie thereof. It is alwayes provided, and our said Sovereine Lord, with advise of his saidis three Estaites in Parliament, provides and declaris, that notwithstanding the said annexation is appoynted to take effect in maner foresaid, At the Feast of *Martines* nixt-to-cum: Neverthelcis *JOHN*, Lord *HAMMILTOUN*, Commendatar of the Abbacie of *Aberbratbock*, shall bruike the fruites, profites and dewties of the said Abbaie, during his life-time, in the same maner as he did before. Except the profites of the landes of *Craguby*, and milne thereof, the landes of *Tullois* and *Corstoun*, few-fermes, and dewties of the same; For the quhilk he shall be recompensed, according

according to the generall outdour to be taken with the remanent Ecclesiasticall Persones, quhais rent is paid; be the said annexation, according to the Act and ordinance maid there-upon.

IN LIKE MANER, OUR SOVERAINE LORD, with advyse of his saidis three Estaites, ratifies and appreevis the gift & disposition maid be his Hiensse to *John Botwell* soune lauchfull to *Adame*, Bishoppe of *Orkney*, of the Abbacie of *Halyrude-bouse*, and hail frutes thereof, with the hail freedomes, jurisdictionis, liberties, rentes, proventes, and emolumentes of the same, with the hail reservaciones, clauses, conditions, and circumstances of the same, after the tenour thereof; As the same of the daite, the tenth day of *December*, the zeir of GOD, 1582. zeires bearis; Declaring the same to be sufficient and vailzeable to him, for bruiking and using of the said benefice and hail frutes thereof, induring his life-time. Notwithstanding, quhat-somever Actes, constituciones or Lawes, Civill, or municipall, maid in the contrair, dispensand there-with, and effect thereof; And that this present ratification, be als sufficient, as gif the said gift and disposition had bene excepted in speciall, in the saidis Actes, or any of them. And this always to be without derogation of the Acte of annexation, of the temporalities of Benefices to the Crown: or of quhat-somever richtes and titles maid be them, or arther of them, in favour of quhat-somever persones, quhilik be this, his Hiensse meanis nawayes to prejudge; Bot the same to stande ratified and appceved, in their full strength and force, as gif they were speciallie mentioned herein.

IT IS Always understand, like as our said Sovereain Lord, and his three Estaites declaris, that under the said annexation or any clause herein specified: the teind scheves & uthers teindes of quhat-somever lands, within this Realme pertaining to any Personage or Vicarage, ar not, nor fall not be comprehended: Except quhair the teind and stock is sett togidder, as is hereafter declared; Bot that the same fall remaine with the present possessor, having richt thereto; and quha fall have richt to the same hereafter: Notwithstanding the said annexation, or any general clause therein specified, quhilik fall nawayes be extended to the saidis tenentes, mait not gif the said annexation had na wayes bene maid.

Reservand always, and exceptand to all Arch-bishoppes, Bishoppes, Abbotes, Priotes, Prioreesses, Commendatars and uthir Possesores of great Benefices, of the estat of Prelates, and quhilik before had, or hes voite in Parliament, their principle Castles, Fortalices, houses and mansiones, with the bigginges and zairdes thereof, as they lie and are situate within the precinctes and clausures of their places, quhilik fall remaine with them, and their successoures hereafter, for their residence and habitation. Notwithstanding the said annexation, quhilik fall na wayes include the same; But the same Castles, houses, mansiones, and uthers immediatlie before rehearfed, fall abide in the same Estait, quhairin they were before the said annexation, but prejudice or hurt to be meaned or intended to the saidis Prelates, or any uthers persones, that may have or justlie pretend richt thereto. Providing always they keepe and maintaine the same, in the Estait quhairin they presently ar.

EXCEPTAND aliwa fourth of the said annexation, all and quhat-somever mansiones of Parsoages and Vicarages annexed to Parochie Kirkes with four aikers of glebe, maist ewest to the Kirk, and commodious for the Minister, serving the cure theirof, for his better residence there-at, quhilik fall not be, nor ar comprehended in the said annexation: Bot fall remaine with the Minister, Parson or Vicar, or uthir quha fall be provided thereto, for serving of the cure, according to the Actes of Parliament maid there-aneut of before.

EXCEPTAND In like maner, all and sindrie landes, profites, tenentes, annual-rentes, & commodities quhat-somever, granted before the daite hereof, be our Sovereain Lord, or quhat-somever his Hiensse Predecessoures; Or be quhat-somever uthers persones, to any Hospitall or Maison-dieu, within this Realme; And that in favours of the Puir and needy: Providing that the same be not disposed nor applied to any uthir use.

AND Sike-like, exceptand and reservand, all landes, tenementes, profites, annual-rentes, & commodities quhat-somever, granted before the daite hereof, be our Sovereain Lord, or quhat-somever his Hiensse Predecessoures; Or be quhat-somever uthers persones, to any Hospitall or Maison-dieu, within this Realme; And that in favours of the Puir and needy: Providing that the same be not disposed nor applied to any uthir use.

AND Finallie, exceptand and excludand fourth of the said annexation, all Landes, Barronnies, tenementes, annual-rentes, and uthers commodities quhat-somever; quhilik pertained of before, to quhat-somever Benefice, great or small, being of laick patronages. To the quhilik the said annexation fall nocht be extended, nor comprehende the same: To the effect that name of the saidis laick patronages be hurt nor damnified thereby.

AND Notwithstanding, the said general annexation of all Landes, Lord-shippes, Barronnies, tenementes, annual-rentes, and uthers commodities above specified (except before excepted) to remaine therewith, as it were proper Patrimonie thereof in all time cumtine: It is be this present Acte speciallie provided, that quhen the saidis landes, and uthers above specified, or any part or portion theirof, great or small, ar sett in few-ferme; takke and assedation: or ar disposed in or free tenendrie, in blanch cane, or for service of waarde and reliefe, or uthers waikes, as may stand and agree with the Lawes of this Realme: The saidis heritable free tenentes, sewares, tackmen and uthers nighteous titulaires thereof, fall bruik and enjoy their Landes, Lord-shippes, Barronnies, tenementes, annual-

annual-rentes, and their uther rights and titles quhat-somever, after the forme and tenour of the same in all poynts: And our said Sovereine Lord, and his Hieneffe Successours, fall be hereafter immediat superiour to them: Like as they fall becom, be vertew of this present Act, immediat tennentes and vassalles to his Hieneffe, and their Successours, in their saidis Lord-shippes, landes and tenementes, for payment of the dewtie and service, contained in their infestmentes, takkes and asseadationes, and utheris richtes and titles thereof; in the same fort and maner, as they might have bene oblihed to the saidis Ecclesiasticall perones, and na uther-ways. And that be the same infestmentes, takkes, richtes, and titles, quhilkis the saidis possessours hes of the same: They fall bruik, joyis and possesse their saidis landes. And it fall not be necessary to them; to alter their saidis infestmentes and richtes: Nor to take the same of new of OUR SOVERAINE LORD, Norwithstanding the translation of the superioritie in his Hieneffe.

Benefices.

AND Because there ar divers pensiones, granted to many perones toorth of the saidis annexed landes, alswie be the saidis Prelates, and utheris Ecclesiasticall perones, as be OUR SOVERAINE LORD, the benefice vaikand in his Hienes handes, ather throw decease, or be proesse of fore-falout or barratric, led against the possessour of the Benefice. OUR SOVERAINE LORD, and his saidis three Estaites of Parliament, decernis, and declaris: That the saidis pensioners, fall na wayes be hurt nor prejudged in their saidis pensiones (they being lauchfullie provided thereto) be the said annexation. Swa that the saidis Pensioners have bene authorized be decreetes of the Lordes of Councill, or uther Judges ordinar: Or have bene in lauchfull possession of their pensiones, at any time preeceding.

The ouering of sales.

IT Is Always declared and decerned, be our Sovereine Lorde, and his saidis three Estaites in Parliament; That in all and findry landes, Lord-shippes, tenementes, annual-rentes, uthers profites & commodities quhat-somever, properly comprehended in the said annexation: Our said Sovereine Lord, and his Successours, fall have the only and full richt of the superioritie of the tennendries, sik-like, and in the same maner, as the saidis Ecclesiasticall perones had the same of before. And that the aires of the present heritable possessours in all time cumming, fall enter be Brieves of our Sovereine Lords Chappell allawethly: quhilks Brieves, fall be direct to the Schireffe of the Schire quhair there was na Regalitie before. And quhair there was ony Regalitie quhilks hes now ane heritable Baillie or Stewart, the same fall be directed to the said Baillie or Stewart and their deputies. After the service of the quhilks Brieve, the same fall be retoured to OUR SOVERAINE LORDS Chancellary, quhilder the saidis landes lie in Royaltie, or Regalitie; The partie fall have precepts to be seased, halden of our said Sovereine Lord according to his retour, be the same conditions, as our said Sovereine Lordis uthers tennentes have bene seased be precepts, direct furth of the Chancellary of before. In the quhilks precept commandement fall be given, to the Schireffe, Stewart or Baillie, to whom the same fall be directed, to take securitie for the dewtie awand to our said Sovereine Lord, as the cause fall require be the retour; As the custome hes bene in the Kingis tennendries in times by-past.

Reduction of infestmentes.

AND BECAUSE OUR said SOVERAINE LORD, and his Successours, ar decerned and declared be the tenour hereof, to have the full richt to the superioritie of the saidis tennendries of Kirk-landes: IT IS THEREFORE statute and ordained, that his Hieneffe and his Successours, fall have sufficient richt, action and interest, for compelling of all and findrie the saidis tennentes, nowe presentlie being, and their aires and successours that fall be for the time; To pay the dewties, and do the services contained in their infestmentes, in all time cumming. AND in-case the clausse and conditiones of the saidis infestmentes, be contravened, his Hieneffe and his Successours fall have Action to retreit & reduce the saidis infestmentes, according to the clausse, conditions and restrictiones specified therein; & of ony fault, offense, or contravention, that fall be done, or committed in time cumming allanerlie. And his Hieneffe and his Successours, fall not have action, title, power or richt, to call ony of the saidis infestmentes or takkes and asseadationes of ony of the saidis Kirk-landes, quhilkis ar maid be them quha had power to make the same, or ony richt or title depending thereupon, in question: Nor zit to perfew the reduction, annulling or expyting thereof: Nor zit fall his Hieneffe, nor his Successours have onie maner of Action, richt or title, to retreit, reduce or annull, quhat-somever infestmentes, of the saidis Kirk-landes, dewlie and lauchfullie confirmed be him or his Predecessours, for diminution of the rental: Swa that the said diminution be nocht of the auld penny-maill, *de liquido ad liquidum*: And his Majestie and his Successours, fall nawayes be heard to quarrell the saidis infestmentes of few-serme, for conversion of the victuall in silver deutie: Or for ony uther reason or cause of nullitie, invaliditie, lesioun or hurt: Or be reason of quhat-somever Law, Cannon, municipall, statute or constitution: Except in the causes foresaidis, for none payment of the saidis dewties, and dew services in time cumming: According to the restrictiones contained in the said infestmentes.

AND ALS Except, and quhair OUR said SOVERAINE LORD, & his Successours, may have querrell, or imprive the saidis infestmentes, gif ony of them be fals and feinzied: In the quhilkis causes allanerlie his Hieneffe and his Successours, fall have place to perfew, and be the tenour of this present Acte, ar, and fall be expresse and continuallic excluded fra all uther action, cause and persute, except the causes foresaidis.

The sewares will breuk their landes conform too their infest.

AND Maitover, our said Sovereine Lord, And his three Estaites in Parliament, for the greater assurance to the saidis sewares and free-tennents, declaris that it fall not belesum to him nor his Successours: And that his Hieneffe means not intends, directly nor indirectly, to harme or prejudice the saidis

faidis sewares and free tennentes, their aires and successours in their roumes and possessions, pertaining to them for any cause, except for the speciall cause above excepted; Bot that they shall breik their faidis landes, sewes and tennendries, als freelic in all respectes, for payment of the deutie, and service contened in their infestmentes: as onie his Lords, Barronnes, sewares, and free-tennentes, quhilkis was immediat vassalles of auld, hes bruiked and joyced their faidis landes and heritages: Or presently bruiks or joyis the same, but ony difference hereafter.

AND Because the teind-scheeves, and uther small teindes of all landes within this Realme, ar expressely excepted fourth of the said annexation, and the same na wayes extended thereto. And thereby it is considered, that question may fall out, anent the payment of the few-fermes of the Kirk-landes, to our Sovereine Lord, quhair in an infestment, the landes and teindes is set togidder for ane dewtie; And butt division or distinction, how meikle shall be payed for the said land, and how meikle for the teind: quhilk may seeme hurtfull to sike as hes the landes sett to them, with the teindes included: And to the Ecclesiasticall Persones, to quhom the teindes ar reserved. FOR Avoyding of the quhilk question, our said Sovereine Lord, and his faidis three Estaites of Parliament, decernis and declaris, statutis and ordainis, that the comprehending of the faidis teindes, and including the same with the Landes, shall na wayes breik OUR SAID SOVERAINE LORDIS superioritie foresaid: Bot his Hiennesse shall remaine superiour to the haill tennendrie, stock and teind, after the forme of the infestmentes. And that the richt of the said infestment, shall stande indivisible, sa farre as concernis the halding and tennendries. Bot the said Ecclesiasticall persone, shall have action and richt to the tenth penny of liquidat mailles, contened in the said infestment. And the uther nine parts thereof, shall pertaine to OUR SOVERAINE LORDE: And this to be nocht onelie of the penny-maill, but of all uther dewties, that shall be payed for teind and stock; To witt, that nine partes thereof, shall pertaine to OUR SOVERAINE LORDE: And the tenth-part be just estimation, shall appertaine to the said Ecclesiasticall Person. And that all the Judges and Ministers of his Lawes, within this Realme, Judge and decide according to this statute, and na uther wayes, how oft as that question shall be moved, upon the case fore-said.

Fewes set cum decimis in d. 151.

AND For-sameikle, as there is diverse Burrowes in Regalitie and Barronnie, within this Realme, quhilks were before halden immediatlie of the faidis Prelates, and have bene in use to exerce the trade and trafficque of merchandise: To make Burgesies, and to elect Provostes, Baillies and utheris Officers, meete and necessar for the government of their Communities; Our said Sovereine Lord, and his faidis three Estaites in Parliament, na wayes willing that they shall be hurt therein, declaris, decernis, and ordainis, that they shall remaine in the same freedoome and libertie, quhilk they had before the said annexation, to be halden alwayes of our said Sovereine Lorde, in the same maner and condition, be the quhilk they held their faidis liberties, of the faidis Ecclesiasticall persones before, and na-wayes hurt in their richtes and privilegedges. And that the one sort and the uther be not confounded be this present Act, bot remaine alwayes distinct, as they were in time by-past: notwithstanding the said annexation. It is alwayes provided, statute and ordained, that the Provost, Baillies, Councell and utheris Officers, within the said Burrowes, in Regalitie and Barronnie, quhair they were Provost and Baillies of before: shall be zeirly elected, chosen, deposed and altered, according to the forme and tenour, of the Actes of Parliament, maid in the dayes of our Sovereine Lordis maist Noble predeceffours, and ratified in divers Parliaments, sen his Hiennesse Coronation.

Envoiance of Regalitie & Barronnie.

Forder the faidis Burrowes in Regalitie, and Barronnie, and all lands, tenementes, and annual-rentes, within the libertie of the same, quhilkis were halden of the said Ecclesiasticall persones before, shall fra this present be halden of our said Sovereine Lord, and his Successours in chiefe, and the aires shall be entered thereto, be our said Sovereine Lords Brieves, to be direct to the faidis Provost and Baillies, of the faidis Burrowes: and the services shall be retoured to his Hiennesse Chancellary. Upon the quhilk retoure, the Director shall deliver ane Precept, in competent and dew forme, with provision of securitie, to be taken for the mailles and dewties of the faidis landes, and annual-rentes, as they shall be retoured: Because the faidis Burrowes, ar not his free Burrowes Regal, and were not relived of their none-entries, at the handes of the faidis Prelates, their superiours, in times by-past: And quhair the Prelate received resignation, or gave entres; That the Kingis Majestie shall give it now be ordour of his Chancellary, and quhair the power was in the handes of the Baillies of the Burrowes within Regalities, that they bruik and enjoy their richt and priviledge, as of before.

Annual-rentes in the said Burrowes.

AND Because the faidis landes, Lordshippes, and Barronies, quhilks before pertained to the faidis Archbishops, Bishops, Abbotes, and utheris Prelates: There is diverse our Sovereine Lordis licenges, constitute heretable Baillies and Stewards of the faidis Lordshippes and Regalities: Quhilkis heritable Baillies and Stewards, our said Sovereine Lord intends not to hurt, be the said annexation. Therefore our said Sovereine Lord, and his faidis three Estaites of Parliament, declaris, decernis, statutis and ordainis, that the said heretable Baillies and Stewards, and their aires and successours, shall now and hereafter abide and remaine, in their richt and title, quhilk they have of the faidis Offices, except in the change of their superior, in our Sovereine Lord and his Successours, quhilks in all time hereafter shall be their immediat superiour. Like as the faidis heretable Baillies and Stewards shall be their immediat tennents, and vassalles of their faidis offices: after the forme and tenour of their infestmentes, and for doing of the service specified in the same.

Heretable Baillies & Stewards.

Further the faidis heretable Baillies and Stewards, shall notwithstanding the said annexation, have the same

That in d. 151.

fame libertie, power and Jurisdiction, quhilk they had before in actiones and maters Civill: And be the said annexation, there fall na furder power, jurisdiction or authoritie, appertene to our said Sovereaine Lordis Schireffes, nor accresse unto them: Bot their said power and jurisdiction, fall remaine in the same Estaitte, limited as the famin is, at this present, according to the auncient Lawes, and consuetude of this Realme.

AND Furder, the said heritable Stewart or Baillie of the said Regality, fall have the same power quhilk he had before, to replege from the Schireffe or his deputes, in all causes and actiones eriminall or Civill quhair replegiation was granted of before; And gif the said Schireffe and his deputes refusit to admittie the said replegiation, he and his deputes fall be punished therefore, and his processe led in the contrair, fall be of nane availle. And in causes criminall, the said Baillie or Stewart of the Regality, fall be Judge competent in all maner of crimes, quhairin the Lord or Baillie of the Regality was accustomed to be Judge in times by-past. And albeit our Sovereaine Lordis Justice generall, Lieu-tenent, or Justice in that part, be speciall commissioun, summound the offender, indweller of the Regality, to compeir before them, to underly the Law for the crime, for the quhilk he fall be delated; The said Baillie or Stewart of the Regality, fall have power to replege fra our said Sovereaine Lordis Justice foresaid, to his awin court; in case he have prevented be apprehending of the offenders person; or be his Summoundes, first directed and execute against the offender, before our said Sovereaine Lordis Justice, apprehended the person suspected or delated for the offense and crime: Or execute summoundes upon him, to underly the Law therefore. Bot our said Sovereaine Lordis Justice generall Lieu-tenent, or commissioner fall be Judge competent, in-case of prevention upon his part, be the apprehension of the trespassour, or first execution of the summoundes against him, and in that case the said Baillie and Stewart of Regality, fall have na power to replege; Bot gif he pleasit, he fall be adjoynd to the Kingis Justice, and Judge with him. And in-case of conviction, the said Baillie and Stewart heritable, assistand to the Judgement, fall have sik part of the escheit, as he may claime be vertue of his Office, and infestment given to him there-upon. And it is alsyva decerned, statute and ordained, that na Baillie nor Stewart heritable, of ony Regality, fall hereafter be heard to replege fra our said Sovereaine Lordis Justice air, halden be his Justice generall: Bot he fall be adjoynd, gif he pleasit, to the Kings Justice, and fall have sa-meikle of the un-law and penaltie of the perfones delated, as he aucht to have be the richt of his infestment.

*Of weire-
fare and
weapon-
schawinges.*

IN Like maner, it is statute, that in all hostes and armies, the inhabitants of the landes within the saidis Bailleries and Stewardries, fall be under the commandment of the saidis Baillies and Stewardes heritable, in sik maner as they were wont to assemble, with the saidis Prelates and Baillies, in time by-gane. As als fall give musters at their weapon-schawinges before them, according to the Acte of Parliament, under the paines contained therein, to be up-listed to the saidis Baillies and Stewardis use.

Exceptions.

And Mair-attour, it is specialle provided, that notwithstanding the annexation of the temporalities of benefices to the Crown: Zit the conventuall brether, of the Abbey of *Dunfermeling*, fall na wayes be prejudged and hurt anent their Livinges, Portiones, pensones, zairdes and dewties of the said Abbey: Bot that they and everie one of them may peaceablie bruk, joyis and uplift their portiones, pensones, livinges, zairdes and dewties of the same Abbey, during their life-times; Conforme to their gites speciall assignations thereof, and to OUR SOVERAINE LORDS ratification and confirmation there-upon in all poyntes.

THE Quhilk day, OUR SOVERAINE LORDE, sittand in Judgement in plaine Parliament, be his declaration maid in presence of his three Estaites, saved and reserved to himselfe, libertie and priviledge to except and reserve forth of the Actes, of the annexation of the Temporalities of benefices to the Crown, of the dissolution of the temporalities annexed, of his hienes revocation generall, and of the ratification of the pacification, and abolition, all sik perfones, causes and matters, and with sik provisiones, limitationes and restrictiones, as to his Majestie fall seeme expedient. Quhilkis his Hiennesse ordainis and commandis his Clerke of Register, to insert and incorporate within the bodies of the saidis Actes. The famin exceptiones and reservationes being delivered to him, subscribed be his Hiennesse, and his Chancellor, before the fiftenth day of August nixt-to-cum.

AND Further, OUR SOVERAINE LORD, According to the libertie and priviledge saved to himselfe, sittand in Judgement, in plaine Parliament, hes excepted forth of the said generall annexation, the Temporalities of the Abbacies of *Coldinghame*, and *Kelso*, and Celle of *Lefnabago*: Declaring them as zit to remaine with the saidis Abbaies and Celle, in the famin estate, quhairin they then were. And that they were not comprehended in the annexation foresaid: Bot to remaine with them quhill furder ordour be taken. And hes declared, that it fall be lauchfull to his Hiennesse, to use the superioritie and few-fermes of the landes of *Lethame*, lyand within the Schireff-dome of *Fiffe*; Being a parte of the Patrimonie of the Bischoppriek of *Saint-Andrewes*: All and findrie the landes and utheris, after specified, quhilkis ar a ne parte of the Patrimonie of *Lincluden*: They ar to say, the five marke-lande of little *Dryburgh*: The five marke-lande of *Drum-jarg*: The five marke-lande of *Ernpbillane*: The five marke-lande of *Ernerage*: The five marke-lande of *Blarone*: The five marke-lande of meikle *Dryburgh*: The five mark-lande of *Chapmantoun*: The five mark-lande of *Blacherne*: The five mark-lande of *Ernemunzie*: The five mark-lande of *Culsovie*: The corne milne of *Corf-Michael*: The five marke-lande of *Garrantoun*: The two mark-lande & ane halfe of *Black-parke*: All lyand within the Barronie of *Corf-Michael*, & Stewartrie of *Kirk*.

Kirkcubright. The fiftene schilling land of *Staikfurde*: The fourtie schilling lande of *New-toun*: The mark-land of *Chunie*, and *Skellingbolme*: the sex mark-land of *Carrauchtie*: The sex mark-land of *Drumganis*: The five marke-land of *Troqueir*: The mark-land of *Stocbolme*: The five mark-land of *None-land*: The five mark-land of *Cruif-stanes*: The sex mark-land of *Holme*: The twentie schilling land of *Maricholme*: The four mark-lande of *None-holme*: All lyand within the Barronie of *Drumsteith*, and *Stewartric* forsaide. Togidder with all Castelles, Towers, Fortalices, Manour-places, houfes, Bigginges, Orchardes, Milnes, Zairdes, Wooddes, fishinges, partes, pendickles, annexes, connexes, out-fettes, tennentes, rennendries, and fermes of few-fermes, canes, customes, services, casualties, and uther commodities quhat-sum-ever.

And gif it fall happen, OUR said SOVERAINE LORD, to dispone ony of the landes, Milnes, and fishinges of the said Provestrie, quhilkis ar comprehended in the said annexation: Or quhilkis ar now excepted and reserved, as said is, and fall be hereafter dimitted in his Hieneffe handes, be the Provest and Prebendaries theirof; THAT Gif his Hieneffe converted the fermes, or vidual in silver; The same fall be na diminution of the rental, or cause of reduction of the saidis infestmentes, to be maid thereof.

And als hes declared, and declaris, that it fall be lauchfull to his Hieneffe, to use the superioritie and few-fermes of the landes of *Loarg*, and *Kincardin*, with seventene aiker of land, quhilkis landes ar of the Abbacie and Lord-shippe of *Culrossie*: And the preceptorie of SAINT-ANTONIS in *Leith*: And Chaplanarie of SAINT-JAMES, at the *New-haven*, landes, reynodes, and annuales of the same, as fall seeme gude to his Hieneffe. AND Als declaris, that notwithstanding the said annexation, appoynted to take effect, in maner foresaid, at the Feast of *Martine-mes*, nixt to-cum; That Maister ROBERT DOWGLAS, Provest of *Lincluden*, and WILLIAME DOWGLAS, Sonne to the Laird of *Drumlangrig*, his successeur, fall bruik the fruites, profites and dewties of the said Provestrie, during their lifestimes, in the same maner as they did before.

AND Als wa Ratifies and appreivis the provision maid to JAMES DOWGLAS, Sonne to the Laird of *Drumlangrig*, of the Provestrie of *Lincluden*, And that the act of dissolution, fall be extended in his favour, declaring the same provision to be sufficient, for bruiking and joyning of the said Provestrie, and hail profites thereof: Notwithstanding, quhat-sum-ever Actes, constitutiones or lawes, Civil or municipal, maid in the contrair, dispensand therewith, and effect theirof.

AND SIK-LIKE Excepts fourth of the said annexation, The landes and utheris under-written, quhilkis ar an part of the patrimonie of *North-Berwicke*: They ar to say, all and hail, the place quhair the Abbay Kirk and Cloister of *North-Berwicke* stude of before, quhilk is now ruinous, and was na Paroch Kirk. And als all and findry the landes of the heuch of *North-Berwicke-Law*, the *Law-meedow*. The milnes of *Kinkeith* with the crostes thereof, the uther four crostes of land, sum-time occupied be ROBERT HUME of *Heuch*, with their pertinences, lyand on the South side of the Burgh of *North-Berwicke*. All and hail the West part of the Toun of *North-Berwicke*, called the *Nanne-gate*, lyand upon the West-side of the burne, called the *Clartie-burn* with all and findrie Landes, tenementes, houfes, Bigginges, out-fettes, tailles, barnes, zairdes, and utheris pertinences thereof. All and hail, the twa husband-lands in *Bone-stoun*, with their pertinences. All lyand in the Schireffedome of *Edinburgh*, and Constabularie of *Edingtoun*. All and hail the landes of *Montresfe*, the landes of *Alderny*, The landes of the *Grange*, with their pertinents, all lyand within the Schireffedome of *Fiffe*, with houfes, bigginges, manfiones, fortalices, zairdes, Orchardes, fermes of few-fermes, tenentes, tennendries, partes, pendickles, and pertinences, of all and findrie the foresaid lands. Quhilkis his Majestie declaris, are not, nor fall not be comprehended in the saide Annexation.

30. *Dissolution of annexed Landes, for setting of the samin in few-ferme.*

FORSAMEIKLE, As for great and weightie considerations tending to the weill of the Crown, and of the hail Realme, There is diverse landes and Lord-shippes of auld and of lait annexed, to remaine with OUR SOVERAINE LORD, and his successeurs, Quhilkis may not be disposed nor annalied, in feo or life-rent, to quhat-sum-ever persone or persones, without the advife of the three Estaites of Parliament, and for profitable and seene causes, for the weill of the hail Realme: And nevertheleffe it hes bene thocht expedient in the dayes of our Sovereine Lordes maist Noble predecessours, that his said annexed and proper Landes, suld be set in few-ferme, for increase of policie their-upon, and augmentation of the rental. And to the effect that the saidis Lands might be set in few-ferme in maner foresaid: Our saide Sovereain Lordis Predecessours and three Estaites of Parliament, hes bene in use to dissolve the said Annexationes. And therefore our said Sovereain Lord, and three Estaites of Parliamente, finding it now expedient, and profitable for his Hieneffe, That divers of the saidis annexed lands, within findrie Schireffedomes and Lordshippes be set in few-ferme, for augmentation of his zeirlic rental, and for increase of policie, as said is. Therefore they have dissolved, and dissolvit the said union and annexation, to the effect above specified allanerlie. And will that the same be extended to the Lands underwritten, quhidder they be annexed to the Crown to the principalis of this Realme; Or to the Kingis second Sonne.

Providing alwayes, that albeit the landes of the Eredome of *Rosse*, and Lordship of *Ardmannoch*, quhilkis

quhilkis ar appoynted to remaine with our said Sovereine Lords second Sonne, be sett in few-ferme be vertue of this dissolution: The famin fall na wayes be annullid, disposed, nor put awaye fra our said Sovereine Lordis second Sonne: Bot the same landes and profites thereof, albeit they be hereafter sett in few-ferme, fall remaine in proprietie with him, after the forme of the Acte, maid be King James the Thrid, our Sovereine Lordis maist Noble Predecessour. And als providing that this present dissolution, fall stand during the dayes of our said Sovereine Lord, rhat now is allanerlic. Swa that what Landes, his Hiens in his time settis in few-ferme, to quhat-sum-ever person or persones, for augmentation of his rental, as said is, the famin fall abide with the saidis persones, their aires and successours in few and heritage for ever. And after our said Sovereine Lordis decease, the annexation of the remanent landes, nor sett in few in his Hiens times, fall returne to their awin nature. Thir ar the names of the landes to the quhilk this present dissolution is, and fall be extended. They ar to say, The landes of the Erledome of *Rosse*, and Lordshippe of *Ardmannoch*, The landes of the Erledome of *Orkney*, with the *Iles* pertaining thereto: The landes annexed to the Crown, lyand within the Schireffedome of *Edinburgh*, and Constabularie of *Haddingtoun*: The Friers lands of *Abercromie*, quhilkis were before disposed to *George Erle Marfchel*: The landes and Lordshippe of *Menteith*, disposed to *James Lord Down*: The landes and Lordshippe of *Galloway*, aboue and beneth *Cree*. The Erledome of *March*, and the Lordshippe of *Etrick Forrest*.

31. THE KINGIS GENERAL REVOCATION.



WE JAMES, Be the Grace of GOD King of *Scottes*, being now of perfite age, of rwentie anc zeires compleit, and knowing the remeid competent to us be the common Lawe, and Lawes of our Realme, In revocation of all and findrie alienations, donations, venditiones, or uthers dispositions quhat-sum-ever, maid be us in our minoritie and lesse age, or be our predecessours in their times, in hurt and detriment of our Crown, our saul, and consciences agaiust all Lawes of our Realme, and theirin following the exemple of our most Noble Progenitours, in their general Revocaciones: And being larelic past our said perfite age of twentie anc zeires, and ane large space within our age of rwentie five zeires, during the quhilk, the remeid of our Revocation is competent to us: We make our General Revocation, in maner following.

FIRST We revoke, casse, annull, reiteit and rescind, all and findrie infestmentes, chartours, giftes, donationes, alienationes, and dispositiones quhat-sum-ever, maid be our umquhile dearest Mother, before our Coronation: To quhat-sum-ever person or persones, in ony maner of way, in fee, few-ferme, or frankrenement, of ony Lands, Lordshippes, Barronnies, customes, annuales, fishinges, Burrow mailles or Castle wardes, annexed to our Crown, Offices of Justiciarie, and Schireffships within the famin, appertaining thereto, in contrair, the actes of annexation maid there-upon of before: And quhair lauchfull dissolution of the said annexation was not maid be our said umquhile dearest Mother, and her three Estaites in Parliament, in her awin time, to the effect that the same fall be of nane availe in time cumming, after the dait heirof.

AND SIK-LIKE, We revoke, annull and reiteit, all and findrie infestmentes, Chartours, giftes, donationes, alienationes, and dispositiones quhat-sum-ever, fees and pensiones disposed be us, of our said annexed awin proper Landes, at ony rime preceeding in our Minoritie, and lesse age: Except the fees and pensiones disposed to the Officers of our Crown, their deputies and Clerkes, as hereafter fall be excepted.

Reservand alwayes fourth of this our Revocation, the halfe landes of easter *Aberlednauch*, set in few-ferme in our minoritie, to our trustie servitour Sir *Joby Murray of Tullibardin* Knight, ane of our Maisters of Housholde, And sik-like reservand fourth of this our Revocation, all and hail the landes of *Knocktane*, *Kildarroch*, *Kirrie-walok*, and five marke-lande of *Kereburne*, lyand within the Schireffedome of *Wigtoun*, and kindlie possesiones to Sir *Patrick Waus of Barnbarroch* Knight: Swa that he and his aires may bruike the same, according to his infestments theirof, daited at *Haly-rude-bonse*, the twentie day of November, The zeir of God 1582. zeires.

ITEM, We revoke all alienationes and dispositiones quhat-sum-ever, of onie rentes, lands, or heritages, annexed to the Principality, or to the Prince quha is alwayes second person of this Realme, maid be us, or onie our predecessours, to the prejudice and hurt of the Prince, second person foresaid.

ITEM, We revoke, casse, annull and reiteit, all infestmentes, donationes, alienationes and dispositions, granted be us, our Regentes and Governours for the time, in our minoritie and lesse age; To quhat-sum-ever person or persones in fee, few-ferme, lyse-rent, or utherwayes, of all uthers Landes, rentes, annuales and revenues, nor annexed to our Crown, quhilk our umquhill dearest Mother had in her possession before our Coronation. And of all offices sik as Chalmerlaneries, and Baillieries, and of the Office of customarie, maid for maa zeires but fra checker, till the compt be maid in the checker after following, Constabularies, and Bailleries of our proper lands and Castelles: And als we revoke and annull all rentalles, assedationes and takkes of our proper Landes and rentes, maid be us our Governours and Regentes, in our minoritie, abone the space of five zeires.

ITEM, We revoke, reiteit, rescinde and annull, all and quhat-sum-ever infestmentes or rentalles of few-ferme,

Landes
franchising
in properie
to the
Crown.

The prin-
cipalitie.

Of un-
der-
tened
landes.

Of offices.

Reservand
rentes of
the proper-
tie.

Of annex-
ed landes.

few-ferme,

few-ferme, of quhat-sum-ever our proper Landes, annex to our Crown, maide to quhat-sum-ever persones, be us in our minority, or be our predecesoures heretofore, quhilkis are maide in diminution of our rental, and hurt of our patrimonie, quhair the diminution may be verified and proven.

ITEM, We revoke, rescind, retraits and annull all and quhat-sum-ever infestmentes, dispositions and alienationes, maide be us, our Governours, and Regentes in our minorities, or be onie of our predecesoures in their times, of the few-ferme victual of onie Landes and Lord-shippes, perteing to our Crown, quihk were lauchfullie fet in few before, for payment of the few-ferme victual, and the same few-ferme victual is fet in few thereafter, for silver payment. Because the setting of the few-ferme is clearelie understand to be to the great abuse, hurt, and diminution of our Patrimonie and rent.

Few-ferme
mix feuds-
formarum.

ITEM, We revoke all infestmentes, alienationes and dispositions, maide to quhat-sum-ever persones of our Castelles and houses, the places and roumes, quhair-upon our Castles and houses war situat, and now are demolisched in our minority and lesse age. And sik-like all infestmentes, alienationes and dispositions of quhat-sum-ever our Medowes, Wooddes, and Parkes, with all takkes, assedationes and uther dispositions theroif, fet be us, our Regentes and Governours in our minoritie as said is.

The King's
Castelles
houses.

ITEM, We revoke all and findrie infestmentes, alienationes, gistes, and dispositions quhat-sum-ever, maide be us, our Governours and Regentes in our minority; To quhat-sum-ever Persons, in fee, few-ferme or life-rent of all Landes and annual-rentes; Quhilkis become in our hands, as propertie be richt of our Crown; Through bastardy, or we being last aire, be reason of recognition, foresaltour, or utherwayes, with all confirmationes, gif onie be granted in Parliament their-upon. That the saids lands may retorne in propertie to us and our successeours in time cumming. And nevertheles be this head and Article of this present Revocation: We declaire, diccerne, and ordaine: That nane of the Lord shippes, lands and Bartonnies that be come in our hands, be reason of the fore-saltours, Quhilks were retraits, and rescinded be the pacification concluded at Perth, the three and twentie daye of Februar, The zeire of God, one thousand, five hundred, threescor twelze zeires, and ratified and appreeved in our Parliament, halden at Haly-rude-house, the last day of April, The zeir of God, one thousand, five hundred, threescor thirteen zeires: And be the Pacification maide in our Parliament halden at Linlithcow, in the great hall of the Palice theroif, The tenth day of December, The zeire of God, one thousand, five hundred, fourscore five zeires: Sall abyde and remaine with us and our successeours: Bot the same sall retorne to the richteous heritoures theroif, and uthers havand interest to the same. Sik-like as gif the saids foresaltours had never bene led. And to that effect we presentlie dissolve the annexation of all landes united to our Crown, and alledged to have fallen in our handes, be reason of the saids foresaltoures, quhilkis ar retraits, as said is. And sik-like we rescind the annexationes maide in our dearest Gudschirs time of all landes that bee come in his handes, Or in the handes of his Predecesoures, be quhat-sum-ever Proces of foresaltour, quhair the said foresaltour is reduced, and declaired to be of nane avail.

Bastardy,
recogni-
tion, last
air, fore-
saltour.

ITEM, We revoke all tailzies, maide be us in our minority and lesse age, fra the aires general to the aires mail, of onie landes within our Realme, against the Lawe and gude conscience, quhair the saids Landes were dispoiced before to the aires quhat-sum-ever, and the saids infestmentes, changed be resignation in the same persone, and to his aires mail.

Tailzies.

And wee declaire that new conquest tailzied in our saide minoritie and lesse age, Sall nawayes cum under this our Revocation: Because it is not against conscience, that onie person, quha acquires the richt of onie Heritable Landes, may take the same to sik aires as he pleasit.

ITEM, We revoke, rescind and retraits, all new infestmentes given be us: Or onie of our saids Governours and Regentes in our minoritie, of onie Landes and Lord-shippes in BLENCH-FERME, that were halden of us, and our Predecesoures, before be service of Warde and reliefe: Bot prejudice alwayes to the heritable possessoures: That they fall bruik their saids landes heretablie: as they were halden before the said infestmentes, maide in our minoritie.

Blench-
ferme.

ITEM, We revoke all Regalities, and confirmationes of Regalities, given be us in our minority and lesse age, or onie of our Predecesoures before; against the Actes and statutes, that na Regalitie suld be given in heritage without the advise and deliberation of the haill Parliament. And sik-like we revoke all gistes, and infestmentes of quhat-sum-ever Office given heritable, to quhat-sum-ever persones, be us our Governours, and Regentes in our minoritie, and lesse age as said is.

Regalities.

Heritable
Offices.

ITEM, We revoke all new creation of landes, Bartonnies, annexationes and uniones of diverse Landes in fee, quhilkis ar made in our minoritie, in prejudice of our dew service, aucht to us and our Progenitoures of before, and sik-like we revoke all discharges, given be us in our said minoritie, of service of suites of Courtes, aucht of auld to our Progenitoures foresaidis.

Creation
or union
in Bar-
tonnies.

Suites of
Courtes.

ITEM, Wee revoke all new infestmentes maide and given in our said minoritie, of Creation of Bartonnies, in the Landes and Lordshippes annexed to our Crown.

ITEM, We revoke all infestmentes, gistes, and dispositions quhat-sum-ever, fet, given and granted be us in our minority, to quhat-sum-ever persone or persons, in fee, few-ferme or life-rent, of quhat-sum-ever Hospitallis, maison-dieus, landes or rentes apperteing theroir, in hurt and prejudice of our conveer Hospitallis, maifon-dieus, landes or rentes apperteing theroir, for uphalding of the pur. science, to the end that the saids Hospitalles may be reduced to the first institution, for uphalding of the pur. science, to the end that the saids Hospitalles may be reduced to the first institution, for uphalding of the pur. science, Providing alwaies that the rentes of the Hospital of the Trinitie Colledge beside the Burgh of Edinburgh, quihk

Hospi-
talles.

quhilk is now decayed, assigned and given to the new Hospital, erected be the Proveff, Baillies, and Council of the Burgh of *Edinburgh*, be na-wayes comprehended under this present Revocation.

Presentations. ITEM, It is alwayes understand, like as we be thir presentes declare that the tennandries holden of uther superiours, be cummin in our handes, be escheit, as last aire, be foresaltour standand, or be bastardie, The presentations or infestments following their-upon, cummin not under our revocation. Because the same being casualities, could not remain in our hands, in prejudice of the superiours of the saidis tennandries: Bot of necessitie it behooved us to present heritable tennents, to the superiours of the samin.

Casualties. ITEM, We have deeplie considered the estait of casualities, dailie given and disponed throw importunitie of askers, in sik excessive maner, That difficil it is to enterteinie the daylie and ordinar expenses of our Estait and Crown: Howbeit the occasion of charges, herewithall continuallie increasit. And we and our Estaites considdering that our casualities aucht nor to be fa inordourlie and inconsideratlie disponed, at the importune suite of all askers, bot our commoditie maid thereof, and sik discretion had in disposition of the same, as we may continuallie live upon our awin.

Therefore, we with advise of our saidis three Estaites, and haill bodie of this present Parliament, revokis, rescindis, cassis, annullis, and dischargis all giftes of fees, pensiones, wages, liveries and dispositions, out of our casualities and coffers, given be us with advise of our Regentes for the tinte: or be our selse, sen the acceptation of the Governement of our Realme in our awin person, declaring the same to be null, and of nane avail, force nor effect in time cumming: dischargeing our Thesaurers present and to cum, of all payment making of the saidis fees, pensiones, wages, liveries, and utheris things appoynted to be payed forth of our casualities, of the terme of *Whit-sunday* last by-past, or hereafter in time cumming: Exceptand alwaies the fees and pensions, given to the ordinar Officers of the Crown, their deutes and Clerkes, quhilkis we will, fall not be comprehended in this our general revocation: They ar to say, the fees and pensons given and assigned to our Thesauter, his deutes and Clerkes: To our Secretar and his depute; Our Collectour and his Clerk and procuratour: Our Justice, Justice-Clerk, and their deutes, Advocat, Procuratour for the pair, Maister of Requests: Our Clerk of Register, Director of the Chancellarie, and Director of the Rolles: Quhilk we decerne and declare, fall stand in force and effect; Norwithstanding this our present Revocation.

Thirde of Benefices. ITEM, We revoke, retereit, casse and annull, all and quhat-sum-ever giftes, pensions and free discharges of the thirde of benefices within our Realme, granted sen our Coronation, be us, our Governours and Regents in our Minoritie and lesse age: And we decerne the same to be of nane avail, in all time hereafter: And sik-like, we revoke all takkes of the thirde of benefices, set be us in our minoritie and lesse age, quhairby the dewtie is diminished: Or quhair we have sett the hail benefice, in diminution of the thirde thereof: And we protest, that quhat-sum-ever we have done to the detriment, hurt and prejudice of our thirde, and of the ministerie, in our minoritie, or les age, that the same may be reduced, as accordis of the Law.

Kirk-landes. ITEM, We revoke all and quhat-sum-ever infestmentes, maid be us in our Minoritie, our Governours and Regents in our name, of onie Kirkes landes, Friers landes, Nunnes landes, or commoun landes, quhilkis oniewaies sell and become in our handes, as our propertie: Except the infestmentes, maid be our umquhile dearest Mother and us, for erection and sustentation of Hospitalles, and Ministers within Burrowes, quhair there is na assignation nor stipend allowed, forth of the thirde of benefices, for sustentation of the Ministers thereof.

Common Kirkes. ITEM, We revoke all takkes, assedationes, and utheris dispositiones quhat-sum-ever, of onie commoun Kirkes within our Realme, maid be us in onie time by-past: to the effect that the same may returne to us, unto the tyme that furder ordour be taken. Providing alwaies that at the saidis commoun Kirkes, there fall be Ministers appoynted to serve and make residence, and fall be susteined of the readiest fruites thereof, according as fall be modified.

Monkes portions. ITEM, We revoke all giftes of Monkes portions, first fruits, or fift penny of ony benefices, quhair-unto we have richt be our Actes of Parliament, maid of before there-anent.

Patronage of Kirkes. ITEM, We revoke all giftes and infestmentes, maid be us in our Minoritie, of quhat-sum-ever advocation, and donation, and richt of patronages, given or annexed to ony Lordshippe, Land or Baronnie, quhair the said Patronage, advocation, donation of benefice, pertained nocht of richt of before, and quhilk takkis the beginning and ground fra ony gift and infestment thereof, maid in our Minoritie, as said is, be this clause, *de novo damus*, quhair the purchaser of the said infestment, had na richt to the said patronage, advocation and donation before.

Super plus and omitted fourth of the thirds. ITEM, We revoke all giftes of super-plus, and omitted of the fruites of benefices, given and disponed be us, our Governours and Regentes in our name, and in our Minoritie.

AND Generallie; we revoke, casse, annull, retereit, and rescind, all and quhat-sum-ever things done be us, our Governours and Regentes of our Realme, in our Minoritie and lesse age, in detriment and hurt of our saul and conscience, Hurting the Priviledge of our Crown, prejudicial to the same, and to us, in our patrimonie of the same, and quhat the Law and consuetude of our Realme, leivis us to revoke. And this our Revocation, we ordaine to be of als great effect, and als largelie extended in general, and in special, as onie revocation maid be our Progenitours, before the daite hierof: And speciallie, the revocation, maid be our umquhile dearest Mother, and umquhile our dearest Gud-fadir, King JAMES the Fifth, of gude memorie, and his Predecessours quhat-sum-ever, contained in our buikes of Parliament: Quhilkis in all heads.

heads, claufes and circumftances thereof, we hold as herein expreffed. And als we ordaine, and decreine this our faid Revocation, to be fimple and abfolute, without ony exception, reftriktion, or limitation, to be admitted againft the fame, further nor therein is contened. And to that effect, we annull and refcind, quhat-fum-ever exceptions maid in favours of quhat-fum-ever perfones, in onie of our Revocaciones maid in Parliament, or utherswaies, at onie time preceeding the daie herof.

AND We foielemnlie fwere, in prefence of our faidis three Eftaites, be our great aith, prefentie given, at this our firft Parliament, halden after our perfite age of twentie ane zeires complete, And as we were obliged to have done, in-cafe we had bene of perfite age at our Coronation; That we fall faithfullie obferve and keepe the ftature and acte of Parliament, maid in the daies of our maift Noble Predeceffour, King JAMES the Second, anent the keeping and retaining of the Landes, Lord-fhippes, and Barrotnies, annex to the patrimonie of the Crown, in all poynts and claufes thereof.

ALS We proteft be thir prefentes, that gif it fall happen us, for onie refpect or confideration, to fuffer ony perfon or perfones, to ufe or poffeffe onie Priviledges or poffeffiones, landes, rentes and offices, quhilks ar fallen under our Revocation: It fall maké na richt to the ufers nor halders thereof: Bot it fall be lefum to us, and our Succeffours, to put our hands thereto, quhen ever it fall pleafe us, be vertue of this our Revocation, acts and confuetudes of our Realme, maid of before; But onie obftacle, impediment, or contradiction.

32. *Explanation of the Act maid anent deprivation of Ministers.*

OUR SOVERAINE LORD, with advife of his three Eftaites of this prefent Parliament, having confidered the act maid in the Parliament, halden at *Edinburg*, the xxij. day of *Maij*, the zeir of God, ane thousand, five hundreth, fourfoir, four zeires, anent deprivation of Perfones, provided to benefices of cure, under Prelacies, for non-refidence at the Kirks of their benefice, and that it fuld be compted non-refidence to be abfent fra their function four Sabboth daies in the zeir: Be quhilk Act commiffion is granted to certain Ecclefiastical perfones mentioned therein; To call and convene before them, the perfones delated and fufpected as non-refidentes, or for uthir caufes mentioned in the faid Acte, quhilks neccéffarie requiring explanations, and doubtés dailie fallen our there-upon. Therefore declaris, ftatutis and ordainis, that the faid Acte and commiffion directed there-upon, is, nor at na time hereafter fall be extended, againft onie of the Lordes of fecreete Councell, or Senatours of the Colledge of Justice, or their members, occupied, or daylie attending on his Hieneffe neccéffarie fervice: Or againft ony perfones being soorth of the Realme, be his Hieneffe licence, and employed in his fpecial fervice, during the time of their abfence. Quhilkis notwithstanding, fall be astricted and halden to fufteine qualified Ministers at their Kirkes in their abfence. Neither fall the faid act and commiffion be extended againft fik Perfones, as were provided to Benefices of cure, under Prelacies, being laick Patronages, before the making of the faid Acte of deprivation for non-refidence, and uthir caufes fpecified therein: Bot that the hail Perfones bruikand benefices, in cafes before declared, fall enjoy and poffeffe their benefices during their life-times, fufteine and the ministrie, according to fik ordour, as is taken, or fall be taken their-anent: As gif the faid Act and commiffion had noch been granted. And that alwaics fik Perfones, as hes received benefices, and bene collationat, upon condition to ferve in the function of the Ministrie, and to make refidence, and zit failziez their-intill, fall be fubject to the judgement of the faid Acte and commiffion.

33. *Anent the Parliament.*

OUR SOVERAINE LORDE, Now being of lauchfull and perfite age, and confidering the decay of the forme, honour and Majeftie of his fupreme Court of Parliament, be occafion of the troubles that hes occurred, fen the deceafe of his dearest Gud-fchir, King JAMES the Fifth of worthie memorie, and willing to reftore the fame to the auncient ordour, dignitie and integritie, hes thought expedient, and be advife of his three Eftaites affembled in this prefent Parliament, ftatutis and ordainis, as followis.

THAT There fall be na confufion of perfones of the three Eftaites: That is to fay, na perfon fall take upon him, the function, Office or place of all the three Eftaites, or of twa of them: Bot fall only occupy the place of that felfe eftair, quhairin he commonly profefsis himfelfe to live, and quhairof he takis his ftile.

34. *The unlaw of abfentes fra the Parliament.*

THAT In-cafe ony Erle, Lord or Barron of Parliament, Prelate, or Burgh, being lauchfullie warned, abentis themfelves fra Parliament without lauchfull and fufficient excufe, admitted and allowed be the Lords of the articles: Our Sovereine Lord, and his three Eftaites, prefentie convened, hes ordained, and ordainis, that ane pecunial paine fall be modified and tane of everie ane of the non-compeirances, in maner following: That is to fay, of everie Erle, three hundreth pundes: of everie Lord, 200. pundes: of everie Prelate, 100. pundes, and of everie Burgh, 100. markes. And that fik as accompanies noch the Kingis Majeftie, on horf-back decentlie, with fute-mantilles, from his Hieneffe Palice, to the Parliament

house, shall be reputed absent, and incur the same paines, as if they were absent. And letters shall be directed to poynd and distrain their lands or goods therefore: Or to pay the same within ten dayes, under the paine of Rebellion, and if they failzie, to put them to the horne, that the same paines may be brought to our Sovereain Lordes use.

35. *Herauldes, Pursuantes, Maisters, Trumpettors committ and fault.*

GIF Onie of the ordinar Herauldes, Maisters, or Trumpettors, shall be noted absent from the Parliament. Or being present, performis nocht that quhilk becommis them of dewties, without lauchfull excuse maid and allowed, as said is, everie one of them being noted, shall amitte and tynne ane zeires fee, for the first fault: and for the second fault shall be deprived.

36. *Of apparell of the Estaites.*

THAT everie Estait shall have three severall apparells in seemlie fashion, conforme to the patron thereof: Quhilk the Kingis Majestie shall cause make, and command to be observed, under the paine of twa hundred poundes, of the persone failzand, and debarring of them furth of the Parliament house.

37. *The number of the Lordes of the Artickles.*

ITEM, That the number of the Lordes of Artickles, be equal in ilk Estait, and that the fewest number of everie Estait be sex, and the maist number ten.

38. *Procuratours may compeir for all persons accused.*

ITEM, That na Advocate, nor Præloquoutour, be nawaies stopped, to compeir, defend, and reason for onie person, accused in Parliament for treason, or utherwaies: Bot that quhat-sum-ever partie accused, shall have full libertie to provide himselfe of Advocates, and Præloquoutours, in competent number, to defend his life, honour and land, against quhat-sum-ever accusation: Seeing the intending thereof, shall not prejudice the partie of all lauchfull defences: as if it were *pro confesso*, that the accusation were true, annulling all actes maid in the contrair hereof before.

39. *Decision in Parliament, may not be impugned be inferiour Judges.*

NA Fore-saltour, lauchfullie and ordourlie led in Parliament, nor na decisiones past in Parliament, betuixt partie and partie be proces, after cognition of the cause, shall be called in questione be ony inferiour Judge.

40. *The ordour of Parliament, shall be inviolably observed.*

OUR SOVERAINE LORDE, with advise foresaid, declaris, statutis and ordainis, that the ordour abone written, shall be inviolably observed in all time cumming, as the necessar and lauchfull forme of all Parliaments, and faithfullie promittis to do, or command na thing, quhilk may directly, or indirectly, prejudice the libertie of free voiting and reasoning of the saidis Estaites, or ony of them in ony time cumming.

41. *Contention for prioritie of place, or vote in Parliament, shall be punished.*

FORSAMEIKLE As in divers Parliaments, halden be OUR SOVERAINE LORD, And his maist Noble Progenitours, sundry questiones hes bene amangst Noble-men, and uthers of the Estaites for prioritie of places, and voites in Parliament, and there-upon sum-times querrelling to the disturbance of the supreme Courte of Parliament, quhilk aucht to proceede with greatest honour and quietnesse. FOR remeid quhairfores in times cumming: It is statute and ordained, be OUR SOVERAINE LORD, with advise of his three Estaites of this present Parliament: That name of his Estaites, shall presume in time cumming, to make querrell or provocation of trouble to uther, for prioritie of places, or voites in Parliament, utherwaies nor be supplication: And content them with the ordour and direction of his Hienes, and his saidis Estaites, ay and quhill their final decision of controversie, under the paine to be reputed and halden, as disturbers of the publick peace and quietnes of the Realme, And to be grievously punished therefore, at the discretion of his Hienes, and Lordes of the Artickles assembled, at that Parliament.

42. *Actions of molestation, and utberis possessours, shall be decided before the inferior Judges.*

OUR SOVERAINE LORD, And the three Estaites convened in this present Parliament, ratifies, approveis, and for his Hienesse and his Successours, perpetuallie confirmis the Act of the Lordes of

of Councill and Session, maid anent proceeding in causes of molestation: And ordainis the same to take full effect and execution in time cumming; as a maist necessar and profitable Law to all his Hienesse subiectes, and the said haill Acte to be insert in the buikes of Parliament: Of the quhilck Act, the tenour follows.

AT *Edinburgh* the day of The zeir of God, 1580. zeires. For-sameikle as the multitude of Actions, before the Lordes of Session impechis greatlie the ordinar course of Justice, in weightie causes of heritage, and uthers maters of great importance, quhilkis ar maist proper to be decided be the saidis Lordes of Session, and the greatest lett and impediment procedis from the greate number of Actions of molestation and troubleance in the possession of properties and communities, quhilkis were accustomed of auld to be decided be the Schireffes of everie Schire, Baillies of Regalities, and uthers ordinar Judges, quhair the landes lyes, and be the determination of ane Assise of the best and worthiest of the Cuntrie: And the saidis Lordes be daillie experience, understanding persitelic, quhat stop and hinder the saidis maters possessour, ar to the expedition of uthers weightie causes, how sumptuous sik proces ar to the parties, be bringing of the witnesses forth of the farrre partes of this Realme: for veresieing of the summoundes, or exception admitted be ather partie, in the said mater: And zit the truth of the case is nocht thereby sufficiently tryed, partie be the abuse of the witnesses; And partely, because it is nocht possible to the saidis Lordes of Session, to trie the veritie sa weill, be examination of the witnesses before them, as the Schireffe and his depures, may try the same, be ane inquest of the best and worthiest upon the ground. For the quhilkis causes, the saidis Lords of Session hes thought meete and expedient, statutis and ordainis, that all maters of molestation and troubleance in properties and communities, consisting in the possessour, to be intended herefter, or already intended, quhairin na *Litis-contestation* is maid, fall be remitted to the Schireffe of the Schire, Baillies of Regalities, and uthers inferior ordinar Judges, quhair the landes upon the quhilkis question fall be mooved lyes: And to that effect, quhensoever onie partie fall meane them to the saidis Lords, upon troubleance or molestation, committed upon properties or communities: The Lords be their deliverance, fall direct letters, ordaining the saidis inferior Judges ordinar, to take cognition therein upon summoundes or precepts, to be direct upon fiftene dayes warning: And the Courtes following, to be continued fra aucht daies, to aucht daies, at the longest, or shorter, as the cause fall require, at the discretion of the Judge. Quhilck cognition fall be taken be this ordour. First that the parties defences fall be lauchfullie discussed in the place quhair the saidis inferior ordinar Judges use to sit: Or that fall be appointed unto them be the saidis Lordes of Councill. And gif the defences be all repelled; That the saidis Judges, after the production of the parties richtes consisting in writt, fall put the haill uther poynts of the summons or exception, quhilck fall be admitted, twa meikle thereof, as be the ordour observed before, nicht or suld have bene provin be witnesses, to the knowledge of ane condigne inquest: To be elected and chofen of Persones least suspect, and that best knawis the veritie to ane sufficient number. The maist part quhair of fall be Landed-men, haveing at the least four pleuches of Lande: Or three hundreth markes of zeitlie rent unreddeable, and uthers substantiall and famous honest Zeamen: Quhilkis Persones fall be taken and chofen in the Parochin, quhair the saidis Landes debaitable lyes, gif ane sufficient number may be found there: And failzeing thereof, that the nearest Parochiners nixt adjacent, admittand alwaies all objections competent against their persones, as accordis of the Law.

QUHILKIS persones of inquest, after they be lauchfullie sworne and admitted, fall have power to visit the grounde, gif they thinke it expedient, and take all uther tryal, as they fall thinke gude, upon their aithe and conscience, and fall returne their answer to the Judge, upon the truth and veritie of the claime, or exception admitted, And that in face of judgement: That the said Judge ordinar, may thereafter give his sentence definitive, upon the saidis debates, and gif the saidis persones of inquest commit error in their saidis determination; They fall be called, accused, and punished therefore, *parva temere jurantium super assisat*, in their persones and gaddes, according to the auncient Lawes of this Realme, and consuewde observed within the samin.

AND Gif it happenis mutual persute, convention or reconvention on ather side, to be intended, baith the parties doand their dew diligence, be intending and persewing of their actiones *hinc inde*, before *litis-contestation* maid be ather of them. And all their reasones and allegations in the Lawe, being produced, before the mater be put to the knowledge of ane inquest: The Judge fall procede in them baith *pari passu*: And fall remit the heades and Artickles of the claime precepts, summoundes or exception, quhilck consistis *in factis*, and was accustomed to be verified be witnesses, to the determination of ane assise. Quhilck fall take cognition in baith the causes, quhere they cannot be denied. And the equal halfe of the said Assises, fall be taken of the persones summound for ather of the saidis parties, and gif the number of the halfe of the Assise, may not be had of the number summound be ather of the parties: In that case the Judge fall take somme, as wantis of uthers sufficient assisoures, albeit they be nocht summound be nather of the parties: the samin persones being alwaies landed-men, or being substantiall, famous and honest zeamen, as said is: And the od-man fall be chofen be cavill. And quhair it fall happin the Schireffe of the Schire, Baillie of Regalitie, or uther inferior Judge ordinar, to be suspect and unable to Judge the saidis causes, for deadlie secede, and uther reasons, quhilkis may decline the Judge, or the place of judgement to be incompetent, that therewith the partie cannot have sure access for his persute and defense.

IN That case, the mater being mooved to the saidis Lordes, and found and declared be them, the uther partie being lauchfullie summound: they fall appoynt unsuspect Judges, and ane place competent, for the saidis cognition and determination, for the causes foresaidis, be commission be their Acte and ordinance: Or under the testimonial of the great Scale, be their deliverance. And the saidis Judges to be appoynted, fall at the acceptation of the saidis commissions upon them, make faith, nocht onlie, that they fall dewlie and lauchfullie minister Justice in the saidis maters: And that they have nocht taken, nor fall nocht take onie rewarde, profite or gude deede, fra onie of the parties, and that they have nocht made, nor fall nocht make paction or contract with onie of them, for onie certaine summe, before the pley be intended, or during the dependance thereof, and the aithe of the saidis Judges, to be tane before the recompense of their juste travel, to bec modified be twa of the Lordes of Session before the pronuntiatioun of the decreete, in the saidis maters, quhilk fall be payed unto them, before the giving of the decreete foresaid: Or at the acceptation of the commission upon the supplication, the partie obtainer theirol, fall make the first payment: bot fall have the samin modified, to be repayed to him, be him that times the plee: gif it be found *quod temere litigaverit*, with the utheris expenses, to be susteined be him, in the recoverie of the saidis decreete nevertheles, gif the perones to be appoynted Judges to the saidis causes, fall happin to bee drawin fra their awin dwelling house or places, to the ground of the lande or uther place, quhair Justice fall be ministred in the saidis mater; The partie quha fall require them thereto, fall make the expenses for their voyage, in ganging, abiding, and returning, quhilk fall nor be impute to the Judges, as ony fault before the Lordes of Council, or before the nearest Judge adjacent to the landes, quha fall have power of the saidis Lordes to that effect, be the said commission, and insert thereintill. And becaufe sum-times the question fallis our betuixt possessours of landes, lyand *contigue*, and zit in diverse Schireffdomes: And at sum-times the aue land lyand within the Royaltie; And the uther within the Regalitie: That in the first case, the Schireffe of ane of the Schires: And in the second cause, neither the Schireffe nor Baillie of Regalitie, may be judges competent to baith the Actiounes. Therefore quhen sik cases occurris, the Lordes upon the complaint of the partie having interest; fall appoynt Judges unsuspect, with ane competent place, keepand and observand in all uther circumstances the ordour abone written. And further, the saidis Lordes declaris, that this act and ordinance, on nawais hurt nor prejudice the Lordes of Session, and Colledge of Justice, and their members: Bot that they have, and fall use their privilegge, to persew their actiounes, before the saidis Lordes or utheris ordinar Judges, according to auld accustomed use, used and observed before the making of this Act.

43. *The paine of malicious Pleyers.*

ITEM, OUR SOVERAINE LORD, And the three Estaites, understanding that the maist parte of the lieges of this Realme, ar becum willfull, obstinar and malicious pleyers: Swa that they will nocht bee content to pay and satisfie their creditoures, of sik debtes as they aucht justlie to them, and do and fulfill all maner of lauchfull deedes, quhair-unto they ar speciallie oblihed, without calling and compulsion of the Law and extremitie theirol. Therefore statutis and ordainis, that the partie against quhom decreete beis given, anent liquid summes before the Lordes of Session, fall pay to the saidis Lordes twelve pennies of everie punde, esseind and to that quhilk beis recovered and obteneid before them: And in all decreetes consistand *in facto*; He quha tins the pley, fall content and pay to the saidis Lordes, the summe of five pundes money: And alswa the expenses of the partie obtainer of the decreete, at the modification of the Judge, And ordainis the same forme and ordour to be observed heirintill: as hes bene kept be the saidis Lordes, in uptaking of 40. schillings of ilk decret of before.

44. *The Lordes of Session ar Judges to the interpretation of the Law of Oblivion.*

OUR SOVERAINE LORD, With advise of his three Estaites of Parliament, statutis and ordainis, that the Lordes of Councell and Session, fall in all time cumming be Judges ordinar to the interpretation of the Acte of oblivion and parties compleenand, to intend, persew and give in the libelles and supplications thereupon to them: And as they decerne and decreete in the saidis maters; to be also effectual, as gif they had first bene appoynted ordinar Judges, to the saidis causes, be the foresaid Acte of Oblivion. Providing alwaies there be nine ordinaires of the saidis Lords of Session, at the giving and pronouncing of ilk decreete, and intercouqtour in the foresaides causes: Sik-like as they observe in all uther maters and actiounes, depending before them.

45. *Quhen, quha, and how Notares suld be admitted, of their Cautioners and Protocol.*

FORSAMEIKLE As the Kingis Majestie and Estaites of Parliament, considering the great fraude used be diverse Notares, in the Office of Notarie, within this Realme, the hurte and skaith cumming there-through, to his Hiennesse Lieges: And that mony persons within thir few zeires, being admitted to the Office of Notarie, with over slender tryall taken of their knowledge and qualification, and they being for the maist parte ignorant of the commoun course of the Law, forme and practicke: Quhilk ordoulie aucht

domc of *Foufare*. x. : Within the Schireffe-dome of *Fiffe*. x. : Within the Schireffe-dome of *Kinross*. twa : Within the Schireffe-dome of *Clack-mannan*. twa : Within the Schireffe-dome of *Pertb*. and Stewartries of *Menteith* and *Stratherne*. xij. : Within the Schireffe-dome of *Strwoiling*. five : Within the Schireffe-dome of *Dumbertane*. four : Within the Schireffe-dome of *Linlithcow*. four : Within the Schireffe-dome of *Edinburgh* principall. xxiiij. : Within the Schireffe-dome of *Edinburgh*. and Constabularie of *Haddingtoun*. four : Within the Schireffe-dome of *Ber-wick*. four : Within the Schireffe-dome of *Roxburgh*. viij. : Within the Schireffe-dome of *Selkirk*. twa : Within the Schireffe-dome of *Peblis*. iij. : Within the Schireffe-dome of *Lanark*. x. : Within the Schireffe-dome of *Renfrew*. iij. : Within the Schireffe-dome of *Argile* and *Tarbert*. iij. : Within the Schireffe-dome of *Bute*. twa : Within the Schireffe-dome of *Air*. xij. : Within the Schireffe-dome of *Wigtoun*. iij. : Within the Schireffe-dome of *Dumfries*. and Stewardries of *Kirk-cudbricht* and *Annandaill*. xij. And to the effect that the ordour now appointed, may take the better effect; ordainis and commandis, *Lyon* King of Armes, that he on nawayes receive ony maner of person, to the office of messengerie in time cumming, except it be in the place of one of the persons, that fall be thought meete to be retained, after the first day of *November*. nixt-to-cum, be his decease or deprivation: Notwithstanding ony precept or warrant given, or to be given in the contrair: Quhairin, gif he failze, he fall incur the indignation of our Sovereine Lord, and the persons so admitted, fall have na place to use and exerce the said Office, nor his excutions quhat-sum ever, fall navais be valide in Judgement, or out-with. And for tryal quihlks of the persons now occupyand the office of messengerie, or worthie and meet to be retained in that Office during their life-times. OUR SOVERAINE LORD, ordainis letters to be direct to the Commissioners, nominat be his Hieneffe, in the Schires, quihlks conveyeing in the Tol-buith of the said Burgh of the Schire, at the nixt head court after *Michaelmes* nixt-to-cum, fall retorne their advise to the Lordes of Councell and Session, upon the first day of *November* nixt-to-cum: Quhat messengers within everie Schire, (not exceeding the number above written) they think maist honest, worthie, and able to be retained in the office, during their life-times: Or quhill they be deprived for worthe causes. Quihlks persones, being thought meetest to be retained, as said is, fall be recommended be the saidis Lordes of Session to *Lyon* King, to be continued in their offices, And authorized be him, with testimonialls of new, as found worthie be the judgement of the Schire, quhairin they dwell, and recommended be the Lordes of Councell and Session: And that they have new blasones of Silver, in ane forme and quantitie, in ane honest and civill forme: seeing the commoun Armes, maid be messengers in times by-past, wer fa slender and gude cheape: That the greater number of slechtmen sought to be admitted to that office, quhilke aucht indeede to be used be persons of discretion, honestie and credite: That every person so admitted of new, fall finde gude and responisible soverties for observacion of the injunctiounes, containid in the end of this present act, under the paine of five hundteth marks, to our Sovereine Lords use: with castles, skaites, damages, and interest of parties greaved be the falsed, negligence, or informalitie of ony Officer, That the names of the persones, alsweill admitted of new, as deprived, be published and imprinted, within the space of ane moneth, after the said first day of *November*. nixt-to-cum: That nane fall be abused, or pretend ignorance in default thereof. And for all complaintes to be maid to *Lyon* King of armes, upon the default of Officiars in time cumming, he fall sett twa peremptour Courtes in the zeir, to be holden in *Edinburgh*, upon the sext day of *Maij*, and the sext day of *November*, gif they be lauchfull: and satisfieng thereof, the nixt lauchfull daies. And fall summond the partie compleined upon, be his precept, containid the cause of the complaint relevantlie libelled. And cause summond the persones accused, and his cautioner, on fiftene daies warning, and deliver their copies, concludand, in-case the officiar be found culpable, nocht onclie his deprivation fra his Office, bot his cautioner to incur the paine, quhair of the third part fall appertene to the said *Lyon* King of armes for his labours. And that his acts and decreetes, be formalie written and registrat, and patent to all our Sovereine Lordis Lieges havand intercess. And sik-like letters conforme to pas there-upon, as upon the decreetes of quhat-sum-ever Judges ordinar within this Realme.

47. *All Superfederees as contrair to furtherance of Justice, ar forbidden.*

FORSAMEIKLE AS OUR SOVERAINE LORD, And Estaites of this present Parliament, understanding great contempt to be done to his Hieneffe Lawes, and great hurt to his Lieges, be passing of Licences and *Superfederees*, quhilke dailie uses to be granted to sik as be themselves, or uther friends, hes credite of his Majestie, they being at his Hienes horne: either for causes of treason, or nonsatisfieng of their debt to their creditors: or not obtemperand decreetes and charges. THEREFORE OUR SOVERAINE LORD, with advise foresaid, statutis and ordainis, that na sik Licences and *Superfederees*, be granted in onie time cumming. And in-case onie happenis to be purchasid, declaris the same to be null of the Law, and not admisible be onie Judge, nor effectuall to the purchaser in onie waies. And ordainis all Judges within this Realme, to proceede and do Justice to the parties, sik-like, and in the same maner, as gif the saidis *Superfederees* had never bene purchasid, nor produced.

48. *Requisition of teynding, may be done upon twa severall Sabbath-dayes.*

ITEM, OUR SOVERAINE LORD, With advife and consent of his three Estaites, ratifies and apprecvis, the Acte of Parliament, maid at *Edinburgh*, in the zeir of God, ane thousand, five hundredreth, three-score nineteene zeires: For reliefe of the labourers of the ground, troubled for want of timous reinding of their Cornes. And ordainis the same to be observed, and to be put to execution in all poyntes, after the forme and tenour thereof, with this addition: That it fall be sufficient to all labourers and awners of the Cornes, in time cumming, to require reinding of the partie, having the title, tack, or richt to the saidis teind-scheeves, openlie in the Paroch Kirk, upon twa severall Sabbath-dayes, before noone, after the scheering of the saidis Cornes; Providing that there be xiiij. dayes interjected fullie, beruixt the daie of the first requisition, and before it fall be lauchfull to the awners of the saidis Cornes, to teind the same, and lead the stocke therefra, in maner contained in the said former Act.

49. *He that accusis another of treason, quha is acquite thereof, committis Treason.*

FORSAMEIKLE As the cryme of Treason is maist odious, and deservis the highest punishment in nocht to be credited, bot severlie punished: THEREFORE It is statute and ordained, be OUR SOVERAINE LORDE, and the three Estates of this present Parliament: That quha-ever accusis ane uther peron of treason, the partie calumniat being called, accused, and acquite of the said crime of treason, his accuser fall incur the same crime of treason, quhairto he accused the uther.

50. *Landed-men convict of thieft, rief, or receipt thereof, committis treason.*

ITEM, It is statute and ordained, be our SOVERAINE LORDE, and his three Estaites, in this present Parliament, that in-case it fall happen onie Landed-men, to be lauchfullie and ordourlie convict of the crimes of commoun thieft, receipt of thieft, or stouth rief in time cumming: They fall incur the crime and paine of treason: That is, tinsell and fore-saltour of life, landes and guddes.

51. *Murthir or slauchter under credite, is treason.*

ITEM, It is statute and ordained, that the murthir or slauchter of quhat-sum-ever OUR SOVERAINE LORDIS lieges, quhair the partie slaine is under the traist, credite, assurance and power of the slayer: Alsik murthir and slauchter, to be committed in time cumming, after the daite hereof, the fame being lauchfullie tried, and the peron delated found guiltie, be ane Assise thereof, fall be treason, and the perones found culpable, fall fore-fault life, landes and guddes.

52. *It is not lesim to take ane greater annual-rent, for the 100. pundes, nor ten poundes, or five bolles victuall.*

OUR Sovereine Lord, with advife and consent of his three Estaites of this present Parliament, statutis, and declaris, that quhat-sum-ever peron or perones, in time cumming, be onie block or bargain, upon pledge or annual-rents alsveill of victuall, as of money, fall take or receive mair for the leane, interest, profite of zeirlic annuall of ane hundredreth pundes money, during the hail space of ane zeir, nor ten pundes money: Or five bolles victuall: Swa of greater or smaller fummes proportionallic. That all sik persons, takers or makers of sik blockes and conditiones, for greater or mair profite, interest, commoditie, or annuall, for the space of ane zeir, or for langer or shorter space, after the proportion of the zeir, then ten pundes money, or five bolles victuall, for ilk hundredreth pundes be zeir, fall be halden repute, persewed and punished as ockerers and usureris, and receive and incur punishment and Judgement of the same: Conforme to the Lawes of this Realme, already maid and established thereupon. Providing alwayes that this present Act of Parliament, force and execution thereof, on-nawaies fall be extended to onie lauchfull bandes, contractes, obligationes, infestmentes, or uther securities quhat-sum-ever, maid upon annual-rentes of money or victuall, preceedand the daie of thir presents: bot they to stand and abide in their awen strength and effect in all poyntes, after the forme and tenour thereof, as they were maid from the beginning.

53. *Avent the making of the prices of Wines and Tymmer.*

IT IS Statute and ordained be OUR SOVERAINE LORD, with advife of his three Estaites of this present Parliament, that nane bearand charge or office within Burgh, beand Merchant, hame-bringer, or portioner of Wines and Tymmer, fall be fetters of prices on the same, during the time of their Office, and their-upon they fall be subject to suffer ane assise of their neightbours, within fiftene dayes nixt after the expyring of their office, before the Provest and Baillies of the Burgh, to be newlie chosen, havand the Kinges Commissioner sittand in Judgement with them to that effect, without quhome it fall not be lesim to procede:

proceede : To the effect that Justice be not abused ; and to the effect that certaine ordour may be observed in all time cumming , anent the setters of prices of Wines , and Tymmer , and of their number , and for eschewing all deceipt and abuses done their-anent .

IT IS Statute and ordained , that zeirlic in time cumming , there be twa Barrones , or uther twa sufficient landed Gentilmen , nominate at the head Court after *Michael-mes* within ilk Schiref-dome of this Realme , and uther twa perones to be zeirlic nominate at that same time be the Kinges Majestie and his secreet Councell . Quhilks foure perones , fall be all actuall inhabitantes within the saidis Burrowes ; Or at the farrest , dwelland within sex mile to ilk Burgh : And foure Burgeses that are knawen not to exerce , nor be parteners in sik trade of Marchandice , to be chosen zeirlic at the said feast of *Michael-mes* , be the Councell of ilk free Burgh , of Merchantes , or craftesmen of ilk Burgh , according to their proper Custome and priviledges , presentlie observed be them in zeirlic election of their Councell , and Officiars . Quhillis aucht perones zeirlic to be elected and nominated , as is before specified , fall be the onelie pricers of all Wines , and Tymmer , that cummis within this Realme hereafter . And that they exerce their said office from the day of their election to that day twelf-month allanerlie , And that zeirlic new election be maid of sik officiares to indure na langet , bot for the space of ane zeir , as is abone written . And ordainis ilk Schireffe depute , be himselfe or his Clerk , to intimar and nominate to the Councell of ilk Burgh the names of the saidis twa Barrones , zeirlic to be chosen , as said is , within three dayes nixt after ilk feast of *Michael-mes* ; and the Thefaurer and his depures , zeirlic within sex daxes nixt after ilk *Michael-mes* , To advertise and certificate the Councell of ilk free Burgh , of the Kinges Commissioners , zeirlic to be nominat be him , to that effect . With power and licence to the saidis four Burgeses , zeirlic to be elected , as is abone specified ; That in case the saidis twa Barrones and the Kings Commissioners being lauchfullie warned *personally* , or at their dwelling places , be the Townis Officiar , to repaire to the Burgh to that effect , and cummis not within 48. houres nixt after the said warning ; That then it fall be lesum to the saidis foure Burgeses of ilk Burgh , be themselves to set the prices of the saidis Wines and Tymmer , and the samin power and licence is in like maner granted and permitted to the saidis foure Burgeses , zeirlic , quhen it fall happen the Kingis Commissioners and Barrones , nocht to be elected and dewlie intimar , to the saidis Burrowes , in maner , and at the speciall times above specified . And als stautis and ordainis , that na Wines be brocht in this Countrie , be quhat-somever inhabitantes thereof , without ane Testification of the price of the same , under the Townes Scale where they were coft : and ane Testimoniall fall be sufficient for the haill Wines of ilk Schip , and the price to be maid of the commoun prices that Wines gives , the time of their bying thereof .

54. *Unlauchfull Customes of victuall , and uther guddes ar forbidden.*

FORSAMEIKLE As ane of the speciall causes of dearth , procedis from the exorbitant Customes and impositiones , layed upon victualles , cornes and guddes , cummand to mercattes , free-portes or Havens , without onie warrand , and quhairof they have not bene in use and custome past memorie of man , quhilk is ane oppression of the people , and ane cause of in-crease of dearth . THEREFORE OUR SOVERAINE LORDE , With advise of the three Estaites of Parliament , forbiddis and dischargis through the haill Realme , all sik customes and impositiones , quhairof there is na warrand , neither have the intromettours and uptakers thereof , and their predecessours , bene in use and possession thereof , past memorie of man . And ordainis the takers of the saidis exorbitant impositiones to be called therefore : And quhat-ever they have up-tane , to be adjudged to rander the samin to the Kingis Majesties use : And they furder to be punished in their perones and guddes , as oppressours of the people ; conforme to the Lawes of the Countrie : And that na custome be tane hereafter , bot according to our auld Lawes and Actes of Parliament , and quhair-upon the up-takers hes speciall Warrand , at the least , bene in possession theirow , past memorie of man , as said is .

55. *Victuall may not be transported forth of this Realme , neither be Land , nor be Sea.*

ITEM , In consideration that the great increase of the dearth of vivers , principallie procedis throw transporting of the samin , baith by Sea and Land : Quhilk would be aliterlic abstained fra , and remeid found therefore : In respect quhairof , OUR said SOVERAINE LORDE , with advise of the saidis three Estaites of Parliament , stautis , decernis , and ordainis , that the Wardens of the Marches , fall be answerable to the King , for all victualles and guddes transported in *ENGLAND* , syling their Marches . In doing quhairof , they ar na furder oblihted to their Native Countrie , nor to an *English-man* , in case his guddes stollen , fylc his March . And to the effect the saidis Wardens may be the mair diligent there-anent , decernis and ordainis the equall halfe of the saidis guddes and victualles , transported in *England* , to appertene to the said Warden : And the uther halfe thereof , to appertene and be maid fourth-cummand to OUR SOVERAINE LORDIS use . And for staying the transporting of victualles be Sea : It is statute and ordained , that the Schippe and haill guddes , and gearre belanging to the Maisters thereof , and Clerkes of the same Schippes transporters of the said victualles , fall be confiscat , and the saidis Maisters and Clerkes , perones subject to imprisonment , at the will of his Majestic : And for the better exeecution thereof , OUR

SOVERAINE LORDE, with advife fotefaid, declaris and ordainis ilk free Burgh within this Realme, zeirlic at the Feaft of *Michael-mes*, to elect and choofe ane fufficient Burges, to be fearchour at the fea Portes, of the faidis victualles, to be adjoynd to the Kingis searchers, of equal power with him, in all refpectes. And that they may ufe and exerce the fame office conjunctlie or severallie, as occafion fall ferve and fpectes. And that the equall halfe of the faidis victualles, to be applyed to the ufe and commoditie of ilk Burgh: require: And the uther halfe, to the Kingis ufe. And ilk-like, grantis the fame power to the Baillies of all Regalities and Burrowes of the fame, quhair-unto the faidis Burrowes, and Baillies of Regalities, fall be holden to anfwere zeirlic of their diligence, in the premisses.

56. *Horse fuld not be balden at the hard meate, after the first day of Junij.*

ITEM, It is statute and ordained, be OUR SOVERAINE LORD, with advife of the Estaites of this present Parliament: That na person quhat fumever within this Realme, keepe, hold, or interteine ony Horfe at hard meate, after the first day of *Junij* zeirlic, in time cumming: Except Earles, Lordes and Barronnes, quha, and ilk ane of them may fpend twa thousand pounds of zeirlic rent, at the least. And fra the said first daye of *Junij* zeirlic; It is permitted to ilk Earle and Lorde, ilk ane of them to halde and interteine, at the hard meate, twa Horfes at the maist: And ilk Barrone, ane Horfe onelic. With certification to the contraveners of the said Acte, that it fall be lauchfull to the Schireffe of ilk Schiteffedome, and their deputies, to efcheit and intromet with their Horfe, quhair-ever the famin may be apprehended. Like as our Sovereine Lord and three Estaites, be thir presents, gives them full power to that effect. That the ane halfe of the faidis efcheit Horfes to perteine to the King, and the uther halfe to the Schireffes.

57. *Anent vittualling of Schippes, passing to the North fischinges, and caution to be found for their returning.*

ITEM, OUR SOVERAINE LORD, And his three Estaites, convened in this present Parliament, statutis and ordainis, that the customares and searchers, fall take inquisition and note, quhat quantitie of vittuall every Schippe or Veffell, takis in at her passing to *Loch-broome*, and utheris the North *Iles*, and loches in the Harvest feafon in fishing: And take fovertie that they fall returne the third part of their lading of Herring or quhite-fish, within this Firth, or utheris free Burrowes, to be fold to OUR SOVERAINE LORDIS Lieges, for their sustentation, and furnishing of the Countrie, under the paine of ane hundredreth pundes.

58. *Anent licences to be granted for eating of flesh, in forbidden time.*

ITEM, OUR SOVERAINE LORD, And his three Estaites of this present Parliament, ratifies and apprevis, the Acte of his last Parliament, maid at *Edinburgb*, in *August*, the zeir of God 1584. Against the eaters of flesh in *Lentron*, and upon *Wednes-day*, *Frydaye*, and *Satterday*, everie ouik; And ordainis the same to have full effect and execution in time cumming: With speciall provision, that na licences fall be granted for eating of flesh on the faidis dayes, in time cumming; Except the desirer thereof, report a Testimoniall, subscribed be a Doctor of Medicine, or be the Minister of the Parochin, quhairin he dwellis, that ilk a person is sicklie, and necessarlie mon have the said licence: And then to be granted, upon the composition of xx. pundes: to be payed to the Thesaurer therofore. And in case onie licences fall be procured for onie Fleshers to slaie and sell flesh, on the faidis dayes, and time of *Lentron*, Or to Cookes to prepare them, and make them reddie: The said licence fall not passe the Signer, quhill the partie in quhais favoures it is putcheffed, pay for the same licence to his Hiennesse Thesaurer, the summe of ane hundredreth pundes, without defalcation, or composition.

59. *Slayers of wilde-beastes, committes thieft.*

OUR SOVERAINE LORDE, understanding that there hes bene diverse Actes of Parliament maid of before, anent the slaying of Hart, Hinde, Dae, Rae, Hares, Cunninges, and utheris Wild-beastes with Culveringes, Crof-bowes, and Hand-bowes: And speciallly the Actes maid in the Parliament, halden at *Edinburgb*, the zeir of GOD, ane thousand, five hundredreth, threefoir seven zeires, And in *November*, 1581. zeires. Quhilkis Actes, hidderto hes tane na effect, and that in default of the Magistrates, quhilks were appoynted to pur the same to execution. THEREFORE, His Hiennesse, with advife of his three Estaites of this present Parliament, hes ratified and approved the faidis hail Actes in all poyntes, passes, clauses and articles thereof, with this addition; That the slayers and schutters of Hart, Hinde, Dae, Rae, Haires, Cunninges, and uthers Beasts, without licence, or allowance of the awners, fall be like cryme to the committers, as the stealers of Horfe and Oxen, and the committats thereof, fall incur the paine and punishment, dew to the cryme of thieft.

60. *The places appoynted for Proclamation, and serving of Brieves.*

ITEM, For the eschewing of sik hurt and inconvenient in time cumming, as findrie parties heretofore hes susteined, throw Proclamation of Brieves at places doubtfull, and appoynting them to be served in places incertaine, far distant fra the head-Burrows of the Schireffe-dome, quhair the Lands-lies, quhilk hes maist frequently occurred in sum Schireffe-domes, quhair there is sum uthers jurisdictions of Stewardries or Baillieries, within the bounds of the same Schireffe-domes, and sum Schireffe-domes, quhair of the head Burrows ar decayed or fallen in distitute. For remeid of the quhilk inconvenients and doubts in time cumming: It is statute and ordained, that all Brieves for service of landes, lyand within the bounds of the Stewardries of *Stratherne*, and *Menteith*, fall be proclaimed at the mercat Croffe of *Perth*, and to be served at the places used & woont within the saids Stewartries. All within the Stewartrie of *Fife*, be open Proclamation at the mercat-croce of the Burgh of *Couper in Fife*. All within the Baillieries of *Kyle*, *Carrick*, and *Cunninghame*, at the mercat croce of the Burgh of *Air*. All within the Stewartries of *Kirkcudbright* and *Amandaill*, at the mercat croce of *Drumfries*. And that the places of serving of Brieves, and halding of Courtes to that effect, be alwayes in the Tolbuith of the head Burgh of the Schire, Stewartrie or Baillierie, or uthir pairtes within the same Stewartries, and Baillieries, quhair Brieves were maist usually served, and Courtes halden to that effect of before.

61. *Ane laick patroner inest in the richt of patronage, wed-set be onie his predecessours, after the Redemption theirof, cannot be burt, be lang possession of ane Ecclesiasticall person.*

OUR SOVERAINE LORD, With advise of his three Estaites of this present Parliament, understanding that diverse Earles, Lordes, Barronnes, and uthers his Hieneffe Free-halders, being inest in their lands and Barronnies, with advocation, donation, and richt of Patronage of Benefices: They have amalied certaine of their landes and Barronnies, in wed-sett, under reverfion, through the quhillkis alienations, the saids landes and Barronnies hes remained with the perones receivers theirof in wed-sett, ane 100. zeires and mair. In the meane time, certaine Prelates, Abbotes, or uthir Ecclesiasticall perones, havand richt or title, cled them with the saids Benefices, and thereby, quietlie intrudis them in the possession and richt thereof, in default of the saids Patrones, quha take na regard theteto, during the said none-redemption of the saids wed-settes. Quhair through, the saids just and lauchfull laick Patrones of the saids benefices, hes bene heavelie prejudged in their richtes and presentations of the same in time by-gane: Therefore for remeid theirof, It is statute and ordained, be our Sovereine Lorde, that na possession apprehended bee Bishoppes, Abbotes, Priors, or uthir Kirk-men, of quhar-sum-ever Parsonages, Vicarages, Chaplanneries, Prebendaries, or uthir Benefices, belangand to the saids Erles, Lordes, Barronnes, Free-halders, or uthers laick patrones, and quhair in they ar speciallie inest be their chartoures, fall be ony waies hurtfull or prejudicial to their richtes and titles, of the saids laick patronages, after redemption of their landes and wed-settes, alswell alreadie used in times by-past, as to be used: Bot that the saids laick patrones may as freelie bruk, joys, and use their saids Parronages, and present qualified perones thereto at all times: sik-like as the saids Kirk-men had never apprehended possession of the same, and notwithstanding thereof.

62. *The principal gift of Pensions suld be produced, and the samin being improven, The confirmation, and all decreets following there-upon, ar null.*

OUR SOVERAINE LORD, and the three Estaites of this present Parliament, having consideration how that findrie Benefices within this Realme, hes bene burdened with counterfaict and invalide giftes of Penfions of victual, or silver, or special assignation of hail Kirkes, with fruites theirof: And upon the said feinzied and invalide giftes, hes obtained his Hieneffe, or his Predecessours ratification, and confirmations, hes obtained decreetes before the Lordes of Session, and uthers Judges, quhair in-cas they had produced onie principall, either the same wald have bene found invalide, or the falsed theirof wald have bene tryed or knawen. Therefore it is statute and ordained, be OUR SOVERAINE LORD, and the three Estaites foresaides, in time cumming, that quhair ever question or controversie fall arise, upon the Pensions to be purchafed or obtained, be quhat-sum-ever persons, after the dait hereof: Or upon the invaliditie of the samin Penfions, the partie suiter of the said Pension, fall be halden to produce the principal gift and pension, To the quhilk their ratification and confirmation fall be relative, at the desire of the partie, quhais benefice is burdened bee that pension, uthirwaies they fall be secluded fra all richt, to the said pension, or ony part thereof. And in-cas the principal gift and disposition, beis outhir improven or reduced be the Judge ordinar: In that cas the said party pretendand richt to the said pension, fall never be heard to acclaim onie benefice thereby; Notwithstanding onie ratification, confirmation, decreetes, or letters in the four formes following there-upon: Quhilk the saids Lordes declaris, needis na reduction in this cas, in times cumming: The grounds to the quhilk, the saids ratificiones, confirmaciones, and decreetes is relative, being tane awaie.

63. *The Checker suld begin the first day of Julij. Anent absents therefra, and chargeing persones to compeir.*

OUR SOVERAINE LORD, with advife of his three Estaites, convened in this present Parliament, for the greater certaintie of his Hienes Checker, and gude ordour to be kept therein, quhairthrow gude reckning, and compt may be maid of his Hieneffe rentes in dew time: Statutis and ordainis, that his ordinar Checker, fall begin zeirliche in time cumming, upon the first day of *Julij*, and fall end upon the last day of *August*. And that alsweill the persones, quha fall be nominate and constitute Auditoures of the Checker, as all that aucht to make compt therein, be dewlie warned be Precepts, to compeir thereat, ilk person, under the paine of 40. pounds. And in-casse of their absence, at the dayes appoynted; That they be un-lawed in the said summe, and letters of horning or poynding to bee direct against them, for payment thereof. And the Comptroller to charge him with the saidis un-lawes in his compts. And at all time, fra the first day of the said Checker, quhill the end thereof, that the comptres, that aucht to give compt therein, in-casse of their disobedience of the precept of the Checker, be charged of new, at the mercat-croce of *Edinburgh*. And in-casse of their disobedience of the same charge, to be denounced rebelles, and put to the home, at the same mercat-croce of *Edinburgh*. Quhill denuntiation, his Majestie decernis to be alsufficient, as gif the famin were maid at the mercat-croce of the head Burrowes of the Schires, quhair the persons dwellis, and registrat in the same Schireffes buikes thereof: And that the horning be registrat in the Thesaurers buikes, or Schireffes buiks of *Edinburgh*: That the Thesaurer, Comptroller, and Collectour, be themselves, or their Deputes and Clerkes, be present, during the haill time of the fitting of the Checker, for sik thinges, as may occur in ilk one of their offices. And that na-thing be treated of in this ordinar Checker, bot onelie the handling of the Kings Majesties awin affairs. And for maters and actions, beruixt partie and partie: Ordainis the Checker to convene and sit everie Tues-day after noone, during the fitting of the Session, or at uther times, as it fall please the Kingis Majestie to appoynt.

64. *All Schireffe Clerkes suld present in the Checker zeirliche all seafinges.*

ITEM, It is statute and ordained, that the Acte of Parliament, maid be our Sovereaine Lordis dearest Gud-schir, King *James* the Fifth of gude memorie, for presenting be the Schireffes and their Clerkes, of the Protocolles of all seafinges zeirliche in the Checker, be put to dew execution in all points. And our said Sovereaine Lord, with advife foresaid, of new ratifies and apprievs the same Acte. And ordainis that the Clerk of Court of ilk Schireffe-dome, cum with the said Schireffe or his deputes, in everie Checker, and bring with him ane buik, containing all seafinges, given be them, subscribed with the said Clerkes awin hand and signe manuall: That the famin may remaine in the register: swa that the Kings Majestie may know his tenants, and all utheris having interest, may have recourse thereto.

65. *All receivers of the Kings rents, suld find Caution in Edinburgh.*

OUR Sovereaine Lord, with advife of his three Estaites of this present Parliament, statutis and ordainis, that na Chalmerlaine, nor receiver of the Kingis rentes remoovable, be received be the Comptroller, bot sik as findis soverties to the Comptroller in *Edinburgh*, to make compt in the ordinar time of the Checker, and to make payment within xx. dayes after ilk time. Als swa it is statute and ordained, that all heritable Chalmerlaines and compters, be charged to finde sovertie, to the same effect.

66. *Hieland-men and Borderers, may be summoned at the mercat-croce of the Burgh.*

ITEM, That all warnings and executiones, in the Kings causes to be maid against *Hiel-men*, Hieland-men, or Borderers in broken Countries, *ubi non patet tutus accessus*, be maid at the mercat-croce of the head Burrowes of the nixr Schires, in the Law-land.

67. *The Comptroller suld answer for all Chahner lanes.*

ITEM, It is statute and ordained, that the Comptroller in time cumming, charge him in his compt, with the haill rent of his Hieneffe propertie, and be answerable for the haill charges of the Chalmerlaines and receivers removeable: Because they ar of the Comptrollers awin making: And for uthers that hes their offices heritable, that the Comptroller schaw his diligence against them, before the making of his compt, quhill fall alwayes end, before the first day of *September* zeirliche. And declaris that his Majesties propertie, evin instant, as it is presentlie, fall finde, susteine his house, according to the advife given be the Checker in *August*, 1586. And that quha ever hes the intromission and receipt of the rents of the said propertie, aucht and mon furnish, the expenses of his house in reddie money: that his furnishing may be als gude cheape, as onie uthers. And this ordour to begin at the first day of *September*, nixt-to-cum: Or quhen his Majestie thinkis gude.

67. *Auent Precepts of the proprietie, and the Comptrollers comptes.*

ITEM, That na precepts or discharges of ane part of the proprietie, to be allowed in time cumming in the Checker, except the same fall be subscribed and accepted be the Comptroller, and alwaies the parties acquittance to be produced upon compt, and na thing to be allowed *periculo computantis*.

68. *All rentalles ar personall life-rents, quhairin na mention is maid of aires.*

ITEM, It is statute and ordained, that all rentalles, sett be onie OUR SOVERAINE LORDS Predecessours, of gude memorie, of onie landes, perteing in proprietie to his Hiennesse (except few rentalles, set to men and their aires) fall have na further strength nor effect, nor ane naiked life-rent, and that after the decease of the rentalles, his Majestie have power with advise of his Comptroller, to set, use, and dispone their-upon at his plesour of new in few, either for augmentation of the former: tentall, or for new entres silver, and that all bee set in augmentation of the Kingis rental.

69. *The casualities suld not be disposed in great.*

ITEM, It is statute, that his majesties casualities fall not be given away in great: as of the casualities of ane haill Cuntrey togidder: Or the confirmation of the haill fewes of onie Prelacie: or of onie speciall crimes.

70. *Auent payment of pecuniall paines and compositionnes.*

ITEM, It is statute and ordained be OUR said SOVERAINE LORD, with advise and consent foresaid, that all pecuniall paines of offenders, fall be taken up in gold and silver, at the avall of the money, quhen the Actes ware maid, or els augmented in the money now current. And the famin regard to be had in making of compositionnes, takand the ground and exemple fra the last zeir of the regiment of King James the Fifth.

71. *The paine of negligent Schireffe Clerkes.*

ITEM, It is statute and ordained, that in-case onie Schireffe Clerk, within this Realme, refusis at onie time hereafter to receive and register onie letters of horning presented to them, be quhar-sum-ewet parties to that effect: Or gif the same be not dewlie registrar, after he have written, extracted and tegistrat, on the back therof. And in-case he send nor zeirelie to the Thesaurer or his deputes, ane perfite inventar of the haill hornings registrar ilk zeir in their buikes. Or in-case onie uther thing beis done be the saids Schireffe Clerks, undewtisullie. That then and in these particular cases abone written, the same being lauchfullie tryed, ilk Schireffe Clerk, fall tyne all his mooveables, to be escheitted and applyed to his Hiennesse. And his principal Schireffe, *toties, quoties*, fall be compelled to paie ane hundredth pundes to his Hiennesse, by the damage and interest of the parties skaith their-throw, and to have his reliefe of the said Schireffe Clerk, in that behalfe.

72. *Of the sovertie to be founden be officiares of Armes: And of their daylie wage.*

ITEM, For the better and mair suit serving of the King, be officiares of armes: It is statute and ordained, that nane be reteined, or hereafter admitted to that service; Bot he that with his uthers injunctiones, fall finde soverty, to be alwaies furnished with a sufficient reddie horse, quhair-upon to serve his Hiennesse and lieges, and that his sovertie fall be answerable for the damage and interest of his falsed, slouth and informal doing in his Hiennesse service, or uther parties, gif onie fall happen. And that the wage of onie Officiar of armes on the day, fall be ane marke money, Summer and Wintet over-head.

73. *Relieves suld be entred in compts: The Schireffe or the partie may be poynded, conforme to the buik of Responde.*

ITEM, It is statute and ordained, that na relieves be componed sot in time cumming: Bot the trev and full avall thereof, to be maid compt and payment of in the Checker. And in-case, Schireffes, Stewardest and Baillies, make not their compts, at the ordinar time of Checker (beside the ordinar execution, to passe against them therefore) That upon the sight of the buik of *Responde*, letters be directed, to charge the persons, to quhome precepts of leasing hes bene granted: Or the Schireffe and his deputes, at the option of the Thesaurer, or baith; To pay the summes contained in the *Respondees*, or to poynd the Schireffe, or the pattie: gif the partie have not the Schireffis discharge thereof, to schaw and produce.

74. *The Schireffes suld make compt of all escheittes.*

ITEM, It is statute and ordained, that all Schireffes in time cumming, make compt to the Checker, of quhat-sum-ever escheittes, up-taken and intronnetted with bee them, within their jurisdiction: And that ilk Schireffe charge himselfe speciallie with the famin escheittes, in ilk Checker zeirlic.

75. *Commissions suld passe the quarter Seale: The obtainer thereof suld finde Caution: They suld not be granted upon slauchter.*

ITEM, It is statute and ordained, that all special Commissions of Justiciarie, be maid be signaroures, ro passe the quarter seale, in time cumming, to the effect, that *Respondees* may be maid there-upon, after the auncient and lovable fashon. And that he quha obtreinis ane Commission, finde sovortie at the Chancellarie, that he fall within fourtie dayes thereafter, report a testimonial of his diligence, under the paine of forty punds; And that alwaies na Commissions be granted, to proceede on slauchter: bot the Justice generall, and his deputes, to proceede there-upon.

76. *The King may persew all crimes, without the partie.*

ITEM, That the Thesaurer and Advocate, persew slaughters and utheris crimes, althocht the parties be silent, or wald utherwaies privilie agree. And that in Justice aires, or particular diettes, the hail Assifoures be called for, and the abientes americiat, to moove them, ro make the better obedience.

77. *Na allowance without production of acquittance.*

ITEM, That na allowance be given in the Thesaurers comptes in time cumming, *periculo computantis*, bot quhair a acquitrances ar presentie schawen and produced.

78. *Anent the hearing of the Thesaurer's comptes. Particular comptes, and Ratificaciones passed in Parliament.*

OUR SOVERAINE LORD, with advise and consent of the three Estaites of this present Parliament, hes statute and ordained, that the Thesaurer fall not excede twentie thousand pundes in ane zeir in his discharge, with certification gif he do, na *Superfedere* will be granted for super-expenses, in time cumming. It is also statute and ordained, that inferiour comptes that suld precede the Thesaurers compts and mon enter in it, be first heard. And likewise it is statute and ordained, be our said Sovereine Lord, with advise and consent foresaid, that na Ratificaciones be passed in Parliament, upon simple Articles of privar parties, bot the matter desired to be ratified, to be first passed be infesment, upon composition payed to the Thesaurer, before onie sik matter be confirmed in Parliament, and the famin on nawaies to be passed or granted, except they be presented be the said Thesaurer, or his deputes, ro that effect.

79. *Justice Courtes suld not be continued.*

ITEM, It is statute and ordained, be the Kingis Majesties special will and direction: That na precept for continuation of onie Justice Court, be admitted be the Justice, or his deputes, in time cumming.

80. *The Schireffes suld give up the names of their deputes, and suld finde caution.*

ITEM, It is statute and ordained, that all Schireffes within this Realme, give in zeirly, at the first down-sitting of the Session, to the Lords of Session, The names of their deputes and Clerks, that they thinke ro use for that zeir. And sik-like, ordainis letters to be directed, charging ilk Schireffe, under the paine of rebellion, with certification &c. To finde caution, Burgesses, and dwellers within *Edinburgh*, Acted in the buiks of Councell, that they fall zeirlic make their Compts in the Checker, and paye all thinges, restand, auchtand to the Kingis Majestie, be vertew of their office.

81. *Of the forme how Justice aires fall be balden twise zeirlic, in the monethes of Aprile and October.*

BECAUSE of the great delay in actiones Criminall, throw the not halding of Justice aires, twise in the zeir, according to the auncient and lovable ordour, established be diverse gude Lawes and Actes of Parliament, maid of before: Considering the ordinar judgement in criminal causes is onelic now at *Edinburgh*, quhair particular diettes ar sett, for certain special and highest crimes, the punishment of uther offenses, quhair by the commoun-weill is greatlie grieved, left to the Justice aires, that very fendill haldis, and there-throw ar becomme contemptible. **THEREFORE**, and for ease and reliefe of the subjectes, that ar sa frequentlie inquired, be cumming in convocation, to dayes of Law, and ro passe upon Assises in *Edinburgh*, quhair the Courtes ar oftimes continued, in hinderance of Justice, and to the great trouble and needeles expenses

of the Kings lieges: It is statute and ordained, be our Sovereain Lord, with advife of his three Eftaites, convened in this present Parliament: That Justice aires fall be halden twife everie zeir, in time cumming, over all the Schires of this Realme, in the Moneth of *April*, and *October*: Beginnand in the Moneth of *October*, nixt-to-cum, gif convenientlie it may be. And be reason the mater cannot be ordered, and over-tane at anis, be onie few number, to passe successivelie over all the hail Realme, from ane Schire to ane uther, that OUR SOVERAINE LORD, fall cause his Justice General, make aucht deputies: Or else his Hieneffe fall make fa mony, be his awin Commission, under the testimonial of the great Seale, of sum of the Senatoures of the Colledge of Justice, or certaine weill experimented Advocates, thar ar maist able to travell, appoyntand twa over everie quarter of the Realme, quhilk containis seven Schireffdomes, or thereby, with ane depute of the Thesaurers, and ane uther of the Justice Clerkes. And that the Stewardrics, and the Baillieries cum to the head Burrowes of the Schireffdomes, quhairin they lie: Before the cumming of the quhilk Justice deputies, ditraie fall be uptaken, and the persons indicted arrested, in maner hereafter specified. Quhilk Justice fa directed, fall be received at their entrie in the Schire, be the Schireffe principal, or his sufficient depute. As also be the Wardanes, within their Wardanries, and their deputies, being Knights or Gentil-men landed, with the free-halders of the same Schireffdome, that fall be warned be the Schireffe, to that effect, be Proclamation, for conveneing at the place and time appoynted: Quhilk fall conveye the saidis Justice deputies, to the head Burgh of the Schire, and accompanie them, during their remaining there: And quhill they be out of the boundes of the said Schire, and received be the nixt Schireffe, or his depute. And upon the morning, after the cumming of the saidis Justice deputies, to everie head Burgh of the Schire, gif the day be lauchfull: and failzieng thereof, the nixt lauchfull day, they fall beginne and fense their aire, call the suites, and put the offenders, gif ony bee alreadie in prison, to the knowledg of ane Assise. And as they be found culpable, or Innocent, to minister Justice upon them, conforme to the Lawes of the Realme. Thereafter to call the pledges and Cautioners of persones, that hes founde sovertie to underlie the Lawe, the third daie of the aire, or sooner, upon fiftene daies warning. And thridly, the perones newlie indited and arrested, and doe Justice likewaies upon them: and that they direct their Precepts for sumounding of Assisours, ane or maa, ilk person under the paine of fourtie punds. And having ended their Justice aires: they fall deliver the extract thereof, subscribed with their handes be indenture, to the Thesaurer, or his depute: Quhilk fall cause up-take the summes, contained in the said extract, and make compt of the summes contained therein, at the nixt Checker, before the auditour thereof. In the first end of quhilk summes, fall be allowed to the Thesaurer or his depute, the charges and expenses of the Justice and Clerkes, as the famin fall be modified and appoynted be the Lords Auditoures of his Hieneffe Checker, or onie five of them. And to the effect that all Executions and arrestmentes requisite, may be dewlie prepared, before the cumming of the saidis Justice deputies:

It is statute and ordained, that OUR SOVERAINE LORD, with advife of his Chancellor, Thesaurer, Justice-Clerk, fall nominate and give Commission to honorable and worthe persons, being knaven of honest fame, and esteemed no maintainers of evill, or oppression; And in degree, Erles, Lordes, Barronnes, Knightes, and special Gentle-men landed, experimented in the lovable Lawes and customes of the Realme, actuall in-dwellers in the same Schires, to the number hereafter limited, according to the boundes and quantite of everie schire: That is to say, within the Countries and Schireffdome of *Orkney* and *Zetland*, xiiij: Within *Invernes* and *Cromartie*, twentie ane: *Narve*, seven: *Elgin* and *Forres*, seven: *Bamff*, seven: *Aberdene*, twentie ane: *Kincardin*, seven: *Forsare*, fourtene: *Fife*, fourtene: *Kimross*, seven: *Clack-mannar*, seven: *Perth*, twentie ane: *Strivling*, seven: *Dumbartane*, seven: *Linlithcow*, seven: *Edinburgh* principal seven: Constabularie of *Haddingtoun*, seven: *Berwike*, seven: *Roxburgh*, fourtene: *Selkirk*, seven: *Peblis*, seven: *Lanark*, fourtene: *Reufrew*, seven: *Argile*, seven: *Bute*, seven: *Sir*, twentie ane: *Wigtoun*, seven: *Dumfries*, twentie ane. Quhilk fall be the Kingis Commissioners and Justices, in the furtherance of Justice, peace and quietnesse: Togidder with four of the Council of everie Burgh, within the selfe: Quhilk fall be constant and continual up-takers of dittay. Givand, grantand, and commitand to them full power to take inquisition, and make Dittay be their awin knowledge: Or be an sworne inquest, or sworne particular men, of all perones suspected culpable, of the crimes and defaultes contained in the Table, to be maid be the Thesaurer, Justice Clerke, and Advocate, annexed to this present Act, divided in twa fortes. And all perones delated as culpable in the first degree; The saidis Judges and Commissioners, fall ather apprehend and commit to waird (gif convenientie they came) Or els fall deliver them in the Portuous, to the Crowner of the Schire, everie Moneth anis to be arrested, and put under sovertie, be him, or his deputies, to the nixt Justice aire, to be halden nyse in the zeir be the Kingis Justice deputies, directed from his Hieneffe, in maner before specified. And upon all perones delated and suspected, as culpable of the uther crimes and defaultes, in the second degree: The saidis Justices and Commissioners in the Schires, fell procede and do Justice themselves, at their courtes and meetings, to be kept fourtimes evrey zeir: That is to say, At the first day of *Maij*: At the first day of *August*: At the first day of *November*, and at the first day of *Februar*, or utherwaies, at ony time; three thereof, then being togidder, and alwaies sitting in the Tolbuith, of the head Burgh of the Schire: And that they remaine at every one of the saids four times in the zeir, three daies togidder, or langer, or shorter, as they finde occasion: with power to them to direct their precepts & portuous, to the Crowners: and their precepts, to Schireffes or Officers of armes,

to summond Assises, ilk person, under the paine of ten poundes. As alwa to send their extractes to the Thesaurer, after everie one of their four meetings, to the effect, the paines and un-law therein contained, may be taken up: Quhair of compt, reckning, and payment fall be maid, at the next Checker, and the charges and expensis of the saidis Justices and Commisioners, allowed therein, in sik quantitie, as fall be modified and appoynted, bee the Lordes of his Hiennesse Checker, betuixt and the first day of *November*, next-to-cum. And in-cas of disobedience or contempt, that they notifie the same to the Kingis Majesties deputies, at the saidis Justice aires. And gif they alwa fall finde them contemned and disobeyed ony waies: to signifie the same to OUR SOVERAINE LORDE, and his secreit Councell, quha fall provide for punishment of the contempt, be force, to the terrour and exemple of utheris offendoures, to commit the like in time cumming: And the saidis Justices of baith sortes, for the space of ane zeir, and further, induring OUR SOVERAINE LORDIS will, to indure.

82. *Hochares or slayeres of horse, Oxen: destroyers of pleuch-graith, trees, cornes, or breakers of milnes, suld be punished as thieves.*

ITEM, his Hiennes ratifies the act maid anent the punishment of hochares of oxen, horse and guddes in time of labouring; With this addition: That quhat-sum-ever persone or persones curtis and destroyes pleuch and pleuch-geire, in time of teeling, or willfullie destroyis and curtis growand trees and cornes, fall be called theifore, before the Justice or his deputies, at Justice aires, or particular diettes, and punished therefore to the death, as thieves. And the same paine to be extended, and strike on breakers of milnes, or flickers, geres, and fellares of oxen or horse, in time of leeding of cornes or fewall.

83. *Officiars of armes, convict of falsed, suld be punished to the death.*

ITEM, It is statute and ordained, that Officiars of armes, committand falsed or oppression of the Lieges, in execution of their Office, fall be called therefore, before the Justice, or his deputies, at Justice aires, or particular diettes, and punished to the death, in-cas they be found culpable.

84. *Deforcers of Officiars, suld be punished at the Kings will.*

ITEM, It is statute, that all deforcers of Officiars, in execution of their Office, be summond upon fiftene daies warning, civille or criminally, at the option of the party perfewer, and their lives and guddes to be in the Kingis will therefore.

85. *Letters of Law-borrowes suld nocht be granted against complices generallie: Anent caution to be found be the raisers thereof.*

ITEM, It is statute and ordained: That seeing in times by-past, letters of Law-borrowes, being given with this word (*Complices*) be the Clerks of Session, hes imported, and daylie dois import great skaith, damage and heirship, to findrie of his Hiennesse Lieges, be plaine collusion, betuixt the parties purchasers, and Officiars executors of the same. That therefore na letters of Law-borrowes, be granted in times cumming, be onie Clerke, with power to charge complices: And that caution bee found to the Justice Clerk, and his deputies, that letters of Law-borrowes in times cumming to be granted, fall be dewlie execute, upon all persons contained therein, arther personallie, or at their dwelling places, and be open Proclamation at the mercat croces, of the head Burgh of the Schire, quhair the parties dwellis, betuixt aucht houres in the morning, and twelve houres at noone, Summer and Winter, in open time of day; In presence of famous witnesses, specialle designed, and Copies affixed upon the zettes or doores of the dwelling houses of the persones contained therein, with the hail names: And an urther on the mercat-croce, under the paine of twa hundreth markes. And willis and declairis, that this be alwa observed in all criminal letters, and utheris quhat-sum-ever, that importis tinfeil of life, and moveable guddes.

86. *The time of fensing of Courtes.*

ITEM, It is statute and ordained, that all Judges, and amangst the rest, the Justice deputies, keepe the I hour of Cause, in fensing and proceeding in their Courtes, in times cumming, as it was observed of auld, *Viz.* At eleven houres, before noone.

87. *Expenses of the partie accused and acquite.*

ITEM, It is statute and ordained, that quhair parties ar malicioussie charged, to underlie the Law, at particular diettes, before the Justice, and his deputies, in-cas they be found innocent, and clenged thereof: That their expensis in time cumming, for keeping of the saidis diettes, be modified be the Justice, Justice-Clerke, and their deputies, beside the ordinar paine of them that ar ather acquite, or past free.

88. *Of perſones to be ſummond, to paſſe upon Aſſiſes.*

LIKE Wayes it is ſtatute and ordained, that na Officiar, nor Officiars ſummond onie maa perſones upon aſſiſes, in time cumming, nor fourtie five perſones, to be given in roll, ſubſcribed be the partie purchaſer of the ſaidis letters: Or ane Notar in his name. Nor zit put out, nor put in the ſaidis Roll, onie perſones for gratitude or gude dede, under the paine to be called therefore, at particular diettes, before the Juſtice or his deputies, and puniſhed as common oppreſſoures to the death. And that Dittay be tane of all ſik Officiars, as hes uſed, or ſhall uſe the ſame, and they to be called and puniſhed therefore, as ſaid is.

89. *False Customers and ſearchers, ſuld be puniſhed.*

ITEM, It is ſtatute and ordained, that all Customers and Searchers, committand fraude in their Office, be over-ſight of the transporting of forbidden guddes ſooth of the Countrie, for gratitude given to them, ſhall be called therefore at Juſtice aites, and particular diettes, and puniſhed in their perſones, at OUR SOVERAINE LORDIS will, And all their moveable guddes, to be eſcheitted to his Hieneſſe ufe, in-caſe of their conviction.

90. *The baill Proceſs and probation, ſall be uſed before the aſſiſe, in preſence of the partie accuſed, and his Procuratoures.*

OUR SOVERAINE LORD, Conſidering the wranges alleged ſuſtained be diverſe Noble-men, and uthers Lieges of this Realme, being accuſed of treaſon, be ſollifting, boaiſting, and minacing of the aſſiſe, after they were incloſed: The accuſers and uthers perſones their favourers, having libertie to paſſe to the ſaid Aſſiſe, and to produce to them ſik writtes and witneſſes, and uther probation, as they pleaſed, to veriſie the crime, outwith the preſence of the parties accuſed: Quhairby the juſt deſe of their lives, landes and honours, was taken awaie. **T**HEREFORE our ſaid SOVERAINE LORD, with adviſe and conſent of the three Eſtates of this preſent Parliament, hes ſtatute, declared, and ordained, that in all times cumming, the haill accuſation, reaſoning, writtes, witneſſes, and uther probation and inſtruction quhat-ſum-ever of the crime ſhall be alledged, reaſoned and deduced, to the Aſſiſe, in preſence of the partie accuſed, in face of judgement, and na utherwaies. And that all and quhat-ſum-ever Lieges of this Realme, accuſed of treaſon, or for quhat-ſum-ever crime, ſhall have their Advocates and Procuratoures, to uſe all the lauchfull defenses, quhom the Judge ſhall compell to procure for them; In-caſe of their reſuſe, that the ſute of the accuſer be not tane *pro confeſſo*. And the partie accuſed, prejudged in ony ſorte, before he be convicted, be lauchfull tryall. And to the effectt, the ſaidis Advocates and Procuratoures, may the mair freele and willingly do their Office, in the Premiſſes: our ſaid SOVERAINE LORD, with adviſe and conſent foreſaid, annullis, caſſis and reſcindis, all and quhat-ſum-ever Actes of Parliament, and uthers ſtatutes maid be him, or onie of his Predeceſſoures of before, in contrair hereof.

91. *Of Aſſiſoures doubtand, and including thereof.*

ITEM, It is ſtatute and ordained, that how-ſoone the haill perſute, defenses and answers thereto, ar ſullie heard be the Aſſiſe, gif onie of the ſaidis aſſiſoures hes ony doubt, quhairof they wald be reſolved: That they propone the ſame openlie, in preſence of the parties, in face of the judgement, before they paſſe out of judgement themſelves. And immediatlie after that the ſaid aſſiſe hes choſen their Chancellor, the Clerk of the Juſticiarie, ſhall incloſe the ſaid aſſiſe them allane, or in an houſe be themſelves, and ſuffer na perſon to be preſent with them, or repaite to them in ony waies, nather Clerke nor uthers, under pretenſe of furdre information, reſolving of onie doubt, or onie uther collour or occaſion quhat-ſum-ever. Bot that the ſaid houſe be halden ſaſt, and na man preſent therein, bot the ſaidis Aſſiſoures, and that they be not ſuffered to cum out of the ſaid houſe, for quhat-ſum-ever cauſe, or to continue the giving of their ſentence to ane uther time: bot that they be incloſed, as ſaid is, unto the time they be ſullie agreed, and returne their anſwere, be the mouth of the ſaid Chancellor, to the Judge. And our Sovereine Lord, with adviſe foreſaid, decernis, declaris and ordainis, that gif ony of the ſaidis accuſers, informers of his Hieneſs Advocate, or uthers perſones quhat-ſum-ever, pretend in onie waies in time cumming, to informe, ſollift, reaſon, diſpute, ſpeak or repaite to the ſaid Aſſiſe, after their remooving ſooth of judgement, and incloſing of them, in maner abone written: Or uthervaies tranſgreſſe onie poynt of this preſent act: In that caſe, the partie accuſed, ſhall be halden and pronounced cleane, and innocent of the crimes and treaſons then layed to his charge. And this preſent acte, ſhall beane ſufficient warrant to all Aſſiſoures in criminal cauſes hereafter, to pronounce the partie accuſed, cleane and innocent, in-caſe onie of the premiſſes beis contraveened.

92. *Anent the quieting of diſordered ſubjectes, inhabitants of the Bordoures, Hiclandes, and Iles.*

OUR Sovetaine Lord, and his three Eſtates convened in this preſent Parliament, conſidering the wicked inclination of the diſordered ſubjectes, inhabitants, on ſum partes of the bordoures fore-aneut

England,

England, and in the *Hie-landes* and *Iles*, deliting in all mischieves, and maist unnaturallie and cruellie waifland, herriand, slaying, and destroyand their awen Nichtbourres, and native Countrie people, takand occasion of the least trouble that may occurre in the inner partes of the Realme, quhen they think that care and thocht of the repressing of their insolence, is ony waies forzer: to renew their maist Barbarous cruelities, and godlesse oppreffions. FOR remeid quhairof, attour and beside the lovable Lawes and constitutions already maid, in this behalfe: Quhilk OUR SOVERAINE LORD, with advyse of his three Estates, ratifies and apprevis be thir presentis: It is statute and ordained, that the first day of everie Moneth in the zeir, gif it be lauchfull, and failzieng thereof, the nixt lauchfull daie, immediarlie following, shall be a special and peremptour diet for his privie Councell, to convene and sit, baith in the fore-noone, and after-noon: For receiving, hearing, answering, and directing of all complaintes, causes and maters, concerning the mis-rule of the disordered and trouble-sum subjectes, inhabitants of the *Hie-landes*, and *Bordours*, and attemptes committed be them, upon the gude and peaceable subjectes in the In-countrie, without prejudice of uther, and maa diettes to be appoynted for the same effect, gif the occasion swa require: And speciallie that upon the said first day of everie Moneth, or uther nixt lauchfull day, tryall and inquisition to be taken of the diligence done, in the execution of thinges directed the Moneth preceeding, and of the thing necessar and expedient to be put in execution, during the nixt Moneth to cum thereafter: and that a particular register be kept be the selfe, of all thinges that shall happen to be done, and directed in maters concerning the quietnesse and gude rule of the *Bordours*, and *Hie-landes*.

93. *Caution shuld be found be Lands-lords, and utheris.*

THAT All Lands-lordes and Baillies of the landes, on the *Bordours*, and in the *Hie-landes*, quhair broken men hes dwelt, or presentlie dwellis, contained in ane Roll, ratified in the end of this present Parliament, shall be charged to finde sufficient Caution and sovetic, Landed-men in the In-countrie, to the contentment of our SOVERAINE LORD, and his privie Councell: Betwixt and the first day of *October*, nixt-to-cum: Or within fiftene dayes after the charge, upon conditions following, under the paine of rebellion: And gif they failzie, the said day being by-past, to put them to the Horne: That is to say, gif onie of their men, tennentes, servandes, and indwellers upon their lands, rowmes, steadings and possessiones, or within their Baillieries, committis ony maisterfull reise, theft, or receipt of theft, depredationes, open and avowed fire-raising, upon deadly feedes, protected and maintained be their Maisters: That the Landis-lordes, and Baillies, upon quhais Landes, and in quhais jurisdiction they dwell, shall bring and present the persones compleined upon, before OUR SOVERAINE LORDIS Justice, or his deputes, to abide tryall, and underly the Law for the same, upon fiftene daies warning, to be maid be them lauchfully: And failzeing thirof, that the saidis Landis-lordes and Baillies, be debt-bound, to satisfie the partie skaithed, and to refound, content, and pay to them their heirshipes and skaithes, of their awin proper guddes and lands, according to the avall and quantitie tane fra the compleiners, quhilk shall be modified be aith of the partie hurr, ather before the Lordes of Councell and Session, or the Justice, or his deputes, quhair-upon execution shall passe, baith against the principales and soveticis, in forme as effectis. Providing alwaies, that the Landes-lordis, quha hes their landes lyand in far *Hie-landes* or *Bordours*, they making residence themselves in the *In-lands*, and their tennentes and inhabitantes of their landes, being of Clannes, or dependars on Chieftaines, and Captaines of the Clannes, quhom the Landis-lordes ar nawaies able to command, but only gettes their mailles of them, and na uther service nor obedience, shall nawaies be subject to this act, bot in maner following, *viz*; They shall be halden to direct their Precepts of warning, obtene decreetes against their tennentes, and denunce them to the horne. And immediarlie after their denunciation, that the saidis Landes-lordes, raise letters, be deliverance of the secrete Councell, and charge the Chieftaines and Captaines of the Clannes, on quhom their tennents dependis and obeyis, to take and apprehend the disobedient tennents, and present them to the Justice, under the paine of rebellion: and in case the Chieftaines disobey, to cause denunce them to the horne, register the same, and report the letters of horning, dewlie execute, indorfir and registrar to the secrete Councell, within the space of 40. daies thereafter: quhairin, gif the saidis Landes-lordes failzies, they shall be subject to the former condition of this act: as alwa, in case the saidis Landes-lordes, at ony time hereafter, rental or sett tackes to ony of the saidis disobedient *Hie-land-men*, or *Bordour-men*, in ony their lands, and omittis to take sufficient caution for them, that they shall be answerable and obedient to our Sovereain Lords Lawes, and speciallie that they shall obey and obtemper the hail contents and effect of this present act: and that the Landis-lordes and Baillies, concur, fortifie, and assist uthers, in removing of all persons disobedient to the Lawes, or fugitive therefra, out of their landes and possessiones. And in case ony refuse to concur to the effect foresaid, being dewly and lauchfully required. In that case ir shall be lesum to persev the person refusand, and his cautioner, for redres of the skaith, susteined be the partie hurr, and the Landis-lordes and Baillies of the disobedient person, to have the reliefe of the persons refusand. And in case ony person, Landes-lord or Baillie, receive or receipt ony person fugitive, after the committing of the crime, upon their lands, or stayis or arreistis them nochr, quhen ever they passe throw their boundes, with onie trew mennes guddes, rest or stollen, gif the same cummis ony waies to their knowledge,

or that it beis tryed that they might have staied or withstand the saidis riefes and oppreffions, Quhilk knowledge and power of the Over-lordes, fall be tryed be ane Assise: The Maisters, Landes-lords or Baillies, recipients of the offenders, or not stay and arrestand them, passand throw their boundes, as saidis, fall be halden to bring and present the perones offendoures, to the Lawes, in maner foresaid: Or els to pay and redres the parties skaithed, in maner abone written. And quhair the awiers of the restand stollen guddes, follows not, the stayers and arreiffers of the perones and guddes, passand throw their landes, fall be halden to make certification, be publication at the mercat-croce of the head Burgh of the Schire; That the partie having interest, being thereby advcertified, may challenge their awin guddes in sex dayes space, utherwaies, the stayers and arreiffers of the guddes, fall not bee answerable therefor.

ITEM, Although sum of the Lordes of the ground, never usis to make residence in the partes, throw the quhilkis thieves resorts, in their passing to steall and rieve, and returne therefra: zit fall they be bounden be their Baillies and tennentes, to make their arreiffments, and stay and make publication of the same: gif it be in their power, or cummis to their knowledge: or utherwaies, to be halden and oblithed for redres, as gif they dwelt upon the landes themselves. And that the chiefe of the Clanne in the boundes, quhair broken men dwellis, throw the quhilkis limmeres and broken men, repairs in their passing to steall and rieve, or returning therefra, fall be bound to make the like stay, arreiffment, and publication, as the Landes-lordes, or Baillies, and be subject to the like redres and action criminal and civil, in-case of their failzie or negligence. And because findrie immediat tennents, to OUR SOVERAINE LORD, hes disponed their landes to utheris, halden of themselves; In that case, it fall be sufficient for the Overlord, to enter and present his tennent and vassall, for answering for his sub-tennent: And the Landes-lord, to have his reliefe upon his tennents there-anent, as accordis.

96. *The chiefe of all Clannes, fall finde pleges.*

Attour and beside of the foresaid ordour, devised against the Lands-lordes and Baillies, on quhais landes, and in quhais jurisdictiones the thieves, fornares, and broken men dwellis and remainis: It is als wa statute and ordained, that the Captaines, Chieffes, and Chieftaines of all Clannes, alsweill on the *Hie-land*, as on the *Bordoures*, and the principalles of the branches of the saidis Clannes, to be speciallie noted in ane Roll, ratified and insert in this present Parliament: Quhilkis Clannes, dwellis upon the landes of diverse Landes-lordes, and dependis upon the directiones of the saidis Captaines, Chieffes, and Chieftaines (be pretence of bloud, or place of their dwelling) Althought againstt the will oftimes of the Lord of the ground, be charged in maner, and under the paine abone written; to enter sik perones pleges, as fall be nominate be the Kingis Majesties letters to be direct to them, upon xv. daies warning, before his Hienes and his secreet Councell, at the dayes to be appoynted, to be placed, as his Hienes fall think convenient, for keeping of gude rule in time cumming, according to the conditiones abone written, quhairunto the Landes-lordes, and Baillies, are subject; under the paine of execution of the saidis pleges to the death, in-case of transgression, and noch redress maide be the perones offendares, for quhom the saidis pleges lyes. And that the saidis pleges fall be relieved quarterlie, with uthers of the same clan or branche, to be specially named, alsoone as may be, after the beginning of this ordour. And that the saidis pleges fall be kept in the Kinges strait-ward, upon their awen expenes, ay and quhill the principalles of the clanne or branches, find sufficient and responsal sovertie, acted in the buiks of secreete Councell; that the pleges entred, fall keep trew warde, ay and quhill they be freed, and relieved ourdourlie. And zit the perones with quhome they fall happen to be placed to remaine; fall on nawaies give their licence or libertie to the saides pleges. to departe or passe hame, under the paine of 2000. pundis, to be payed be everie Noble-man, Barron or Gentle-man, that grant ony sik licence. Quhilk caution being anis funden, the saides pleges fall be placed to remaine with Noble-men and Barronnes in free ward uncharged, with the buirding of their awin expenes, And all Clannes, Chieftaines, and branches of Clannes, refusand to enter their pleges at the day, and in maner contained in the charge, to be directed to that effect; to be effeccion publick enemies to God, the King, and all his trew and faithfull subjectes, and to be persewed with fire and sword, quhair ever they be apprehended, without crime, paine or danger, to be incurred be the doers there-throw. And that compt be tane, anis in the zeir, at the first day of *November*, quhat perones pledged for, ar dead, and quhat zounge men sprung up in their race and Clanne, able to offend. And quhair complaint is maid upon ony person pledged, for the principal of the Clanne or branch, to be elarged, to present the offenders, before the King or his Councell, or before the Justice and his deputies, to underlie the Law for the same. And in-case of failzie of the presenting of the person or perones, compleined upon, the plege lyand for the said person, to be execute be Justice, and the principal clan or branch to be prealed to enter new plege, and to be still debtor to the party grieved, for his skaith susteined.

95. *All men borne in the Hie-landes and Bordours, returne to the place quhair they were borne.*

ITEM, That all sik notorious thieves, as wcr borne in *Liddis-daill*, *Esk-daill*, *Ensf-daill*, *Annaw-daill*, and the landes, sum-time called *Debaitable*, or in the lands of the *Hie-landes*, that hes lang continued in-obedient,

obedient, shall be removed out of the *In-land*, quhair they are planted, and presentlie dwellis or haunts, to the parts quhair they were borne: Except their Lands-lordes, quhair they presently dwell, will become soverty for them, to make them answerable to the Law, as the *Law-land* and obedient men, under the paines contained in the acts of Parliament.

96. *Auent the register of pleges, and utheris.*

ITEM, It is statute and ordained, for furtherance of the quieting of the inobedient *Bordours* and *Hie-landes*: That a buik be maid containing the names of the pleges, entred, and to be entred for gude rule, and of the haill persones, for quhom they lye, and be quhom the pleges suld be relieved: As als wa that a register be maid of the haill Parochiners of the landes, inhabire be thieves and disobedient persones, in the *Hie-landes*, and *Bordours*: The names of the Landis-lordes, and townes in everie Parochin, and of the haill men, inhabitantes thereof, past the age of sextene zeires: Quha ar Landis-lordes, or Baillies of everie land or town: Or of quhar Clanne, or branch, the saidis inhabitantes ar. And that the name of onie person that has entred on the broken landes, after the remooving of onie uther inobedient person therefra, be send to the keeper of the said register, within twelve dayes, nixt after his first entrie.

97. *Vagaboundes shall be charged to finde pleges, and their receipters shall satisfie the partie.*

BEcause, after all diligence done, alsweill against the Landis-lordes and Baillies, as against the Chieftaines and principalles of Clannes, there will be a number of vagaboundes un-pledged, or answered for be their Landis-lordes or Baillies: It is statute and ordained, that letters shall be directed: Charging all sik vagaboundes, and un-answerable men, be open Proclamation, at the mercat-croce of the head Burgh of the Schire, quhair they haunt, or head Burrowes of the twa nixt Schires in the *Law-land*, (*ubi non patet tutus accessus*) To finde sovertie to underlie the Law, the thrid daye of the nixt Justice aire, or sooner, upon fiftene dayes warning, under the paines contained in the Acts of Parliament. And in case they finde not sovertie within sex dayes, and enters not themselves, under pleging, to be detounced rebelles and fugitives, and they and their receipters, to be persewed thereafter, quhull they be apprehended and punished for their demerites: And that the parties skaithed, have competent action, civil or criminal, against the Magistrates or uthers, within quhais boundes, jurisdiction or power, sik vagaboundes and fugitives, at wittinglie receipt, with the guddes stollen or rest, in their passing, remaining or returning.

98. *Bandes given be the cautioners; obliſhis their aires.*

ITEM, It is declared, statute and ordained, That all bandes, actes, and obligationes, maid or to be maid, be quhar-som-ever persones, for quhar-som-ever broken men, pleges, or utherwaies received for the gude rule, quietnesse of the *Bordours* and *Hie-landes*, or onie thing depending thereupon, shall be extended against the aires and successoures, of their soverties and cautioners: Although special mention be not maid in the Acts, that they obliſhid themselves, their aires and successoures.

99. *Divers sureties being maid shall be vailzeable, and the one stoppis not the uther.*

ITEM, It is declared, statute and ordained, that the suretie maid be the Landis-lordes and Baillies, shall not be prejudicial nor stop the suretie maid be the Chieftaines and principalles of Clannes: Nor be the contrair, the suretie maid be them to the Landis-lords and Baillies.

100. *The maner how guddes taken away, may be repeated.*

ITEM, It is statute and ordained, that quhen-so-ever any heirſchippes, oppreſſionnes, rieses, forninges and thieftes, shall happen to be committed within any part of this Realme, in the *Hie-landes* or *Bordours* thereof, be onie Capaine of Clanne, or be onie uther Clanned man, against onie of OUR SOVERAINE LORDIS Leill and trow subjecties in time cumming: And the guddes swa tane up, transported to onie uther Clanned mannis boundes, received and mainreined therein, or disposed upon: and the same cum to the knowledge of the partie harmed and damaged, Ordainis him first to require, or cause require redresse thereof, at the chiefe of the Clanne, or Chieftaine of the Cuntrie, quhairin the saidis guddes shall be received or remaine, for the space of twelve houres, of his witting, to make redresse and reslituation of the same guddes, within fiftene daies after he be required thereto: Quhairin gif he failzie, in reslituation of the same guddes, to call, conveene, and persew the chiefe captaine, superior and principalles of that Clanne, within quhais boundes the guddes and gear swa tane, shall be received and sparalled, and under their protection mainreined, before the Judge ordinar, criminally or civilly, and upon sufficient prooffe, to be led be the partie harmed, that the guddes were fault or disposed upon, within sik boundes, be the witting and knowledge of the said Chieftaine or Superior, and principalles of the Clanne, they being of power to have reslited the same: They to be answerable for the same guddes; and

and decreete to be given aganſt them, with the profites thereof: Sik-like, and in the ſame maner, as nicht or ſuld have bene given aganſt the perſones committers of the dedde themſelves: and executoriales to paſſe thereupon, in forme as efferris. And als, gif it fall happen the partie harmed, be the perſones committers of ſik enormities, to follow and perſew his awin guddes and gear tane, as ſaid is, for the recoverie of the ſame: and in the reliefe of his awin guddes and gear, to ſlay, hurt or mutilar, onie of the takers thereof: It is hereby expreſſelie declared, ſtatute and ordained, that the ſaid partie harmed, or his aſſiſtares, and complices, fall never be accuſable of ony ſik ſlaughter, mutilation, or urther hurt: Bot als freeilie remitted and diſcharged in that behalfe, as gif he had our SOVERAINE LORDIS ſpecial Commiſſion to that effect. And als ordainis and declaris, that quhat-ſum-ever perſones fall happen hereafter, to beare feede for ony ſik ſlaughter, hurt, or mutilation, fall be ſubject to the paines and action abone written: And it fall be lauchfull to the partie harmed, to call and conveene them criminallic or civilie, at his option, for the ſaidis riefes and oppreſſiones, in maner before ſpecified.

101. *Maintainers and receivers of thieves, fall be answerable for their doings.*

ITEM, Quha bringis onie *Scottes* or *English* thiefe in his companie openlie or privatelie, to the Kingis Majesties Court, or Burgh of *Edinburgh*, or requiſtis for him, to hold him back fra the dew puniſhment appointed be the Law, without licence of the King, his Lieu-tennent or Wardane: Fall be ſubject to the action Criminal or civil, of him quhom unto the ſaid thiefe hes offended be thieft, or rief: Or be compelled for the ſame to redreſſe, as principal thiefe or reivar. And quhat-ſum-ever *English* thieves, fall cum in onie part of *Scotland*, without licence of the King, his Lieu-tennent or Wardan, fall be taken and uſed as lauchfull priſoners: And quha-ſa-ever wald avow ſik thieves to be their priſoners, or brocht in be them upon licences, fall nocht keepe them in companie in the Kingis Court or Palice, or in the hic ſtreit, quhair his Hieneſſe, or his Juſtice ſittis, and remainis, be arand weapons: bot hold them in cloſe houſe, fra their cumming, to their departing: under the paine to be repute as favourers, fofterers, and maintainers of thieves and thieft, and to be puniſhed therefore, conforme to the lawes of the Realme.

102. *Dittay ſuld be taken up anent blak-maill.*

ITEM, It is ſtatute and ordained, that the Juſtice Clerk, and his deputes, and the Kingis Commiſſioners, conſtitute to further Juſtice, quietneſſe and gude rule in all Schires, fall diligentlie inquire and take up Dittay, of the up-takers and payers of black-maill, and to make rentalles of the quantitie thereof: And to perſew alſweill the takers, as payers thereof, at Juſtice aires, or particular diettes, and do Juſtice upon them, according to the Lawes, and receive ſovertie, under great paines, that they fall abſteine in time cumming.

103. *Landis-lordes and utberis, ſuld preſent zeirlie treſpaſſours, to the Juſtice.*

ITEM, It is ſtatute and ordained, that the Juſtice-Clerk, fall twiſe in the zeir, *Viz.* At the firſt daie of *Marche* and *September*, procure the Kingis Majesties cloſe Valentines, to be ſent to the Mailters, Landis-lords, Baillies and Chieftaines of all notable limmers and thieves, charging to preſent them, outhere before his Majesties ſelf, or before the Juſtice, and his deputes, at the day and place to be appointed, to underly the lawes, conforme to the lawes and generall bande, and under the paines concined in the ſame, and to try quhat obedience, beis ſchawin be the perſones, quhom unto the ſaidis Valentines, fall be directed: And in-caſe of their contempt, be undewtifull anſwere, to put themſelves to the knowledge of an Aſſiſe, and miniſter Juſtice upon them, conforme to the Lawes and generall banda.

104. *It is not leſum to ane Scottes-bordourer, to marie with ane other in England.*

ITEM, Sen experience declaris, that the mariage of the Kingis Majesties ſubjectes, upon the daughters of the broken men and thieves of *England*, is not only an hinderance to his Majesties ſervice and obedience: Bot alſwa to the common peace and quietnes, betuix baith the Realmes: It is therefore ſtatute and ordained, be our Sovereine Lorde, and the three Eſtates of this Parliament: That nane of his ſubjectes preſume to take upon hand to marrie with onie *English-woman*, dwelling in the oppoſite Marches, without his Hieneſſe expreſſe licence, had and obteneid to that effect, under the great Seale: under the paine of death, and confiscation of all his guddes moveable: And that this be a ſpecial point of dittay in time cumming.

105. *The Wardane ſuld put in Bill the names of all English-men, quha occupies poſſeſſiones in Scotland.*

ITEM, It is ſtatute and ordained, that the Wardanes of the Marches, fore-anent *England*, take diligent inquisition, quhat *English-men* occupies ony *Scottis* ground, in paſtourage or tillage: and they bill
the

the persons offenders in that behalfe, against the treaties, and seeke redresse, according thereto, as they will answer upon their allegiance, at their hieghest charge and perrell, and under the paine of incurring of his Hieneffe indignation and displeasour.

106. *The pleges of the Bordours, suld be placed in the North-side of Forth, and the Hie-land pleges, on the South-side thereof.*

ITEM, It is thocht expedient, statute and ordained; That all pleges received for the gude rule and quietnesse of the *Bordours*, shall be placed on the North-side of the water of *Forth*, without exception or dispensation, and the pleges for the gude rule of the *Hie-lands* and *Lies*, to be placed on the South-side of the same water of *Forth*: And that the Justice-Clerke, and his deputies, to quhom the care of this ordour is committed, take speciall regard to the dew execution hereof, as they and everie one of them will answer upon the execution of their office.

107. *Anent the reliefe of the Landis-lord or Baillie.*

ITEM, For reliefe of the Landis-lord or Baillie, that shall happen to be charged for entrie of his tennentes or persones, dwelland under his jurisdiction, to underly the Law, or to make redresse, that he use warning, and seeke the ordour of remooving, against his tennentes and occupiers of the ground, and make them the Kingis rebelles, within the space of fourtie dayes, after the nixt terme, un-receiving mailles or dewties fra them, in the meane time. Quhairin his diligence being tryed and fundin gude and sufficient, be the Kingis Majestie, and his privie Councell, Or be his Justice and his deputies: And that he performe all things that he culd, or that was in his power to do, after the fact com to his knowledge: In that case, he shall be relieved of the paine and danger of the Law.

108. *Malefactoures fugitive, hes na action contrair the executours of the Law against them.*

ITEM, In-case onie Landes-lorde, Baillie or chieftaine of Clanne, shall happen to be burdened, with the taking and presenting of ony Malefactour, and that the same Malefactour is fugitive fra the Law, and refusis to relieve his Landis-lord, Baillie, or chieftaine: And that there-throw, according to the Lawes and generall band, they shall bee constrained to burne the said disobedient persons house, and to hold them, their wives and bairnes off the ground: It is statute and ordained in that case, that the saidis disobedient persones, their aires, wives, bairnes, nor na utheris pretending richt fra them, or be their deede or occasion, shall have onie action criminall or civill, for the saide remooving, burning and ejection, bot shall be simple affoizied therefra, and all that may follow there-upon, quhen-ever or quhere-ever the same shall be performed.

109. *The sellers of guddes pertaining to Malefactoures, suld be punished.*

ITEM, That sik mediat persones, as takis upon them to be sellers of the guddes of thieves or inobedient persones, and Clannes, that dare not cum to publick mercates in *Law-land* themselves, quhairby the execution of the acts maid anent thieves and Sornares of Clannes, is greatly impeded and defrauded, shall for that deede, being tryed culpable theirow, incurre the paine of banishment, and confiscation of all their guddes moveable: The one halfe to our Sovereine Lords use, and the uther halfe to the partie apprehender and suiter.

110. *Kirk-men suld not warrand, but fra their awin deede.*

ITEM, It is statute and ordained, be OUR SOVERAINE LORDE, and three Estaites of Parliament: That quhair there is diverse of the Bishoppes, Abbotes, Prelates of this Realme, that hes sett their livinges, for certeine summes of money, to be payed to them for their life-rentes: As alswa hes disposed diverse and sundrie pensiones, fourth of the twa part of their benefices; partie to their Conventes, and partie to utheris: And for the reddier and mair sure payment, hes assigned the same to be tane up, of the readiest of the saidis Bishoppes, Abbotes and Prelates few-landes, quhilkis being now assigned and annexed to the Crown; the saidis possessours, will be put therefra, and the saidis Prelates called for their warrand, quhilk will be sa great action, and import sik skaith unto them, that they will never be able to susteine na honest ranck. **THEREFORE OUR SOVERAINE LORDE**, having consideration, that the saidis temporall Landes, is taken fra the saidis Prelates, be Act of Parliament, and Law of our Realme, and dissolved fra their benefices, swa that na fraudfull deede, can be alledged, in the person of our Realme, and dissolved fra their benefices, swa that na fraudfull deede, can be alledged, in the person of the saidis Prelates: His Majestie, with advise of his three Estaites, hes ordained, that the saidis Prelates, quhais landes ar assigned and annexed to the Crown, and dissolved fra their saidis benefices: They shall be na-ways holden to warrand, tack, pension, assignation, or uther disposition quhat-somever, maid of the Temporall landes of the saidis Benefices, fermes or profitis thereof, unto the possessours, nor na utheris:

utheris : Bot sall be free fra all warrandice in time cumming, Notwithstanding ony contract, pension, or assignation thereof, maid in times by-past. Providing alwayes, that quhair the saidis Bischoppes, Abbottes and Prelates, be their awin deede, hes maid double richtes, ather tackes, pensiones, assignaciones, or uther dispositiones of onie thing, disponed furth of the said Temporall landes, fermes or profites thereof, or twa or maa severall perones, possessours of the saidis Temporall Landes, or utheris quhar-sum-ever : Theye, sall be halden to warrand the saidis double richtes, maid to them, for their awin deede and disposition allanerly. And ordainis the Lordes of Session and Councell, to Judge according to this Act, as ane of the Lawes of our Realme.

III. *The taxation of the Burrowes suld not be altered.*

OUR SOVERAINE LORD, And three Estaites of Parliament, understanding that be the late annexation of Kirk-Landes to the Crown, the taxt of the Clergie mon be altered, and ane great parte thereof, layde upon the saidis Temporall annexed landes. And because the free Burrowes of this Realme, abidits in the same Estait, quhairin they were of before : Therefore our said SOVERAINE LORD, now after his persite age of twentie ane zeires compleit, with advise and consent of the three Estaites of this present Parliament, statutis and ordainis, that the taxation of Free-Burrowes, fall na-wayes be altered, but fall stand as the same stude, in all times preceeding : That is to say, their part of all generall taxaciones in time cumming, fall extend to the sext part thereof allanerlic.

III. *Na Burgh may sell their freedome, without consent of the Parliament.*

FORSAMEIKLE As it is not lauchfull to onie of the Kingis vassalles, ro sell and annalie their lands, in prejudice of his Majestic, their superiour : Even sa it is found expedient, statute and ordained, be OUR SOVERAINE LORDE, and three Estaites in this present Parliament : That it fall not be lauchfull to onie of his Hiennesse free-Burrowes, to sell or annalie, their freedome and privileadge, in hail or in part, to onie uther Burgh, or utherwayes quhar-sum-ever, without expres licence and consent of his Hiennesse, and three Estaites in Parliament, under the paine of amission and tinfell of the free-dome of the Burgh : Outher by and or selland the saidis free-domes, in hail or in part, as said is.

III. *The Commissioners of small Barronnes, and Free-halders, hes voite in Parliament.*

OUR SOVERAINE LORDE, Considering the Acte of his Hiennesse Parliament, halden at *Linlithcow*, the tenth day of *December*, the zeir of God, ane thousand, five hundredth, fourscore five zeires : Makand mention, how necessar it is to his Hiennesse, and his Estaites, to bee trewlie informed of the needes and causes pertaining to his loving subjectes in all Estaites, speciallic the Commounes of the Realme. And remembring of ane gude and lovable Acte, maid be his Hiennesse Progenitour, King JAMES the First, of worthie memorie, in the Parliament halden at *Pertb*, the first day of *March*, the zeir of God, ane thousand, four hundredth, twentie seven zeires, ancnt the commissioners of small Barronnes in Parliament : That his Majestic, and his saidis Estaites, wald ratific and appreeve the same to have full effect, and to be put to execution in time cumming : and of new, statute and ordaine the same to have full explanation of the same act, and certaine execution thereof ; that precepts suld be directed foorth of the Chancellarie, to ane Barron of ilk Schire first, To conveye the free-halders within the same Schire, for choosing of the Commissioners ; as is contcined in the same Acte : Quhilkis Commissioners, being anis choosen, and send to Parliament, the Precepts of Parliament, for conveyeing of free-halders, to the effect foresaid, to be directed to the last Commissioners of ilk Schire, quhilkis fall cause cheise twa wise men, being the Kingis Free-halders, resident indwellers of the Schire, of gude rent, and weil esteemed, as Commissioners of the same Schire, to have power and to be authorized, as the Act reports, under the Commissioners Scale, in place of the Schireffes : And that all Free-halders of the King, under the degree of Prelates and Lords of Parliament, be warned be Proclamation, to be present at the choosing of the saidis Commissioners : and nane to have voite in their election, but sik as hes fourtie shilling land in free-tennencie, halden of the King, and hes their actual dwelling and residence within the same Schire. Quhilk mater, being remitted be the saidis Estaites, conveyed in the said Parliament at *Linlithcow*, ro the will and good consideration of our said Sovereine Lord, to doe and ordaine therein, as his Hiennesse suld think maist expedient and requisite, betuixt and his nixt Parliament : And now his Majestic intending, God willing, to take ordour for the final setting and establishing of that gude forme and ordour, maist meete and expedient to stand in perpetuities in this behalfe, according to the effect of the said Acte of Parliament, maid at *Linlithcow*, in consideration of the great decay of the Ecclesiasticall Estait, and uthers maist necessar & weightie considerations mooving his Hiennesse : Therefore his Majestic, now after his lawfull and persite age of xxj. zeires compleit, sittand in plane Parliament, declaris and decernis, the said Act maid be King James the First, to take full effect and execution, and ratifies and appreevis, the same be thir presences : And for the better execution thereof, ordainis the Commissioners of all the Schireffes-domes of this Realme, according to the number preferred in the said Act of Parliament, to be elected be the Free-halders foresaidis, at the first

first head Court after *Michael-mes* zeirle : Or failzieing thereof, at onie uther time, quhen the saids Free-holders please conveene to that effect : Or that his Majestic fall require them thereto : Quhilks conveiones, his Majestic declaris and decernis, to be lauchfull : And the saidis Commissioners being chosen, as said is, for ilk Schireffedome, their names to be notified zeirle in writte, to the Director of the Chancellarie, be the Commissioners of the zeir preceeding, and thereafter, quhen onie Parliament, or generall Convention is to be holden : that the said Commissioners be warned at the first, be vertue of precepts furth of the Chancellarie : or be his Hiennesse missive letters or charges : And in all times thereafter, be precepts of the Chancellarie, as fall be directed to the uther Estaires. And that all Free-holders bee taxt for the expenses of the Commissioners of the Schires, passing to Parliament or generall Councelles, and letters of poynding or horning, to be direct for payment of the summes taxt to that effect, upon anie simple charge of sex dayes warning allanerlie. And that the said Commissioners authorized with sufficient Commissiones of the Schireffedome, fra quhilk they cum, sealed and subscribed with sex at the least of the Barrones and Free-holders thereof, fall be equall in number, with the Commissioners of Burrowes, on the Artickles, and have voit in Parliament and generall Councelles in time cumming : And that his Majesties Missives, before generall Councelles, fall be directed to the saidis Commissioners, or certaine of the maist ewest of them : As to the Commissioners of Burrowes, in time cumming. And that the Lordes of Council and Session, fall zeirle direct letters, at the instance of the saidis Commissioners, for conveening of the Free-holders, to chuse the Commissioners for the nixt zeir, and making of taxation : to the effect abone written. And that the compeirance of the saids Commissioners of the Schires in Parliaments, or generall Councelles, fall relieve the haill remanent small Barrones, and Free-holders of the Schires, of their suites, and presence, aucht in the saids Parliaments. Providing alwayes, that the saids small Barrones, observe there promises and conditions, maid to his Majestic. Upon the quhilk declaration and ordinance, maid and pronounced be our Sovereine Lord, sitand in plaine Parliament, as said is ; *John Murray of Tullibardin*, asked Actes and Instrumentes : And *David*, Earle of *Crawford*, Lord *Lindesay* for himselfe, and in name and behaife of uthers of the Nobilitie, protesteing in the contrair.

114. *The just quantitie of wechtes, mettes and measures.*

FOrsameikle As in our Sovereine Lordis late Parliament, holden at *Edinburghe*, the twentie nine day of *Julij*, last by-past : his Hiennesse and his three Estaires convened therein, mooved be the generall complaint of all his loving and gude subjectes : Bot speciallie the puir fermorares and labourers of the ground : Gave, granted, and committed, full power and Commission of Parliament, to his trustie and weil-beloved Counsellors, and uthers after specified : They ar to say, Maister *David Mure*, of *Nisbet*, his Hiennesse Advocate : Maister *David Carnegie*, of *Culluthie* : *Robert Fairlie*, of *Braid* : Sir *Archebald Naper*, of *Edinbillie* Knight, Generall of his Hiennesse Cuinzie-house : *John Arnot*, Commissioner of *Edinburghe* : *William Fleming*, Commissioner of *Pertb* : *Robert Forester*, Provest and Commissioners of *Strirling* : And *Heugh Campbell*, Provest and Commissioner of *Irving* : Oronie seven, sex, or five of them conjunctlie : The said Lord Advocate, being ane : To conveene in his ludging, within the Burgh of *Edinburghe*, als oft as they fall thinke expedient, betuixt and the last day of *August* by-past, and thereafter sight and consideration of the Lawes and Actes of Parliament, maid anent mettes, and wechtes, in time by-gane, and groundes quhairon they have proceeded, havand regard to equitie and indifferance : To sett, make and establish ane just mette, measure and wecht, to be commoun and universall, amangst all OUR SOVERAINE LORDIS Lieges ; To buy, sell, receive, and give out : and to present the same to his Hiennesse, and his privie Council, betuixt and the twentie sex day of *Maij*, nixt-to-cum : That the same might be notified, to all OUR SOVERAINE LORDIS Lieges, with all convenient speede and diligence thereafter : As the saidis Commissioners wald answere to his Hiennesse, upon their obedience : Ordaining letters to be directed, to charge and compell hereto, gif neede be, in forme as effeiris : Like as at maire length is contained in the said Commission, given be Act of Parliament, in maier foresaid : According to the quhilk, a sufficient number of the saids Commissioners, conveening, and having seene and considered, the saidis Lawes and Actes of Parliament, maid anent mettes, measures, and wechtes, in time by-gane, and groundes quhairon they have proceeded, havand regard to equitie and indifferance : hes sett, maid, and established, ane mett. measure and wecht, to be commoun and universall, amangst all our Sovereine Lords lieges, to buy, sell, receive, and give out, and thereupon hes delivered their report and conclusion, subscribed with their hands, beand in effect, that they have sighted, red, and considered, the saidis Lawes and Actes of Parliament, maid anent mettes, measures, and wechtes in times by-gane : the persire groundes quhairon they have proceeded : that is to say, the Elvand, the pund *Trois*, and the stane proportionat and effeirand thereto : the boll-mett, firloz and peck : the pint, quart and gallon, everie ane in their awin proportion. And hes found that maist wifely, the proportions and groundes of all thir wechtes, mettes, and measures, hes bene fa established of auld, that everie ane of them, comptrollis uthers, and be just conference, makis and establishis, ane certaine measure and wecht, and therefore hes thought maist expedient, that the same proportion and comptrolment be observed in all time cumming. And first hes fund the Eln, and stand thereof, committed to *Edinburghe*,
con-

containing 37. inches : The stane containing xvj. li. *Trois*, ilk *Trois* punde, containing xvj. unce. The pint of *Strivling*, ij. pund, and ix. unce *Trois* wecht of cleir water : All the premises, to observe a just proportion, according to the Law and Actes of Parliament : and as to the firlo, quhair of there hes bene mention maid in the Act of King *James* the Second, to have bene of 18. pintes : having tried and comptrolled the same in deepnes and bread, be the Elnwand, and in quantity and wecht, be the said stope of *Strivling*, hes found the same les in proportion, nor it aucht to be. beand comptrolled be the rest of the wechtes and measures abone writtyn, and this as appeiris careff be error of the Prenter : be reason that be just calculation and comptrollment, the same extended to 19. pintes, and a jucat. And for eschewing of fraud, hes thought expedient, that all victuall fall be measured be straik. And be reason that malt, bear, and aites, hes bene used to be measured be heap, hes fund be examination and triall, that the heap in proportion, is the just thrid of the firlo or peck : Therefore remitted to the Kingis Majestie, and Lords of secreet Councill, whidder they thocht it maist expedient, to cause make ane particular measure for metting malt, bear, and aites be straik : Or that ane measure fuld stand univerfallie, to receive and deliver three for twa, or sex for four of malt, bear and aites, according to the proportion of victuall, and stufte used in times by-past to be mette by straik, sik as quheit, rie, beanes, peafe, meall, salt, and quhite, fauld in the mercattes and the Countrey : except the water mett, to remaine according to the use of the Countrie. Sik-like, that there be double standerts of the foresaidis wechtes, mettes and measures maid of brasse : the ane of everie ane of them to remaine in the register, and the uther, with the Towns, to whom they have bene committed of auld, to be direct furth to the hail lieges, to be used univerfally, and this without prejudice to onie persons, quha ar founded, infest, or addebted be tack, or contract of auld, or new formes of utheris measures, bot that their foundation, infestment, tack or contract, fall stand in effect, and the measure of their foundation, infestment, tack or contract, fall be proportioned to the measure now to be established be his Majestie, his Parliament and Councill : Swa that the same quantitie fall remaine with the giver, and the receiver, but prejudice of onie of them, as the said report, exhibit to the Lordes of secreet Councill, at maist length proportis : Quhilk being seene, considered and allowed be them : They therefore, according to the power and authoritie of the said Parliament, and report of the saidis Commiissioners, have decerned and ordained, and be thir presentes, decernis and ordainis, the Firlo to be augmented, and the standert thereof to be of the forme after specified : And to containe nine-tene pintes, and twa Joucattes : And this to be the measure of all victuall and stufte, used in times by-past, to be fauld be straike, sik as Quheite, Rie, Peas, Beanes, Meale, and quhite Salt, fauld in mercats, or in the Countrie : The widenes and breadnesse of the quhilk Firlo, under and abone, even over, within the burdes, full containe achtene inches, and sext part of ane inche : The deepenes, seven inches, and halfe inche. And the Peecke to be maid esseirand thereto. And that the steppes of the said Firlo, be of the auld proportion in thicknesse of baith the burdes, ane inche & ane halfe : That the bosome thereof be crossed with iron, nailed to the same, and to the ring of the Firlo : and the edge of the bottom, entring within the lagene, be pared out-with, towarde the nether side, and to be maid in-with plaine and just rule richt : That the mouth be ringed about with ane circle or girth of iron, in-with and out-with, havand a croce iron barre, passing over fra the ane side to the uther, three-squared, ane edge downe, and a plaine side up : Quhilk fall gang rule richt, with the edge of the Firlo, and everie square fall be ane just inche of breadth : And that there be ane prick of iron, ane inche in roundnesse, with ane shoulder under and abone, rising upright, out of the center or middest of the bottom of the Firlo, and passing throw the middest of the said over-croce barre, ruffed baith under and abone : And that the Cowper cause the right straike of the said Firlo, passe fra the ane end of the said over iron barre, to the uther. And be reason that Malt, Bear, and Aites, hes bene used to be measured be heape : and for eschewing of fraud, thinkis expedient and ordainis, that all victualles fall be measured be the straike in time cumming : Seeing be the just tryall and examination, the heape in proportion, is found the thrid of the Firlo or peck : And that the foresaid measures of the Firlo and Peck, stand univerfallie : receiving and delivering three for twa, or sex for four, of Malt, Beir, and Aites, according to the proportion abone writtyn : Except the water-mette, to remaine according to the use of the Countrie. And that there be double standerts of the Firlo, maid of Brasse, be the Burgh of *Lindisbow*, and of the foresaidis utheris mettes and weightes, be the utheris Burrowes, to whom they have bene committed of auld : And ane of everie ane of them, to remaine in the Register, and the uther, with the saidis Burrowes : And the just measure and quantitie of the same, to be direct furth be the saids Burrowes, to the hail Lieges of this Realme, to be used univerfallie, in maner and forme before rehearfed.

AND That the foresaidis wechtes, mettes, and measures, with the quhilkis, all and quhar-fum-ever persons, fall be halden to buy, sell, mett, measure, wey and receive, have course allanerlie, within this Realme, alter the twentie sex day of *Majj*, nixt-to-cum : and na utheris wechtes, mettes, nor measures, under the paines contained in the Actes of Parliament, maid here anent, in his unquhile-dearest Mothers dayes. And that all Firloctes to be used in mereattes, baith to Burgh and Land, be burnt and sealed, with the burning iron of the head Burgh of the Schire, quhairin the saids mereattes ar halden. And that the Provests and Baillies of Burrowes and Cities, baith of Regalitie and Royaltie : And als the Baillies of Burrowes in Barronie, and others quhar-fum-ever plaeces, quhair mereattes of victuall ar halden, fall be bound that all

measures to be used, fall be of ane forme and quantitie, according to this present Act. And gif ony differ-
 rent measures be found in onie of the places abone written; the saids Provestes and Baillies of Royalties, Re-
 gentries, and Barronies, to be accountable thereof, conforme to the saids Actes and Lawes, maid be his
 Hieneft dearest Mother of before. PROVIDING Always, gif onie persones be founded or in-
 fest, or addebted be tack or contract of auld, or new termes of uther measures, then ar abone written;
 Their foundation, infestment, tack, or contract, quhidder it be mair or lesse, fall be proportioned to
 this measure that now is: Swa that the same quantitie, fall remaine with the giver and receiver, but
 the prejudice of onie of them. And ordainis the Clerk of Register, to insert this present Act, quhilke is of the
 daic, at *Haly-rude-bouffe*, the first day of *November*, the zeir of God, 1537. zeires, in the bulks of
 Parliament *ad futuram rei memoriam*; And that letters be direct for publication of the premisses, be
 open Proclamation, at the mercat-croce, of the head Burrowes of this Realme, and utheris places neede-
 open full; That nane pretend ignorance of the same. Commanding and chargeing, all and findrie, the
 saids Provestes and Baillies of Barronies and Cities, baith of Regalitie and Royaltie: And als the Bail-
 lies of Burrowes in Barronie, and utheris quhat-sum-ever places, quhair mercattes of victuall ar halden,
 to put in execution this present Act, and everie parte thereof, sa far as concerns them: Swa that
 the same may take full effect, after the said xxvj. day of *Maij*, nixt to cum: After the forme and
 tenour of the saids Actes of Parliament, and under the paines abone written, contened therein: with
 certification to them, and they failzie, they fall be called, accused, and the paines of the saids Actes
 fall be execut upon them, in all rigour, in exemple of utheris.

F I N I S.

T H E R O L L

Of the

Names of the LANDIS-LORDS and BAILLIES of LANDES dwelling on the
 Bordours and in the Hielandes, quhair Broken men hes dwelt, and presentlie dwellis.
 To the quhilke Roll, the 94. Acte of this Parliament is relative.

Middle March.

- The Earle *Both-well*.
- The Laird of *Farnie-berst*.
- The Earle of *Angus*.
- The Laird of *Buck-cleuch*.
- The Schireffe of *Teviot-daill*.
- The Laird of *Bed-route*.
- The Laird of *Wauchope*.
- The Lord *Hereis*.
- The Laird of *How-paislay*.
- George Turne-bull* of *Halrovie*,
- The Laird of *Little-dene*.
- The Laird of *Drum-langrig*.
- The Laird of *Chisbolme*.

West March.

- The Lord *Maxwell*.
- The Laird of *Drum-langrig*.
- The Laird of *Johnestoun*.
- The Laird of *Aple-girth*.
- The Laird of *Holmends*.
- The Laird of *Gratnay*.
- The Lord *Hereis*.
- The Laird of *Dun-widdie*,
- The Laird of *Lochin-war*.

*Laudis-lords and Baillies. Hielandes
 and Iles.*

- The Duke of *Lennox*.
- The Laird of *Buchannan*.
- The Laird of *Mak-farlane* of the *Arroquibair*.
- The Laird of *Lusse*.
- The Laird *Mak-caula* of *Ardincaple*.
- The Laird of *Merchbinston*.
- The Laird of *Glennegyis*.
- The Earle of *Glen-carne*.
- The Laird of *Drumgubassill*.
- The Laird of *Kilcreuch*.
- The Tutour of *Menteith*.
- The Laird of *Knokbill*.
- Henry Schaw* of *Cambusmoir*.
- The Laird of *Kippenrosse*.
- The Laird of *Burley*.
- The Laird of *Keir*.
- The Maister of *Levingstoun*.
- The Lord of *Doun*.
- The Lord *Drummond*.
- The Laird of *Tulliebaradin*.
- The Laird of *Glen-urquhy*.
- The Laird of *Laweris*.
- The Laird of *Weyme*.

- The Abbot of *Inche-chaffray*.
Colme Campbell of Arabeith.
 The Laird of *Glen-lyon*.
 The Erle of *Atbole*.
 The Laird of *Grantullie*.
 The Laird *Strowane*, *Robert-sonne*.
 The Laird *Strowane*, *Murray*.
 The Laird of *Wester-wemes*.
 The Laird of *Abbots-hall*.
 The Laird of *Teling*.
 The Laird of *Inch-Martine*.
 The Laird of *Pury-Fochtringhame*.
 The Laird of *Moncreif*.
 The Laird of *Balleachen*.
 The Barron of *Fandowie*.
 The Erle of *Erroll*.
 The Erle of *Gowrie*.
 The Laird of *Cultiebragane*.
 The Lord *Ogilvie*.
 The Laird of *Clouay*.
 The Laird of *Fintrie*.
 The Laird of *Edzell*.
 The Erle of *Marre*.
 The Maister of *Elphinstoun*.
 The Erle of *Huntlie*.
 The Maister of *Forbes*.
 The Laird of *Grant*.
Makintoshie.
 The Lord and Tutor of *Lovate*.
Chiffole of Cimmer.
 The Laird of *Glengarrey*.
Mackenzie.
 The Laird of *Fowlis*.
 The Laird of *Balnagoun*.
 The Tutor of *Cromartie*.
 The Erle of *Suther-land*.
 The Laird of *Duffus*.
James Innes of Touchis.
 The Erle of *Caitbnes*.
 The Erle *Marschell*.
 The Lord *Olipbant*.
 The Laird of *Bowquholly*.
 The Laird of *Dunnybeith*.
Mackye of Far.
Torgubill Mak-lewid of Togoyth.
 The Laird of *Garloch*.
Makgillieballum of Raarsay.
Mak-lewid of the Harrich.
Mackinnoun of Strathbodell.
Mak-lewid of the Lewifs.
Makneill of Bara.
Mackeane of Ardanamurchen.
Alane Mackeane of Iland Terim.
 The Laird of *Knoydert*.
Macklene of Dowart.
 The Laird of *Ardgower*.
John Stewart of the Appin.
Mackoull of Lorne.
Mackoull of Roray.
 The Laird of *Lochinell*.
 The Laird of *Caddell*.
 The Laird of *Skelmurelie for Rauchry*.
Mackondachy of Innerraw.
Angus Mackoneil of Dunnyweg, and the Glennes.
 The Laird of *Lowip*.
 The Schireffe of *Bute*.
 The Laird of *Canys*.
 The Erle of *Argile*.
 The Laird of *Auchinbrek*.
 The Laird of *Ardringlas*.
Maknauchtane.
Mak-lauchlane.
 The Laird of *Lawmount*.
 The Laird of *Parbreck*.
 The Laird of *Duntrune*.
 Constable of *Dundie*, L. of *Glasfry*.
 The Laird of *Elenegreg*.
 The Laird of *Otter*.
 The Laird of *Coll*.
Macklene of Lochunie.
Makfee of Collonsay.
 The Lord *Hammitoun*.

T H E R O L L

Of the

CLANNES that hes CAPTAINES and CHIEFTAINES, quhom on they depende;
oftimes against the willes of their Landis-Lordes, alswell on the *Bordoures*, as *Hie-landes*;
and of sum special perones of Braunches of the saidis Clannes.

Middle Marche.

Ellottes.
Arme-stranges.
Nick-Cornes.
Crofters.

West Marche.

Scottes of Eusdail.
Beatissonnes.
Littles.
Thomsonnes.
Glendinninges.
Irvinges.
Belles.
Carutheres.
Grabames.
Johnstones.
Jordanes.
Moffettes.
Latimers.

Hie-landes and Hes.

Buchammanes.
Mak-sarlanes of the Arroquibair.
Mak-knabbes.
Grabames of Menteith.
Sirwartes of Balgubidder.

Clanne-Gregore.
Clan-Lauren.
Campbells of Lochinel.
Campbells of Innerraw.
Clan-dowall of Lorne.
Stewartes of Lorne, or of Appin.
Clan-Mackeanne Avricht.
Stewartes of Athoill and partes adjacent.
Clanne-Donoguby in Athoill, and partes adjacent.
Meinzies in Athoill and Appinadull.
Clan-mak-Thomas in Glensche.
Fergussonnes.
Spaldinges.
Makintoshes in Athoill.
Clan-Chamron.
Clan-Rannald in Loch-Aber.
Clan-Rannald of Knoydart, Moydart, & Glengarrey.
Clan-Lewid of the Lewis.
Clan-Yewid of Harrich.
Clan-Neill.
Clan-Kinnon.
Clan-Jeane.
Clan-Chattane.
Grantes.
Fraferes.
Clan-Keinzie.
Clan-Auercis.
Munroes.
Murrayes in Southerland.

A N E T A B L E

Of the

PARTICULAR ACTES and utteris, maid be KING JAMES the Sext, in this elleventh Parliament, the twentie nine of Julij, the zeir of GOD, ane thousand, five hundreth, foure-scoir seven zeires, nocht imprinted.

- 1 **C**ommission anent the Cuinzie.
- 2 Commission for ane Taxation anent the Kingis mariage.
- 3 Commission for establishing of ane univcrsall mette, measure, and wecht.
- 4 Commission for satisfaction of the Clergie for their life-rentes.
- 5 Commission anent the Prioritie of places, and voyting in Parliament.
- 6 Anent our Sovereine Lordis privie Councill.
- 7 Ratification of the Priviledge of the Sessjon.
- 8 *Act* in favour of the Lordes of Sessjon, as fall become aged and un-able.
- 9 Anent the vacance of the Sessjon.
- 10 Ratification of the *Actes* anent Fore-stallers and Regrattoures.
- 11 *Acte* in favoures of them, quha hes maid payment, bona fide, to *Factoures*.
- 12 *Acte* anent sewes and tackes of Kelso, subscribed bee Sir John Maitland.
- 13 Certaine maters remitted to the Checker.
- 14 Anent the wed-setting of the Kingis proprietie.
- 15 Anent granting of respettes and remissions.
- 16 Anent univcrsall concord amangst the Kingis lieges.
- 17 Ratification of the pacification, restitution and abolition, granted to our Sovereine Lordes Lieges, at diverse Parliaments of before.
- 18 *Acte* in favoures of the Noble men, being with the Kingis Majestie at Striviling.
- 19 Ratification to the Erle of Angus, of the Erledome of Mortoun.
- 20 Submission of the controversie, betuixt the Erle of Angus, and the Lorde Fleming.
- 21 *Act* annulling of the richtes and titles of Dumfermeline, maid be the Maister of Gray.
- 22 Ratification to the Erle of Crawford, of the Bastardrie of Maister George Creichtoun, and his bairnes.
- 23 *Act* betuixt the Erle of Crawford, and the Burgh of Dundie.
- 24 *Act* in favour of the Maister of Grahame.
- 25 *Act* in favour of the Erle of Marr.
- 26 Submission betuixt the Countesse of Murray, and the Lairde of Pettarrow.
- 27 Ratification of the Erledome of Gowrie.
- 28 *Act* in favour of the maister of Eglington.
- 29 *Act* in favour of Claud, Commendatar of Paislay for Cambuslang.
- 30 *Act* in favour of Claud Hammiltoun, soune to the Commendatar of Paislay.
- 31 *Act* in favour of Walter, Commendatar of Blantire.
- 32 *Act* in favour of maister Edward Bruyse, touching the *Abbacie* of Kinloss.
- 33 Ratification to Alexander, Commendatar of Piufcardin.
- 34 In favoures of the Commendatar of Scone.
- 35 In favour of maister James Haliburtoun.
- 36 Of the College of Glasgow.
- 37 Of the new College of Saint-Andrewes.
- 38 Anent the parsonage of Dunfe.
- 39 *Act* in favour of maister David Lindesay, Minister at Leth.
- 40 Of Thomas Hutfoun, Maister of his Hienesse Chappell Royall.
- 41 Anent the benefices presented be the Erle of Orkney.
- 42 Ratification of the investments of Sir John Maitland of Thirlestane Knight.
- 43 To maister Peter Young, of Seytoun.
- 44 To Sir Patrick Vaus, of Barnebarrow Knight.
- 45 To maister George Young, of the Arche-deanrie of Saint-Andrewes.
- 46 Ane uther to the said maister George, and John Andro.
- 47 *Act* in favour of the Ladie Burlie, and her bairnes, thriste.
- 48 In favour of John Achefon.
- 49 Anent the aires of Mony-ward.

- 50 In favoures of James and John Meinzies.
 51 Remission of the Laird of Duryis supplication to the Kingis Majestie.
 52 Act in favour of the Laird of Roslyith.
 53 In favour of James Stewart, sonne to the Erle of Buchane.
 54 In favour of David Fergusson of Gienfchinrot.
 55 Ratification to the Burgh of Edinburgh, of the infestment maid to them, Anent the sustentation of the Miniltrie, Puir, and Colledge.
 56 Ratification of the Hospitall of the Burgh of Perth.
 57 Ratification to the Burgh of Mont-rose.
 58 Commission in favour of the Citie of Glasgou.
 59 In favour of the Gold-smithes.
 60 Ratification to the Burgh of Brunt-Iland.
 61 An Act in favour of the Burgh of Carraill.
 62 Of the Town of Austruther.
 63 Of the Craftes-men Fleminges,
 64 Confirmation to Mark, Lord New-bottle.
 65 Act in favour of the young Laird of Kinfawnes.
 66 Commission to treat for the defense of the Realme, in the time of waire.
 67 Commission for setting of the ordour of the taxation on all Estaites.
 68 Commission for setting of the quantitie of the bulzeoun, to be brought to the cuinzie-house, of all customed guidde.
 69 Act in favour of the town of Dalkeith.
 70 Act in favour of the town of Polvart.
 71 Commission anent the Brig of Don.
 72 The Brig of Crawmond.
 73 The Brig of Air.
 74 The Brig of Irving.
 75 Commission for the articles, for better execution of Justice.
 76 Commission to consider the Actes of Parliament.
 77 Act in favour of Maister Henrie Keir.
 78 Act in favour of the Tresaurer, anent expeding of Ratifications.

F I N I S.

T H E T W E L F T H
P A R L I A M E N T

Halden at Edinburgh, the Fifth day of Junij, the zeir of God, 1592. zeires. Be the richt excellent, richt heigh, and nichtie Prince, JAMES the Sext, be the Grace of God, King of SCOTTES: with advise of his three Estaites.

114. *Ratification of the libertie of the trew Kirk: of Generall and Synodall assemblies: of Presbyteries, of discipline. All Lawes of Idolatrie ar abrogate: Of presentation to benefices.*



OUR Sovereine Lord, and Estaites of this present Parliament; Following the lovable and gude exemple of their Predecessours: Hes ratified and appreeved, and be the tenour of this present act, ratifies and appreevis all liberties, priviledges, immunities and freedoms quhat-sum-ever, given and granted be his Hiennesse, his Regentes in his name, or onie of his Predecessours, to the trew and halie Kirk, presentlie established within this Realme, and declared in the first Acte of his Hiennesse Parliament, the twentie day of *October*, the zeir of GOD, ane thousand, five hundreth, three-scoir ninetene zeires: And all and quhat-sum-ever Actes of Parliament, and statutes maid of before, be his Hiennesse, and his Regentes; Anent the libertie and freedom of the said Kirk: And speciallie, the first Acte of the Parliament, halden at *Edinburgh*, the twentie foure daie of *October*, the zeir of GOD, ane thousand, five hundreth, four-score ane zeires, With the haill particular Actes there mentioned: Quhilk fall be als sufficient, as gif the amin were here expressed: And all uther Actes of Parliament maid sensine, in favour of the trew Kirk: And sikk-like, ratifies and appreevis, the generall Assemblies appoynted be the said Kirk: And declaris, that it fall be lauchfull to the Kirk and Ministers, everie zeir at the least and oftner *provenata*, as occasion and necessitie fall require, to hald and keepe generall Assemblies: Providing that the Kings Majestie, or his Commissioners, with them to be appoynted, be his Hiennesse, be present at ilk generall Assemblie, before the dissolving thereof, nominate and appoynt time and place, quhen and quhair the nixt generall Assembly fall be halden: and in-cas naither his Majestie, nor his said Commissioners, beis present for the time in that Toun, quhair the said generall Assemblie beis halden: Then and in that case, it fall be lesum to the said generall assemblie, be themselves, to nominate and appoynt time and place, quhair the nixt generall assemblie of the Kirk fall be kept and halden, as they have bene in use to do thir times by-past. And als ratifies and appreevis, the Synodall and Provinciall Assemblies, to be halden be the said Kirk and Ministers, twise ilk zeir, as they have bene, and ar presentlie in use to do, within everie Province of this Realme: And ratifies and appreevis the Presbyteries, and particular Sessiones, appoynted be the said Kirk, with the haill jurisdiction and discipline of the same Kirk, aggried upon be his Majestie in conference had be his Hiennesse, with certaine of the Ministers, convened to that effect: Of the quhilk artickles, the tenour followes. MATERS to be intreated in Provincial Assemblies: Thir assemblies ar constitute for weichtie maters, necessar to be intreated be mutual consent, and assistance of brethren, within the Province, as neede requiris. This assemblie hes power to handle, ordour, and redresse, all things omitted or done amisse in the particular assemblies. It hes power to depose the office-beareres of that Province, for gude and just cause, deserving deprivation: And generallie, thir assemblies hes the haill power of the particular Elderschippes, quhair if they ar collected. MATERS to be intreated, in the Presbyteries. The power of the Presbyteries is to give diligent laboures in the boundes committed to their charge; That the Kirkes be kept in gude ordour, To inquire diligentlie of naughtie and ungodlie persons: And to travel to bring them in the way againe bee admonition, or threatening of Gods judgements, or be correction. It appertaines to the Elderschippe, to take heede, that the word of God be purelie preached within their boundes: The Sacramentes richtlie ministred, the Discipline intertained: And Ecclesiasticall guddes uncorruptlie distributed. It belangis to this kinde of Assemblies, to cause the ordinances maid be the Assemblies Provincialles, Nationales, and generalles, to be kepted and put in execution, to make constitutions, quhilk concernis to *οικονομια* in the Kirk, for decent ordour, in the particular Kirk, quhair they they governe: Providing that they alter na rules maid be the Provincial, or General Assemblies: And that they make the Provincial Assemblies foresaid, privie of the rules that they fall make: And to abolish constitutions, tending to the hurt of the same. It hes power to excommunicate the obstinate, formal Proces being led, and dew interval of times observed. ANENT particular Kirks, gif they be lauchfullie ruled, be sufficient Ministerie and Session. They have power and jurisdiction in their owen Congregation, in maters Ecclesiastical. And decernis and declaris the saides Assemblies, Presbyteries, and Sessounes, Jurisdiction and Discipline thereof foresaid, to be in all times cumming maist just, gude, and godlie in the selfe, Norwithstanding

standing of quhat-sum-ever Statutes, Actes, Canone, Civill, or Municipal Lawes, made in the contrare. To the quhilkis and everie one of them, thir presentes fall make expresse derogation: And because there ar divers Actes of Parliament, maid in favour of the Papistcally Kirke, tending to the prejudice of the libertie of the tref Kirk of God, presentlie professed within this Realme, jurisdiction and discipline thereof; Quhilk stands zit in the buikes of the Actes of Parliament, nocht abrogated nor annulled: Therefore his Hiennesse, and Estaites foresaidis, hes abrogated, cassid, and annulled, and bee the tenour hereof, abrogatis, cassis and annullis all Actes of Parliament maid be onie of his Hiennesse Predecessoures, for maintenance of superstition and idolatrie, with all and quhat-sum-ever Actes, Lawes and statutes, maid at ony time, before the daye and daie hereof, against the libertie of the tref Kirk, jurisdiction and discipline thereof, as the samin is used and exercised within this Realme.

And in speciall, that part of the Act of Parliament, halden at *Strivling*, the fourth day of *November*, The zeir of God, ane thousand, four hundreth, fourtie three zeires, commaunding obedience to be given to *Eugenius* the *Paippe* for the time: The Acte maid be King *James* the thrid, In his Parliament halden at *Edinburgh*, the twentie four day of *Februar*: The zeir of God, ane thousand, four hundreth, four scoir zeires. And all utheris Actes, quhairby the *Paipis* authoritie is established. The Acte of King *James* the thrid, in his Parliament halden at *Edinburgh*, the twentie daye of *November*, the zeir of God, ane thousand, four hundreth, threescoir nine zeires, anent the Satterday, and uther vigiles to be halie-daies, from *Even-fang* to *Even-fang*.

ITEM, That pairt of the Act, maid be the *Queene Regent*, in the Parliament halden at *Edinburgh*, the first day of *Februar*: The zeir of GOD, ane thousand, five hundreth, fiftie ane zeires, giving speciall licence, for halding of *Pasche* and *Zule*. ITEM The Kingis Majestie and Estaites, foresaidis, declaris, that the 129. Acte of the Parliament, halden at *Edinburgh*, the xxij. day of *Maij*, the zeir of God, ane thousand, five hundreth, four scoir, four zeires, fall na wise be prejudiciall, nor derogate onie thing to the privilege that God hes given to the spirituall office-bearers in the Kirk, concerning heads of Religion, maters of Heresie, Excommunication, collation or deprivation of Ministers, or ony sik-like essentiall censours, speciallie grounded, and havand warrant of the word of God. ITEM Our Sovereine Lord, and Estaites of Parliament foresaidis, abrogatis, cassis, and annullis, the Act of the same Parliament, halden at *Edinburgh*, the said zeir, ane thousand, five hundreth, four scoir four zeires, granting commission to Bischoppes, and utheris Judges, constitute in Ecclesiasticall causes, to receive his Hiennesse presentaciones to Benefices, to give collation thereupon: and to put ordour in all causes Ecclesiasticall: quhilk his Majestie and Estaites foresaidis, declaris to be expired in the selfe, and to be null in time cumming, and of nane avall, force nor effect. And therefore ordainis all presentaciones to Benefices, to be direct to the particular Presbyteries, in all time cumming: with full power to give collation thereupon; And to put ordour to all maters and causes Ecclesiasticall, within their boundes, according to the discipline of the Kirk: Providing the foresaid Presbyteries be bound and astricted, to receive and admitt quhat-sum-ever qualified Minister, presented be his Majestie, or laick patrones.

115. *Un-qualified persones being deprived, the benefice vakis, and the Patron not presentand, the richt of presentation perteinis to the Presbyterie, but prejudice of the tackses, set be the person deprived.*

OUR SOVERAINE LORD Considering the great abuses quhilkis ar laitie croppen in the Kirk, and throw the misbehaviour of sik persones, as ar provided to Ecclesiasticall functions: Sik as Parsonages and Vicarages, within onie Parochin, and thereafter neglecting their charge, ather leave their cure, or els commitris sik crimes, faultes, or enormities, that they ar found worthie of the sentence of deprivation, ather before their awin Presbyterie, or else before the Synodall or Generall assemblies. Quhilk sentence is the lesse regarded be them, Because albeit they be deprived of their function and Cure within the Kirk: zit they thinke they may bruk lawfullie the profites and rentes of their saidis benefices, induring their life-rentes; Notwithstanding the said sentence of deprivation: Therefore, OUR SOVERAINE LORD, With advise of the Estaites of this present Parliament, declaris, that all and quhat-sum-ever sentences of deprivation, ather pronounced already, or that happens to be pronounced hereafter, be onie Presbyterie, Synodall, or Generall assemblies, against onie Parson or Vicar, within their Jurisdiction, provided sen his Hiennesse Coronation: All Parsones, provided to Parsonages and Vicarages, quaha hes voit in Parliament, seccit Concell, and Session, or provided thereto of auld, before the Kingis Coronation, (And Maister *George Young*, Archdeane of *Saint-Andrewes*, being speciallie excepted) is, and fall be repute in all Judgements, ane just cause to seclude the parson before provided, and then deprived from all profites, commodities, rentes and dewties of the said Parsonage and Vicarage, or benefice of Cure: And that ather bee way of action, exception or reply. And that the said sentence of deprivation, fall bee ane sufficient cause to make the said benefice, to vaikie thereby. And the said sentence being extracted, presented to the Patron, the said Patron fall be bound to present ane qualified person of new to the Kirk, within the space of sex Moneths thereafter: And gif he failzie to do the same, the said Patron fall sine the richt of presentation, for that time allanerlie: And the richt of presentation to be devolved in the hands of the Presbyterie, within the quhilk the benefice lies: to the effect that they may dispone the same, and give collation thereof, to sik ane qualified

qualified person, as they shall think expedient. Providing alwayes, in-casē the Presbytery refusis to admit onie qualified Minister, presented to them be the Patrone: It fall be lauchfull to the Patrone, to receive the hail fruites of the said Benefice in his awin handes. And furder, his Hieneffe and Estaites foresaidis, declairis that the deprivation already pronounced, or to be pronounced, be onie Presbyterie, Synodall, or Generall assemblies, against onie of the Parsones or Vicars foresaidis, fall na-wayes hurt, or be prejudicall to ony tackes, lawfullie fet be that Person deprived, before his deprivation, to quhat-sum-ever persones.

116. *Anent Manfes and glebes in Cathedrall and Abbaie Kirkes.*

OUR Sovereine Lord, With advife of the Estaites of this present Parliament, statutis and ordainis: That the Actis of Parliament maid of before, anent Manfes and Glebes, to be given to Ministers of Gods halie Evangell, within this Realme, fall be understand and extended to all Abbayes, and Cathedrall Kirkes, within this Realme, quhair na uther Manse nor Glebe, pertaining to Parson or Vicar, was of before: Swa that the Ministers presentlie admitted, or quhilks hereafter fall happen to be admitted, to the Office or Cure of the Ministerie, within the said Kirk, fall have ane sufficient Manse and dwelling place, within the precinct of the Abbaie quhair he fervis: Togidder with foure acres of land, of the best and maist commodious, lyand *contigue*, and maist ewest to the said Manse, quhilk pertainis, or in onie time of before pertained, to the said Abbaie, or onie member thereof: Quhider the famin land lye within the said precinct, or without the same, gif there be fa meikle, as may extend to the quantitie of foure acres, to be designed, inhabit, occupied, laboured, manured; conforme to the tenour of the Acte of Parliament, maid of before, anent Manfes and Glebes, to be given to the Ministers of Gods word, within this Realme: with speciall provision, that it fall be in the option of the Abbotes, Piores, and utheris Prelates and persones quhat-sum-ever, sewares of the saidis Cathedrall, and Abbaie places: ather to grant ane Manse to the Minister, within the precinct of their place: Or else, ane sufficient Manse, lyand als ewest and commodious to the Parochie Kirk.

117. *Ane woman divorced for her adulterie, may not annalie or dispone her lands or possessions, in prejudice of the bairnes, gotten the time of her marriage, or of her uther aires quhat-sum-ever.*

IT is statute and ordained be our Sovetaine Lord, and Estaites of this present Parliament, that quhen-foever ony woman is, or hes bene divorced fra her lauchfull spouse, for her awin fault and offense of adulterie: And compleitis unlawfull and pretended mariage with the same person, with quhom she committed the said offense, or plainly and openlie dwellis and resortis in companie with him at bed and burid; gif she have ony lands, heritage, tackes, rowmes or possessions: It fall not be lauchfull for her to dispone, annalie, or put awaie the famin, in all, or in part, ather to her said pretended husband and adulterer: or to the succession proceeding of that pretended mariage, or carnal deale: nor to quhat-sum-ever uther person or persons, in prejudice and hurt of the aires and succession, procreate upon the said first lauchfull mariage: or failzieng of them, of her uther lauchfull aires quhat-sum-ever, nor to do onie deed, directly nor indirectly, that may hurt and prejudice them therein: and declairis and ordainis, that the aires and successours of her, procreate in the said first lauchfull mariage; and failzieng of them, her uther lauchfull aires quhat-sum-ever, ar and fall be able to succede to her after her decease, in the saidis landes, heritage, tackes, and possessions: Notwithstanding anie alienation or disposition maid in onie time by-gane, or to be maid hereafter in the contrair, quhilks pretended alienations and dispositions, maid or to be maid, in maner foresaid; our Sovereine Lord, and Estaites of Parliament, decernis and declairis to have bene, and to be null from the beginning, and ordainis the said nullitie to be received and admitted, by way of exception or reply: But ony processe or summounds of reduction, alswell before the Lordes of Councell and Session, as before the inferioriudges, in service of brives, and all uther actiones and caufes, quhair-ever the famin may occur: And ordainis this present constitution, to have full effect, anent all dispositiones and alienationes foresaidis: gif onie be maid, sen the Parliament holden be our Sovereine Lord, after his persite age of xxj. zeires compleit, in the Moneth of Julij, the zeir of God, 1587. zeires.

118. *All committers of slaughter, within Kirkes or Kirk-zairdes, and receipters of them, after declaratour, tines their life-rentes.*

IT is statute, ordained and declared, that quhat-sum-ever person or persones committis slaughter within onie Kirk or Kirk-zaird, the time of the Prayer, preaching, or ministratoun of the Sacramentes; That person or persones, committers of the said slaughter, being ather denounced rebelles, or declared fugitive for the same; The Kingis Majestie fall have full power, not onlie to dispone upon them, their simple escheit of movables: but als wa upon the life-rent of all and quhat-sum-ever their landes, livinges, tackes, teindes, rowmes or possessions &c. And declairis, that quhat-sum-ever person or persons, fall happen to receipt ony of the saids persons, quha beis denounced rebelles or fugitive, for the saids slaughters, committed within the saides

saidis Kirks or Kirk-zairds, declaratour being first past upon their said receipt. The receipters of them fall incur the same paine and tinfall of their lyfe-rentes.

119. *Erection of Kirk-landes and teindes in temporall Lord-shippes; is forbidden.*

THE Kingis Majestie and Estaites of this present Parliament, for eschewing of the great inconvenientes likeli to arise, throw erection of temporalities and teindes of Kirk-land, in temporall Lord-shippes, and livinges to the prejudice of the Kirk, and hurt of his Majesties Estaire, and priviledge of his Crown: Ordainis and declaris that na erectiones of the foresaides Lands and teindes, maid sen the Act of annexation, shall be ratified or given in this Parliament, nor in na time hereafter: And in case ony erection happenis to be obtained in onie time cumming, The Kings Majestie and Estaites foresaid, declaris the same to be null, and of nane effect in the selfe, except and alwayes, like as our said Sovereaine Lord, and Estaites abone writen, expresly exceptis and reservis all erectiones, charters, and infestmentes. granted be his Hienes, of sik pairties and portiones of the Kirk-landes, already erected in temporall Lord-shippes and Baronnies, to sik person, or persones, as hes already, sen the said lait Act of annexation, received the honours, ordours and Estaites of Lords of Parliament, be the solemne forme of beisting, and others Ceremonies observed in sik causes, and hes senfine entered and sitten in Parliament, as temporall Lordes voided in Parliament, and Articles, received and admitted to that effect.

120. *Sayers of Messe, Jesuites, Seminarie-Priestes, trafficking Papistes, and receipters of ony of them, committis treason.*

THE Kingis Majestie, and Estaites of this present Parliament, ratifies and apprevis, all and quhat sumever Actes of Parliament, secret Councell and Proclamations, maid of before, against *Jesuites, Seminarie-Priestes*, and trafficking *Papistes*, and receipters of onie of them: And decernis and declaris, that in all time cumming, the saying of *Messe*, receipting of *Jesuites, Seminarie-Priestes*, trafficking *Papistes*, against the Kingis Majestie, and Religion presendie professid within this Realme; Is, and fall be ane just cause, to infer the paine and crime of treason, baith against the *Jesuites, Messe-Priestes*, trafficking *Papistes*, and receipters of them. Providing howsoone the *Jesuites* and *Seminarie-Priestes*, falsifies the Prince and the Kirk, the foresaid penaltie na-wise to strike against the saidis receipters.

121. *Ratification of the Act maid in Februar, 1587. In favoures of the Ministers, Their stipendes and rentes.*

OUR Sovereaine Lord, and haill Estaites of this present Parliament, ratifies, apprevis, and confirmis the Act maid be his Hienes, with advise of the Lordes of secreit Councell, Seission and checker, upon the xiv. day of *Februar*, the zeir of God 1587. zeires; In favours of the Ministry, their stipendes and rentes: And decernis and declaris, the samin to have the strength, force and effect, of ane Law and Act of Parliament, in all times cumming: And al Judges within this Realme, to proccede, decide, and Minister Justice in all actiones and causes, concerning the saidis Ministers, their assignationes, stipendes and rentes: According to the forme, tenour and contents of the said Act in all poyntes, quhair of the tenour follows. At *Edinburgh*, the xiv. daye of *Februar*, the zeir of God, ane thousand, five hundreth, fourscore seven zeires: For-sameikle as in the Moneth of *December*, the zeir of God, 1561. zeires, soone after the arriving of our Sovereaine Lordis dearest Mother, out of the partes of *France*, within this Realme: Consultation being tane be her Majestie, with the advise of the Lordes of her secreit Councell, and urthers of the Nobility then present, anent the provision of the Ministers, to reasonable and competent livinges and support of the publick affaires of the Realme: And to that effect, conference being had with the Prelates, & urthers of the Ecclesiasticall Estaire: Quhais offeres being heard and considered; It was concluded, decerned and ordained; That gif the feird part of the fruites of the haill benefices Ecclesiasticall, within this Realme, might be sufficient to susteine the Ministers, throw-out the haill partes thereof, and support of the Prince: To enterterne and ser-for-ward the commonn affaires of the Countrie: And failzieng thereof, the thrid part of the saidis fruites and mair: quhill it were sufficient to the effect foresaid, suld be zeirly up-taken in time cumming, to be employed to the twa uses abone specified allanerlie. And thereafter, in the Parliament holden the first zeir of our Sovereaine Lordis Reigne; It was statute and ordained, that the haill thriddes of Benefices within this Realme, suld then instantlie in all times cumming; thereafter, first be payed to the Ministers of the Evangell, and their Successours: And they first being answered of their stipendes, pertaining to everie ane of them, the rest and *super-plus*, suld be employed to our Sovereaine Lordis use, quhair-throw the samin become, as an inviolable Law. And be vertew thereof, his Hienes, and his unquhile dearest Mother, was in peaceable possession of the saidis thriddes of Kirkes and Friers-landes: Swa that thereby the Ministers of Gods word, was reasonably provided and ane gude part of the publick affaires, honestlie susteined. And albeit the plaine wordes of the saidis Acts, manifestlie declaris the use, effect and mention thereof, to have tended to na uther fine, bot that the Ministerie suld be reasonable susteined, and the charge of the publick affaires sufficientlie entertained: Zit nevertheless, throw inoportune suites of sum persones, mair respecting their awin particular profitcs, then ather

the sustentation of the Ministers, or his Hiennes honourable Estaitte, and the common weill of the Realme: His Hiennes, and his unquhile dearest Mother, hes bene moved to make disposition of the said *super-plus* in pension, or to discharge and give the same free, to certaine possessours of benefices: Or to make tackes and assignations of the same thrides, common Kirkes, Friers-landes, and rentes thereof: Quhairthrow there remains litle or nothing to be disposed on, ather to be modified, assigned and appoynted for livings and stipendes, for sik qualified persones, as God may raise up hereafter meete to enter in the function of the ministerie, or to supplie the publick affaires of the Estaitte of his Hiennesse Realme.

For avoyding of quhilk inconvenientes; albeit diverse revocations of the saidis giftes, tackes and dispositions, hes bene maid before, and namelic be his Hiennesse unquhile dearest Mother, after her perfitte age, in the Moneth of *September*, ane thousand, five hundreth, threcore sex zeires: And thereafter be his Hiennesse, with advise of the Regentes for the time, in the Moneth of *August*, the zeir of God, ane thousand, five hundreth, threcore threttene zeires: As als wa in the Parliament, halden at *Edinburgh*, the zeir of God 1581, and 1584. zeires. And last of all, in the Parliament, halden after his Hiennes perfitte age of twentie ane zeires compleit, in the Moneth of *Julij*, last by-past. By the quhilk revocations, *respectively* foresaidis; It is founden also be his Hiennesse dearest Mother, after her perfitte age: As likewise be his Hiennesse selfe, and three Estaittes convened in Parliament: That the saidis thrides of benefices, and *super-plus* thereof, common Kirkes, Friers-landes, and rentes being assumed and taken in his Hiennesse handes, for sustentation of the Ministerie, and support of the publick affaires, might nor be disposed nor given uther-ways, but applyed to the same use and effect, thar they were obtained to, at the beginning: And that speciallie, in respect that there can be na *super-plus* of the saidis thrides, unto the time that the saidis Ministers had bene sufficientlie placed and provided of their stipendes: Quhilks being variable from zeir to zeir, the condition alwa of the saidis *super-plus*, behooved to be incertaine, and consequentlie culd not be disposed but from zeir to zeir: And that after the saidis Ministers assignation, and sufficient provision of his Majesties house, quhilk was speciallie meant and understand, under the name of the said publick affaires: And therefore, all sik giftes, Pensiones, tackes and dispositions of the saidis thrides, common Kirkes, Friers-landes, and rentes thereof, granted be his Hiennesse dearest Mother, or be his Majesties selfe; Or uthervayes be his Regentes, alsweill confirmed in Parliament, as un-confirmed, be expresse wordes of the saidis Revocations confirmed in Parliament, ar decerned and declared to be of nane avail, force nor effect, but onie declaratur or processe of reduction, as the samin in themselves, at mair length proportis: Zierverthelesse, the said revocation, be the samin, as before, hes bene evacuate and frustrate, and the saidis giftes and dispositions partelie ratified, in his Hiennesse last Parliament, partelie renewed after his Hiennesse perfitte age, to the same persones, and uthers of the like qualitie, quhairthrow the first intention of the said Actes, is likelie to be frustrate in all times cumming: Like as also, first be Act of secreit Councell, and nixt be Acte of Parliament; It is statute and ordained, that all Benefices of cure, under Prelacies, fall be presented be his Hiennesse, and the laick patrones, in favour of the able and qualified Ministers, apt and able to enter in that function, and to discharge the dewtie thereof: Quhilks in like-wise, hes rane na effect: But contrair the expresse statute and meaning thereof, the saidis benefices hes bene disposed to bairnes, and uthers persones, altogether un-able for the said office and function: Sum-times be disposition, and uthervise be fraudfull resignation, of the usu-fructuaires, with provision neverthelesse, that the samin fall remaine with the usu-fructuaires, during their life-times, expres against all gude Lawes received in ony aige of before: Swa that the onelie twa means of the advancement of the glorie of God, quhilk consistis in the saidis thrides, common Kirkes, and dispositions of the samin small benefices; Is be the malice of inconsiderat persones, alluterlie subverted, quhairby great confusions hes entred, and diverse inconvenientes like to follow, gif tinuous and substantiall remeid be not provided: FOR remeid quhair of, and reformation of the saidis abuses of the thrides, common Kirkes, Friers-landes, and rentes; and reducing of the samin to their first institution: OUR SOVERAINE LORDE, with advise of the Lordes of his Hiennesse secreit Councell, Session and Checker, all in ane voice, findis and declaris, that the thrides of Benefices, common Kirkes, Friers-landes, and rentes, being onlie destinat to the twa uses abone specified, according to the saidis Actes of Councell, Parliament and revocation foresaidis following thereupon, might be disposed, given or employed na uther-ways, bot to the said use and effect, for the quhilk they were appoynted at the beginning. And sik-like, that na pensions, tack, or life-rent, of the said *super-plus*, or onie common Kirkes, might or may be disposed in time cumming, for onie langer space, nor the space of ane zeir: And that after the making of the zeirlic assignationes of the Ministers stipendes, and sufficient provision, for susteinung of his Majesties house zeirlic. And therefore decernis and declaris, all and quhat-sumever pensions, life-rentes, and tacks purchased, or to be purchased (Quhairby the saidis thrides, *super-plus* thereof: or the first and best rentalles of the common Kirkes, Friers-landes, and rentes abone written, hes bene diminilhed or altered, sen the last assumption of the saidis thrides) granted ather be our SOVERAINE LORDIS dearest Mother, or be his Hiennesse selfe, to quhat-sumever person or persones, upon wrang report and importune suites, without onie cognition, preceding of the sustentation of the Ministers, within this Realme, and sufficient provision for susteinung of his Majesties house, to have bene from the beginning, and to be in all time cumming, of nane avail, force nor effect: Notwithstanding quhat-sumever confirmation, or ratificationes following there-upon; and therefore ordainis the Collectour

generall be himselfe, his Chalmerlaines, and under-receivers in his name; to aske, crave, receive, in-tromet with, and up-take, all and haill, the thrids of Benefices, within this Realme, un-assigned to the ministerie, togidder, with the haill commoun Kirks, Friers landes and rentes thereof, quhair the first and best rentalles ar altered or diminished, sen the first assumption of the saidis thrids, of this instant cropp, and zeir of God 1587. zeires; And sik-like zeirlic in time cumming, according to the rentalles maid compt of, in the zeir of God, 1584. zeires, And last assumption thereof. And gif the saidis thrids be diminished and hurt in onie wise, be the saidis last rentalles and assumption thereof, sen the first assumption of the saidis thrids, maid compt of, in the zeir of God, ane thousand, five hundred, threescore and zeires: Ordainis the said Collectour, to have recourse to the first assumption: Forsamikle as the famin ar diminished be the last assumption: And no charge for the famin, without respect of onie pension, tack, life-rent, or discharge of the saidis thrids, *super-plus*, or onie part thereof, or of the saidis commoun Kirkes, Friers landes, or rentes of the famin, altered or diminished in the rentalles, sen the first assumption of the thrids, as saidis. And sik-like, ordainis, that the Lordes of Council and Session, fall na-wayes grant onie suspension or relaxation fra the horne, to onie person or persones, charged or denounced for payment of the saidis thrids, commoun Kirkes, and utheris foresaidis, altered or diminished fra the first and best rentalles, as saidis, quhill the summes and victualles charged for, be first payed to the generall Collectour: Notwithstanding of quhat-sumever pension, tack, life-rent or discharge, purchased, or to be purchased of the saidis thrids, commoun Kirks, and Frier-landes, and utheris rentes pertaining thereto (quhair the first and best rentalles ar altered or diminished, as said is) of this instant crop, and zeir of God 1587. zeires. And sik-like zeirly, and termely in time cumming: but that they halde, repute and esteeme of the same, as null in the selfe: and the said nullitie to be received, alsweill be way of exception and action, but prejudice nevertheless of quhat-sumever infestmentes heretable, granted be our Sovereine Lord, quhairby the condition of the saids thrids, ar altered or diminished. And albeit the tacke maid to the bairnis lauchfull & naturall, of *Robert Earle of Orknay*, of the thrids of the Abbaie of *Halyrude-houfe*, fallis, and is declared null: Nevertheless, his Hienes, willis and ordainis, *Adam Bishop of Orknay*, now havand the possession of the famin thrids, be tittle of the saids bairnes, still ro possesse & bruik the famin thrids, Attour the zeirlic summe paid furth of the same, to the Ministers of the Kirkes of *Halyrude-houfe*, thir zeires by-gane: In consideration that he les transferred the richt of the warrandice, competent to him, in the person of our Sovereine Lord: for quhilk his Hienes commands the said Collector, to charge & make compt & payment this present zeir & crop, 1587. zeires, & in time cumming. Attour, his Hienes, decernis & ordainis all gites & dispositions of benefices of cure, under prelacies, given or presented, sen his Hienes Coronation, to sik persons as ar not in the function of the Ministerie, or able to discharge the dewtie thereof, according to the act of Parliament maid thereanent: quillider the saidis benefices vaikis be decease, or dimission, to bee likewise null fra the beginning; And to be in all time cumming, of nane availe, force nor effect: And the said nullitie, to be received bee quhat-sum-ever Judge, alsweill be way of exception, as action, notwithstanding, ony dispensation or act of Parliament, to be maid in the contrair: Exceptand alwaies, the Benefices disposed to the Senatours of the College of Justice, and quhilkis ar laick patronages, the famin being alwaies provided to qualified persones; Conforme to the act of Parliament, maid thereanent: And the Arch-deanrie of *Saint-Andrewes*, provided to Maister *George Young*, his Hieneffe Secretar depute.

122. *The mercattes quibikis ar forbidden on the Sabbath-day, may be halden upon the oulk dayes.*

OUR SOVERAINE LORDE, and Estaites of this present Parliament, decernis and declaris; That it fall be leasum to all Tounes and Parochiners to Landward, quhair mercattes of before were kept and halden upon the Sabbath-day (being now prohibite be the Law of God, and Lawes of this Realme, swa to continue) to elect and choose ony uther day in the oulk, for halding of the saidis mercattes, within the saidis tounes, and at Landward Kirkes, quhair they were accustomed to have mercattes of before (not being the Mercatte day of the next Burgh) And there to buy and sell viviers, and sik uther commodities, as were used upon the Sabbath-day, without stop or impediment: Alwaife without prejudice of the richt and libertie of his Hienes free Burrowes: And that letters be directed thereupon, gif neede beis, in forme as effectis.

123. *Quba bes not given Confession of their Faith, shall not enjoy the benefite of the act of Parliament.*

OUR SOVERAINE LORD And Estaites, remembring the lait civill troubles within this Realme, and that for pacifieng thereof, there hes bene sındrie gud constituciones and actes of Parliament, maid and set downe: Sik as the act of Pacification, concluded at *Perth*, in the Moneth of *Februarie*, M. D. LXXII, thereafter ratified in the Parliament, halden at *Halyrude-houfe*; in the Moneth of *April*, M. D. LXXIII. zeires: The act of Abolition, in the Parliament, halden at *Linlithcow*, in the Moneth of *December*, 1585. zeires: And the act maid in the Parliament halden at *Edinburgh*, in the Moneth of *Julij*, ane thousand, five hundred, four score seven zeires: Ratifieng the foresaidis acts of Pacification and Abolition. Quhilkis haill actes and constituciones, were onelie maid and granted, in

favoures of sik perſones, quha professed the trew Religion; As the ſamin is presentlie professed within this Realme: And thar hes acknowledged our ſaid Sovereine Lord, and his Hieneſſe authority. And to the effect, that the benefite and commoditie of the ſaidis actes, be not extended in favour of onie perſon or perſones, quha professis not the trew Religion, as the ſamin is presentlie professed within this Realme, and hes nor acknowledged our ſaid Sovereine Lord, and his Hieneſſe authoritie: Therefore our ſaid Sovereine Lord, with adviſe and conſent of his ſaidis Eſtates, and hail bodie of this present Parliament, findis, decernis and declaris, that the foresaid act of Pacification, maid and concluded at *Perth*, and ratified thereafter in Parliament, as ſaid is: The acte of Abolition, maid at *Linlithgow*, in the Moneth of *December*, ane thousand, five hundreth, fourſcore five zeires: And the act maid in the Parliament, halden at *Edinburgh*, in the Moneth of *Julij*, 1587 zeires: Ratifand the ſaidis actes, with the hail eikes maid thereto, ar onely extending, and maid in favour of sik perſons, quha professis the trew religion, as the ſamin is presently professed within this Realme: and hes acknowledged his Hieneſſe authoritie: And that na perſon nor perſons, quha wer foreſalted, convict of barratrie: or quha tint their benefices or penſions, *ipſo facto*, may be heard to ſeek the benefite of the ſaidis actes, or ony of them: or to uſe onie reſtitution, or ratification thereof, before that they profes the trew religion, as the ſame is presentlie professed within this Realin, and acknowledge our ſaid Sovereine Lord, and his authoritie: And this act, not onlie to be extended againſt all perſons, quha hes bene foreſalted, convict of barratrie, and tint their benefices *ipſo facto*, at onie time before the dait hereof: But alſo to all perſones, that ſhall happen at onie time, hereafter, to be foreſalted, convict of Barratrie, or lauchfullie tine and amit their benefices and penſions.

124. *Anent the dewtie of Schireffes and Judges ordinar, their deputies and Clerkes.*

FOR Remeid of the great contempt, diſordour and wrang, quhilh hes bene in diuerſe partes of this Realme, in default of keeping and execution of the gude lawes and actes of Parliament maid of before, be the Schireffes, and uthers Judges ordinar, their deputies and Clerkes: It is ſtatute and ordained, be our Sovereine Lord, with adviſe of his Eſtates in Parliament: that the ſaidis Schireffes and uthers Judges ordinar, alſweill to burgh, as to land, within regalitie as royaltie, do their exact diligence, to know and underſtand the Lawes of this Realme, and actes of Parliament, quhair of the execution is committed to their charge: And that they put the ſamin in execution without delay, after the end of this present Parliament, ſpeciallie in ſearching, ſeeking, following, perſewing, apprehending, committing to ward, and presenting to Juſtice of declared traitoures and rebelles, contemmandlie remaining at the horne, and ſtandand regiſtrate in their awin buikes unrelaxed, or in doing of Juſtice, upon them, gif they have commiſſion to that effect: And gif they cannot apprehend the ſaidis traitoures and rebelles, within the bounds of their awin juſdiction, to make denunciation to the Schireffes and Judges ordinar, of the ſoure halves about, that ſik perſons aſſed within their bounds, requiring them to uſe the like diligence, in ſearching and apprehenſion of them: as they will anſwere to his Maſteſtie, at their pretell, and under the ſame paine, that the traitoures or rebelles hes incurred. In inquiring, ſearching and apprehending of ſornares, oppreſſoures, ſtrang vagaboundes, and beggars, wandring athort the Realme, on preteſe that they ar ſchip-broken or baniſhed for ſlaughter, or uther odious offences: Or ar of the diſſimular thieſes and abuſers, calling themſelves *Egyptians*. In execution of Juſtice, in all civil cauſes belonging to their judgement, without partialitie or needies delayes. In extracting of Proceſſes, decreets, and giving of ſeaſinges and retoures, at reaſonable prices, without exorbitant extortion. In bringing of their court buikes, with the compr of eſcheittes, and un-lawes, intrometted with be them zeirlic, to the checker. In making of their Deputes and Clerkes, of men of beſt fame, knawledge, underſtanding and experience, that may and can uſe the office, quha ſhall be aſtricted to bring their regiſters, of ſeaſinges, hornings and regiſtrationes, to the checker, and his Hieneſſe Theſaurer, as is conſtrained and ordained in the actes of Parliament, maid there-anent of before. And that the ſaidis Schireffes and uther ordinar Judges, may the better execute and do their dewtie in the premisses: Our Sovereine Lord, with adviſe of his Eſtates in this present Parliament, ratifies and apprievis all liberties, privilegedes, regiſtrationes, fees, and commodities, granted to them, their Deputes and Clerkes, be his Hieneſſe, or his Progenitoures of before, they alwaies findand gud ſovertie, in his Hieneſſe nixt checker, for diſcharging of their office dewtifulle, and making of their compts zeirlic in the checker, at the diettes appoynted thereto: and that they ſhall nawaies ſuffer themſelves to be denounced to the horne, in default thereof: But that they ſhall ſend their deputies, ane or maa, and Clerk zeirlic at the firſt day of *November*, to be examinand and admitted, be the Lords of Council and Seſſion, under pecunial paines, at the Lordes modification, to be paid be them, to our Sovereine Lordis uſe, in-caſe of failzie, with certification to them, that git the ſaid ſovertie be not found betuixt and the end of the nixt checker, they ſhall be denounced rebelles, and put to the horne: and thence furth, all his Hieneſſe ſubjects, within their juſdictiones ſhall be excemed fra their offices, and juſdiction: And attour declaris and ordains all precepts furth of the Chancellarie upon retoures to be paſt in the auld maner to the Schireffe, and uthers Judges ordinar, with the claufe, *capiendo ſecuritatem*, un-urgeand the partie with present payment, in-caſe the ſaid ſovertie be found, as ſaid is.

125. *The office of the Lyon King of Armes: of execution of letters of treason: of the admission and number of the officers of armes.*

OUR Sovereine Lord, and Estaites of this present Parliament, considering the great abuse that hes bene amongst the lieges of this Realme, in their bearing of armes, usurpand to themselves sik armes as be langis not unto them: swa that it cannot be distinguished be their arms, quha ar Gentlemen of bluid, be their antecessors: nor zit may be decerned, quhat Gentilmen ar descended of Noble stock and linage. FOR remeid quhairof, his Hiennesse with advyse of the saidis Estaites, hes given and granted: And be this present Acte, gives and grantis, full power and Commission, to *Lyon* King of Armes, and his Brether Heraldes, to visite the hail Armes of Noble-men, Barronnes and Gentle-men, borne and used within this Realme: And to distinguish and discerne them, with congruent differences, and thereafter to matriculate them in their buikes and registers: and to put inhibition, to all the commoun sort of people, nocht worthie be the Lawe of Armes, to beare onie signes armoriales: That nane of them presume, or take upon hand, to beare or use onie Armes, in time cumming, upon onie their insicht or houhold gear, under the paine of escheitring of the guddes and gear, swa oft as they fall be found contravening this present Act, quhair-ever the famin Armes fall be founden graven and painted, to OUR SOVERAINE LORDIS use: And like-wayes under the paine of ane hundredth pundes, to the use of the said *Lyon*, and his Brether Heraldes: And failzeing of payment thereof, that they be incarcerat, in the narrest prison, therein to remaine upon their awin charges, during the pleasure of the said *Lyon*.

ITEM, Because charges of treason, hes not bene execute and used, with sik solemnitie and Officers of Armes, as the weichtines thereof requires: It is statute and ordained, that our Sovereine Lordis Thesaurer, and utheris directers of sik letters, deliver them in time cumming, to be execute be the ordinar Heraldes and Pursevantes, be arand coattes of armes, or Masers, to be used be them, as of before: And gif ony execution, under the paine of treason fall be execute utherwaics, declaris the execution to be null, and of nane availe.

ITEM, In consideration of the great abuse of Messengers and of Officers of Armes within this Rcalme, quhilkis for the maist part ar not qualified, for using of the said office, being admitted be extraordinar and importune suites: be quhais abuse, the Lieges of this Realme ar heavilie troubled and oppressed: Therefore it is statute and ordained, that the said King of Armes, be advyse of the Lordes of Councell and Session, deprive and discharge, all sik Officers and Messengers of Armes, as he fall finde unworthie of the office. And take sicker sovverie of the remanent, for observation of their Injunctiones in time cumming: With power to the said King of Armes, with advyse of the saidis Lordes, to injoyne further necessar injunctiones to the saidis messengers, for keeping of gude ordour in their offices: dischargeing him in the mean-time, to admit ony maas Officers hereafter, quhill the hail messengers, presentlie bearing armes, be reduced be death or deprivation, to the number conteined in the acte of Parliament, maid anent the confused number of Officers of armes.

ITEM, Because the jurisdiction of the *Lyon* King of Armes, is not able to execute dew punishment upon all persones, that fall happen to offend in the office of Armes: Therefore our Sovereine Lord, with advyse of his three Estaites in Parliament, ordainis and commandis, all civil magistrats, as they fall be required be the King of Armes, or onie utheris in his name to concur with him, to see the acts maid in his favours, of his office put to dew execution in their jurisdictions: As als wa to concur with him, to the punishment and incarceration of all sik persons, as fall usurp the bearing of his Majesties Armes, after dew deprivation, under the paine of rebellion, and putting of the disobeiers to his Hienesse, with certification to them and they failzie being required, letters fall be direct *simpliciter* to put them to the horne.

126. *The names of all rebels suld be delivered to the Thesaurer, with all unlawes. Names of all fugitives.*

BECAUSE, It is provided that criminall letters fall not need to be registrat, bot to retorne to the adjournal: Therefore ordainis and commandis the Justice Clerk and his deutes within sexe dayes, after criminall Letters, with execution of onie perones at the Horne, beis returned to them, to deliver the names denounced, with ane breife note of the cause to the Thesaurer, or his Clerke, or Register, that letters for the uptaking of escheitres, of the perones denounced, may be directed and execute, with all expedition, as the said Thesaurer and Justice Clerke, will answer to his Hiennesse, upon their dewtie and diligence, That in Justice courtes, or Justice aires, the hail assise summound, being called out and the absentes unlawed: The extract of the acte of the unlawed, be delivered to the Thesaurer, or his Clerke, within sex daies thereafter, that letters bee directed thereupon, for uptaking of the saidis unlawes, without composition to be maid therefore.

And likewise quhen-ever onie perones, that hes fund fovettie to underly the Law, compeiris not at the day appoynted, and their-throw are decerned to be denounced rebelles, as fugitives fra the Law: The Justice Clerk or his deutes, fall deliver the act of adjournal thereupon, with the precept to denunce the perones fa decerned fugitive; be open Proclamation, at the mercat-croce of *Edinburgh*, within sex daies, after they

be deerned: quhilk denuntiation, our said Sovereine Lord, with his Estaites declaris and admittis, to be als lauchfull for intronetting with the escheittes, as gif the famin were maid at the mercat-croce of the head Burrowes of the Schires, quhair the saidis rebelles dwellis: Bot the said horning fall not serve to put the inhabitantes of the saidis Schires, in *mala fide*, toward the receipt, supplie, and inter-communing with the saidis Rebelles denounced, quhill the said denunciation of horning be used at the mercat-croce, of the head Burrowes of the Schire, quhair the perones rebelles themselves dwellis; And that the Lordes of Council and Session, grant na Letters of suspension, upon onie paines and un-lawes of liquidat summes, charged for be the Thesaurer, without confiscation or gude sovteit, in the in-partes of the Realme.

Licences.

Monkes
ortiones.Commis-
siones.

That *Lyon* King of Armes, within sicene daies, after the publication of the Actes of this present Parliament, deliver to the Thesaurer, or his Clerk, the names of the Officiares standing admitted, with the names of their cautioners: as also the names and cautioners of the deprived officiares in time cumming. That all exemptions and licences fra raides and assises, or for transporting of forbidden guddes (gif onie fall happen to be granted) fall be subscribed be the Thesaurer for composition to his Hiennes use. And to be registrat in the Thesaurers register, to the effect he may be charged there-with in time cumming in his comptes, and that na sik licences be warrant in judgement, or to the signet or privie seale, wantand the subscription of the said Thesaurer. And for-sameikle as the care and charge of the receiving and making compt of the Monkes portiones, first frutes and fift-penny of benefices, is committed to the charge and diligence of his Hiennes Thesaurer. Therefore ordainis and commandis the said Thesaurer, to make ane perfitte rental of the saidis Monkes portions, first frutes, and fift-pennie, and to charge and discharge him therewith in his comptes. And that hec may be the better acquainted therewith; Ordainis all signatours of giftes and provisions to be past upon onie part of the same, to passe his Hiennes Thesaurers register, and be subscribed be the keeper thereof, before it be sufficient warrant to the seales. **OUR SOVERAINE LORDE**, with advise of his three Estaites in Parliament, dischargis all commissiounes of Justiciarie granted be his Hiennes of before, and nane to be granted in time cumming generally; or for langer space, nor the earand in hand, may be convenientlie perfited, and that upon caution to produce the proces, and pay that pairt of the commoditie, quhilk be the commissioun is destinate for the Kingis use.

127. *All few-fermes and confirmations of the Kingis propertie, noch past with consent of the Comptroller, ar null.*

ANENT The complaint given to his Majestie and Estaites of Parliament, be his Hiennes Comptroller, makand mention, that diverse and findrie insetmentes of his Hiennes propertie, hes past the seales without the said Comptrollers knowledge or consent, quhair-throw he is not able to know his Majesties tenentes, nor their zeirlic devyie. For remeid quhairof, our Sovereine Lord, and Estaites of this Parliament, declaris and ordainis all insetmentes of few-ferme, or confirmations of the proper landes pteining to his Hiennes Crown, that are made sen the entrie of this present Comptroller to his office, or to be maid in time cumming, without the expresse consent and knowledge of the said Comptroller the time of the making thereof, and subscription of his hand, and passing his Register, quhairby the estait of the saides Landes ar onie wise altered or innovate, to be null and of nane availe, in all time cumming, albeit the same be past throw all the seales. Because the Comptroller suld know quhen onie tenentes is altered or newlie entered to the Kinges propertie, and that the wanting of the Comptrollers subscription to the signatoures, quhilk is the warrant of the said original Chartour, fall be ane sufficient cause of reduction.

128. *For the better keeping of the Kingis Parkes.*

OUR SOVERAINE LORDE, with advise of his Estaites, considering the great skaith done to his Parkes and Forrestes, be the libertie that everie man usurpis, be the in-putting of all kinde of guddes in them, but ony licence, had and obtained thereto: Quhair-throw the saidis Parkes and Forrestes ar allutterlie destroyed and maid unprofitable for his Majesties use: Therefore it is statute and ordained, that quhat-sum-ever guddes, not in-put be the Comptroller, or onie havande his power, fall be at onie time after this present Parliament, found pasturing within onie his Majesties Parkes and Forrestes; It fall be lauchfull to the Comptroller, or onie havand our Sovereine Lordis power, to intronette-with the famin as escheitte, and in-biring them to his Majesties use, without onie danger of Law, or perrell to follow there-upon. And that letters be direct hereupon, be the Lords of secreit Council, Session or Checker: Charging all and findrie, within ten daies warning, to redde and remove their haill guddes out of the saidis Parkes: With certification and he failzie, the said ten daies being by-past, they fall be escheitted and in-brocht to his Majesties use and behoove: And that publication be maid hereof at the Paroche Kirkes, and mercat-croces of the Burrowes nix adjacent, to the saidis Parkes and Forrestes.

129. *Ancient the custome of English guddes, and searching of guddes custonnable.*

ITEM, **OUR SOVERAINE LORD** And Estaites of this present Parliament, ratifies, apprievis and confirmis, the act of secreit Council, maid upon the penult day of *Februar*, ane thousand, five hundredth,

hundred, fourscore nine zeires; Anent the bringing of all packes of *English* claith, haill, un-broken-up to the Custome house, and selling thereof, in maner contined therein, in all poynts, articles and clauses, *respective* specified in the same, with this addition: That na maner of persones, take upon hand, to house, hide, or conceale ony maner of *English* guddes, ather cummand be Sea or land, in onie Burgh or sub-urbe of this Realme, under the paine of confiscation of all the guddes, swa hid and concealed, in defraud of the dew Custome, quhair-ever the samin can be apprehended. And in-cas the samin be not apprehended, the awners to make the avall thereof fourth-cummand to his Majestie as escheit, after tryal tane therein as escheirs: And als wa for the better execution, to ordaine ilk Customer, to search within the bounds of his office, all maner of houses and buithes, als weill to Burgh as to land, and to escheit, confiske and in-tromette with all maner of uncustomed *English* guddes, and all *English* claithees unsealed, and gif neede beis, to make open durres, and urther lock-fast lumes, and to use his Majesties keyes to that effect: And in-cas onie persones resist be force, to make open and patent durres to the said customer, for the effect foresaid; The persones resist, to be under the like danger, as the committers of the deforcemenes, and to be punished in their persones and guddes, conforme to the acte maid thereanent: Ordaining also the Provost, Baillies and Magistrates of ilk Burgh, gif neede beis, to concur and assist, with the saidis Customers, in execution hereof, swa oft as they fall be required thereto.

130. *Anent ratifications past in this present Parliament.*

THE Kingis Majestie, and Estaites of this present Parliament, decernis and declaris, that the ratification of onie particular richtes, infestmentes, tackes, pensiones, or utheris writes and evidences, granted to quhat-sum-ever persones in this present Parliament: Sall nawaies prejudge, hurt, nor derogate to the particular richtes of uther parties: Notwithstanding they be not ratified nor confirmed at this time, be his Hiennesse, and his saidis Estaites.

AND Maiver, it is statute and ordained, be OUR SOVERAINE LORD, and his Estaites, in this present Parliament: That albeif sundrie ratifications be past and pronounced in this present Parliament, in the favour of sundrie of the Estaites, or private persones, upon simple Articles: As als wa sum favore granted to the vassalles of persones foresaulted in the same Parliament, and to the Burgesies and inhabitants of *Edinburgh*, being infest in landes, or annual-rentes, anniald to them, be onie of the saidis persons, now foresaulted, or their predecesours, under reversion: zit fall not the same ratifications be registrat in the Parliament buik, nor have effect without the signatoures of infestmentes, or articles granted or ratified, be subscribed be his Hiennesse Thesaurer, or his ticket sent to the Clerk of Register, testuand the Thesaurer to be satisfied, that his Majesties commodity may be respected, as apperteinis: And that betuixt and the first day of *August* nixt-to-cum: urtherwaies the saidis ratifications to be null, as gif they had not bene granted, nor pronounced in Parliament: And that the tiew rentalles of things raised to Burrowes, Colleges, or Hospitalles, be presented to his Hiennesse and his Councell, betuixt and the said first day of *August* nixt-to-cum: With a declaration how the samin is employed, urtherwaies the same ratification to be null.

131. *Anent the production of rentalles and sewes.*

FORSAMEIKLE As in our SOVERAINE LORDIS umquhile dearest Mothers time, the thrides of all benefices within this Realme, was be Act appoynted to the sustentation of her Majesties house, and of her Hienes Successours, sa farre as happened to rest: srie thereof, by the sustentation of the Ministerie, within this Realme. And sik-like, OUR said SOVERAINE LORDIS, his saidis umquhill dearest Mother, and uthers his Hienes Predecesours of gud memorie, hes founded, confirmed, and augmented diverse Hospitalities within this Realme, with the giftes and donations theiro, quhilkis his Majestie is willing to stand for ever, without onie hurt or derogation: as als wa in the last Parliament, halden at *Edinburgh*, in the moneth of *Julij*, the zeir of God, ane thousand, five hundred, foure score sevin zeires; The haill temporal Ecclesiastical Landis of his Realme, are annexed to his Hienes Crown, and his Majestie ordained to have present possession theirof, payand to the lyfe-renters pennie for pennie, and boll for boll. And because his Hienes cannot understand quhat course to follow-out, anent the premisses, and cannot know perfidie quhat the saidis thrids will extend to, nor quhat will be the rent of the saidis Hospitalles, nor quhat present commodities will fall to his Hienes, be the said act of annexation, nor how the Ministerie of this Realme, fall be dewlie provided, according to his gud will, minde and intention, without his Majestie and his Hienes Commissioners, to be appoynted to that effect, have the sicht of the rentalles of all Bishopprikes, Abbacies, Priors, Provestries, Parsonages, Vicarages, Altarages, Chaplanaries, Templaries, and utheris Benefices: And of all Maifon-dieus, and Hospitalles, within this Realme, and of the rentes thereof, foundations of the samin: And of all thinges founded, given and mortified thereto; And of all infestmentes, tackes, titles, richtes and securities, maid to quhat-sum-ever person or persones, anent quhat-sum-ever Kirk-landes, Temple-landes, teindes, and utheris Ecclesiastical rentes and possessions quhat-sum-ever. Therefore it is statute and ordained, be his Hiennesse, with advise of his Majesties Estaites, in this present Parliament; That all and sundrie persones within this Realme, as they fall be charged thereto, in special or in general, be open Proclamations, at the head Burrowes of the Schires quhairin they dwell; compeir, bring, and produce

producee with them, before his Hienes Commissioners, ane or maa, to be appointed be his Majestie to that effect; Six day and place, as fall be appointed to them to that effect, under the paine of rebellion, and putting of them to the horne: with certification to them and they sailzie, that they fall be put thereto, and to put them to the same, in-casē of sailzie; The rentalles of the saidis Bishoppriekes, Abbacies, Pories, Provestries, Parsonages, Vicarages, Altarages, Chaplanries, Templaries, and utheris Benefices: And of all Hospitalles and Maison-dieus within this Realme, and of the rentes thereof, foundationes of the same: And of all thinges, fonnded, given and mortified thereto; And all and quhat-sum-ever infestmentes, tackes, titles, richtes and securities, maid to them, anent quhat-sum-ever Kirk-landes, Temple-landes, Teindes, and utheris Ecclesiastical rentes and possessiones quhat-sum-ever: And all richtes and titles, that they or onie of them, may pretend thereto. And to deliver to the saides Commissioners inspection of the same, and the authentick copies thereof: With certification, and they sailzie; letters fall be direct *simpliciter* as said is.

132. *Anent the jurisdiction, presentation, qualities and age of the Lordes of Session.*

BECAUSE The Nobilitie, Erles, Lords, and Barronnes, auncient heritours of landes, livinges, bene fra the beginning, for decision of all civill actiones; unto the quhilk decision their hail heritages, livinges, landes, and possessiones are subject; And that his Hienes Progenitours institute the said Colledge of cunning and wife-men: Quhilk his Majestie willing to continew, according to his for-bearis gud invention: And to foresee the corruption increasand in the said Colledge, in this latter and declining age, declairis his Hienes minde be Acte of Parliament: That in all times hereafter quhen onie place fuld vaik in the Session; That his Majestie fuld present and nominate thereto, a man fearing God, of gud literature, praetik, judgement, and understanding of the Lawes, of gud fame, having sufficient living of his awin: And quha could mak gud expedition, and dispatch in matters tuitching the Lieges of the Realme. And zit that it is required, that his Hienes gude intention be main specialie exprest toward the complaint of cheising of zoung men, without gravitie, knowledge, and experience, upon the saide Session, not having sufficient living of their awin.

THEREFORE OUR said SOVERAINE LORD, with advise of the Estaites of this present Parliament, declairis that nane fall be received to ane place of ane Senator in the Colledge of Justice, except he be sufficientie tryed and knawin be his Hienes and hail Lordes of the Session: That the said person, to be present and received, have in zeirle rent, properlie pertaining to himselfe, the summe of ane thousand markes usall money of this Realme, or els twentie chaldets of victuall: and that his experience, qualitie, and conversation, may be the better tryed, that he be of the age of twentie five zeires at the least compleit, in all time cunning, uthervise his presentation and admission to be null, annulland all presentationes, given and granted be his Majestie, sen his Hienes Coronation, to quhat-sum-ever person or persons, not beand of the age foresaid: ratifiand neverthelese and apprievand alwaies all actes maid be his Majesties predecessours, and his Hienes selfe of before, upon the institution of the said Colledge, and reformation of the abuses thereof.

133. *Touching the authentick daiting and registring of signatoures.*

OUR SOVERAINE LORD with the advise of his Estaites, hes statute and ordained; that na signatoures fall passe the Registers, of his ordinar officiares of estaite under-written: Except the dait thereof be filled up with the handes of the Thesaurer, Collectour, Comptroller, Thesaurer of augmentations and Secreter, or their principal Clerks awin handes: And that the registring of the Signatour, or letter beare not onlie upon the back of it (registrat) But the daie and dait of the registration, with the number of the leaves of the buik, quhairin it is registrat; Quhilk buik, fall be marked be the hande of the Clerke of Register, or his depute constitute to that effect. And sik-like, that the keeper of the Signet, fall write on the back of the Signatour, the special day that he affixt the Signet: And the writer, keeper of the privie seale, fall write like-wise upon the back of the letter, the daie that he writes, and passis the same the privie seale. Quhilks warrands swa marked, fall be maid furth command to onie partie interested, for tryall of the ante-dait, be the keepers of the signet and privie seale; And that the tryall of the saidis ante-daites, fall not be received, without verie great adminickles; and certaine circumstanes of falsed: And that the summe consigned for improbation be maid verie great; The forme of the improbation fall onlie be received be the writers of the Signatoures, the principal Officiates; their deutes or Clerkes, keepers of the Registers, keepers of the Signet, privie seale, and their servandes, writers of the precept, and writers to the great Seale, and keepers of the same, and na uthers. And the punishment of sik falsed, gif onie beis found and tryed, fall be punished with the paine of falsed and lese-majestie: And thre partes of the landes and guddes of the offender, to be adjudged to the King, and the fourth part to the partie grieved.

134. *For eschewing of falscttes in reduction of decreetes of Redemption.*

OUR SOVERAINE LORDE And Estaites of Parliament, understanding that the fabricating, forging and devising of false evidentes and writes, within this Realme, produced, and furnished

innumerable and infinite actiones and pleyes amongst his Lieges, to the hurt and prejudice of his Hieneſſe faithfull and true ſubjectes: For remeid and eſchewing quhairof; OUR ſaid SOVERAINE LORD, with adviſe and conſent of his ſaidis Eſtates, and haili bodie of this preſent Parliament, ſindis, decernis, and declaris, that it ſhall not be leſum to ony perſon or perſones within this Realme, their aires and ſuceſſours: Or uthervis perſones quhat-ſum-ever, having richt proceeding fra them, to perform for reduction, or utherviſe to call in queſtion ony decreete of redemption of lands, teindes, Coales, Coale-heuches, wooddes, milnes, Fiſchinges, Caſtles, Tourés, Fortalices, or onie part thereof, obtained at the inſtance of quhat-ſum-ever perſon or perſones, againſt quhat-ſum-ever perſon or perſones, at onie time, before the dait hereof, be vertew, or under pretext of quhat-ſum-ever diſcharges of reverſion or re- verſions, poſterior infeſtmentes, or uthervis contractes quhat-ſum-ever, quhilkis may evacuate and take awaie the ſaidis decreetes of redemption, or ony of them; And this acte onelic to have place in decreetes of redemption, proceeding upon lauchfull premonitiones, maid be the parties lauchfull contradicteours, quhilkis were alſo dewlie ſumound, to the giving of the ſaidis decreetes; And for obedience thereof, heſ lauchfullie renounced the landes, and uthervis ſpecified in the ſame decreetes of redemption: and quha heſ bene at ſindrie times ſumound, and convened before the Lordes of Seſſion, at the inſtance of his Hieneſs Advocates and parties for their intereſt, for production and improbation of all diſcharges of reverſion or reverſions, poſterior infeſtmentes, uthervis rights and ſecurities quhat-ſum-ever: Quhilkis might prejudgé or make derogation to the reverſion or reverſions, quhair-upon the ſaidis decreetes of redemption, or onie of them heſ followed, and produced na diſcharges, poſterior infeſtmentes, nor na uthervis writtes, quhilkis might reduce or take awaie the ſaidis decreetes of redemption: or prejudice, or make derogation, to the reverſion or reverſions, quhair-upon the ſaidis decreetes of redemption, or onie of them proceeded: Swa that the ſaidis perſones, lauchfullie warned and ſumound, in maner foreſaid, might pretend na ignorancé of the ſaidis decreetes of redemption.

135. *All annual-réntes may be redeemed, be fulfilling of the pointes of the reverſion and payment of ten for the hundreth.*

OUR Sovereine Lord, and the three Eſtates, ſtatutis and ordainis, that it ſhall be leſum to all perſons quhat-ſum-ever, alſweill minors, as majors, addetted in payment of zeiritie annuelles, quhilkis ar redem- able, to redeme all annuelles; ather victual or ſilver, ſauld or amailed be their predeceſſors, furth of ony part of the lands, in time by-gane, be payment or conſignation of the principall ſumme, contained in the re- verſion or reverſions: togidder with the by-runne annuelles thereof: Quhilkis by-run annuelles, his Hieneſſe and Eſtates, liquidatis and modifies, to ten markes for everie hundreth markes allanerlic: Finding and de- claring the redemption of the ſaidis annuelles, to be lauchfull be payment or conſignation of the ſaidis principal ſummes; togidder with ten markes for everie hundreth markes thereof, for the by-run profites of the ſame, conforme to the infeſtmentes maid thereupon; Notwithſtanding quhat-ſum-ever contractes, bandes, obligationes, infeſtmentes, decreetes, or uthervis ſecurities quhat-ſum-ever, maid to them of greater annuelles, norren markes for the hundreth markes: to the quhilkis, and everie anc of them, this preſent acte makis derogation, in ſa far as the ſame may be extended to the ſaidis zeiritie annuelles.

136. *New boundand infeſtmentes prejudgis nocht onie perſon anent their meithes and marches.*

IT IS Statute, ordained, and decerned be his Hieneſs and Eſtates of this Parliament, that the bounded in- feſtmentes quhat-ſum-ever, ather granted or to be granted, be our ſaid Sovereine Lord, or onie of his ſuc- ceſſors, or be onie uthir ſuperior to his awne heritable tennent, be the ſaid heretable tennentes reſignation; Albeit the ſame conteine anc new gift with ſuppliment of all faultes, (quhilk onlie reſpectis the ſuperior, grantand the ſaid infeſtment, and na wiſe ſuld be extended to the prejudice of the thrid perſone) that the ſaid infeſtment paſt upon the reſignation of the tennent, ſhall work na prejudice anent the boundis or marches, ather in property or commounie to ony uthir perſon, bot the queſtions ariſing upon the richt and poſſeſſion of the ſaid propertie and commounie, ſhall be determined and judged be the Lordes of Councell and uthervis infe- rior Judges, and Miniſters of the Lawes in the ſame ſort and maner, as gif there were na mention of boundes and marches, contained in the infeſtment paſt upon the ſaid reſignation.

137. *Penſiones not authorized be decreet nor poſſeſſion are null.*

FORSAMEIKLE As there being diverſe penſiones, alleged diſponed furth of the benefices and prelacies of this Realme, to the great hurt and prejudice thereof, and the ſuceſſours, albeit na poſſeſ- ſion is followed nor apprehended thereupon in the prelates life-time alleged diſponers thereof, quhair- throw the ſamin fallis of the Lawe and manifeſtlic appears to be but forged and counterfeit titles. And be- reſon of the corruption of this time and the great hurt and prejudice of OUR SOVERAINE LORD, and the Suceſſours ſuſtained thereby: It is ſtatute and ordained be the late Acte of Parliament made anent annexation of Kirke-landes to OUR SOVERAINE LORDE, that quhat-ſum- ever penſiones, diſponed furth of the prelacies, and neither authorized with decreetes nor poſſeſſion before the ſaide Act, ſuld fall and be null, of nane avail, force nor effect. Quhilk Act his Hieneſs

with advife of the hail Eftaites, ratifies, apprievis, confirmis, and declairis: and ordainis, that all and quhair-fum-ever penfiones, alleged to be difpofed furth of prelacies, and nather authorized be decreet nor poffeffion, quhidder the fame be of the fpirituality or temporality, quhair upon neither decreet nor poffeffion has followed, in the prelats life-time, and before the faide acte of annexation, fall be null and of nane avail, force nor effect, in all time by-gane, and to-cum.

138. *Againft unlauchfull conditiones in contractes or Obligaciones.*

A S I T I S not lefum to ufe and commit ufurie: fa it is not lefum to onie privie man, be his awen inventioun and autoritie, to astrict or burden onie of our Sovereaines Lords lieges, with unlauchfull and impossible conditiones againft all Law, equitie, reafon and gud forme, albeit their necesseite for the time, con- or obligaciones, they provide that the parties receivers thereof quhair-foever they dwell, in farrest partes of the Realme, fall be charged to make payment, only be open Proclamation, at the mercat Croce of *Edin- burgh* upon fa fchort and suddaine warning, as probable and possible, it cannot cum to the knowledge of the horning registrat in the Schireffe buikes of *Edinburgh*, makand the famin als lauchfull, as gif the perones were charged personally, or at his dwelling place: And the execution of horning, used at the mercat Croce of the head Burgh of the Schire, quhair the parties dwellis: And the horninges registrat in the Schireffe buikes theirow, to the great hurt and prejudice, not onelie of the parties fa denounced: Bot of our Sovereaine Lord, and his Lieges, to quhais knowledge probable the faides denunciations of hornings cannot cum.

T H E R E F O R E his Hienes with advife of his Eftaites in Parliament, statutes, ordainis and declairis, that na sik unlauchfull and impossible conditiones, be made in contractes or obligaciones, amanges onie of his Hienes subjectes in time cumming. And in-case onie denunciations of Horninges, fall happen to be made at the said mercat Croce of *Edinburgh*, only upon charges used thereat, proceeding upon the unlauchfull and impossible conditiones abone specified: the same charges and denunciations of horning, fall not be repute lauchfull. Bot the parties users theirow fall be charged, to cause charge and denunce of new, according to the forme, used and observed be the common Law, and consuetude of the Realme.

139. *That the copies of letters or charges be subscribed be the executor theirow.*

I T E M, It is statute and ordained that in all time cumming, all copies of fummounds and letters, quilk fall be delivered to onie partie, be subscribed be the officiat executor theirow.

140. *Na person may be denounced rebell upon letters charging all and findrie generallie.*

I T I S Statute and ordained in time cumming, that na charges nor letters of horning fall be generallie directed, against all and findrie, except it be against ane Burgh, College or Communitie quihik representis ane body; at the least, it fall not be lefum to denunce onie particular partie to the horne, upon sik generall letters, except gif the said partie be first lawfullie and speciallie called, to heare and see the saidis letters, direct against him, for a special and certaine dewtie or fact: And for this effect, that all giftes of pensione, Monkes portions, Ministers assignations of thriddes &c. The special landes, names of the tennentes, and quantite of the dewties, assigned, assumed or disposed, be particulatlie contained: and that an dewtie be not disposed to twa findry parties, quihik is *Crimen Stellionatus* of the Law: Providing it fall be lefum to onie benefited man, to seeke general letters, conforme to his provision, to corroborate the same, and to serve for ane publication and intimation thereof: Bot nawaies to serve or be sufficient, to denunce onie man to the horne, not beand speciallie called, and his dewtie exprest therein, as said is.

141. *That compensation de liquido ad liquidum be admitted.*

O U R S O V E R A I N E L O R D E And Eftaites of Parliament, statutis and ordainis: That onie debt *de liquido ad liquidum* instantlie verified be writ, or aith of the partie, before the giving of decreete, be admitted bee all Judges within this Realme, be way of exception: Bot not after the giving thereof, in the suspension, or in reduction of the same decreete.

142. *Damage and expenses of pley, suld be modified be the Judges.*

I T E M, It is statute and ordained, that damage, interest, and the expenses of pley, maid and susteined be the parties be altogidder admitted, and liquidat be the decreet, before all Judges within this Realme: And speciallie quhen as the libell, claime or petition ar proven be writ, containd damage, interest and expenses, and upon registrat bandes, obligaciones, and contractes, fummoundes beand for the coastes and skaites, quihik will stay parties to be willfull and obstinat pleyares. And this to be extended

extended alswell to the defenders obtainand absolvitour; as to the parties persevares, obtainand decrete condemnatour.

143. *That obtainers of giftes of escheittees, pay the debt contained in the horning, quhair-upon the gift proceedis.*

ITEM, It is statute and ordained, that all intromettours with onie mans escheitre, be gift, assignation, or utherswise, who takis possession of onie part or portion, of the denounced perones landes, guddes or geir in ony wife, fall be halden to pay the debt, contained in the horning, quhair-upon the gift of escheit proceeded and fell; And that letters be direct summarlic, against the donaroures assignayes, or intromettoures, with onie part of the escheit, at the parties instance, upon sex daies warning, to heare the samin decerned, or else to allege ane cause quhy.

144. *For punishment of the receipters of traytours and rebelles.*

IT IS Statute and ordained be OUR SOVERAINE LORD, with advise of his Estaites in this present Parliament: That all former Lawes and actes of Parliament maid of before, against the receipters of Traitoures and Rebelles, and punishment of them quihik contemmandlie remainis at the horne, fall be put to dew execution in all pointes. And speciallic, quhair ever onie declared Traytours or Rebelles repairis in onie parte of this Realme, nane of our SOVERAINE LORDIS Lieges, fall presume to receipt, supplie, or inter-commoun with them: or to give them meate, drinke, house, harberie, or onie reliefe or comfort, under the same paine, for quihik they ar fore-faulted, or put to the horne: And that immediatly upon knowledge of their repairing in the bounds, that all his Hiennesse obedient subjectes, do their exact diligence at the utter-maist of their power, in searching, seeking, taking and apprehending of the saidis declared Traitoures and Rebelles, and presenting of them to Justice: Or in following of them, quhill they be taken or expelled, and put fourth of the Schire: And immediatlie to make intimation to the Magistrates and perones of power and authoritie in the nixt Schire: Quhill fall be halden to do the like exact diligence without delay, And sa fra Schire to Schire, quhill they be apprehended and brocht to Justice, or expelled and put fourth of the Realme. And further, quhen ever onie maner of Traitoures, Rebelles, or unknowin men, vagaboundes, happenis to repaire in the Countrie, all his Hiennesse Lieges, knowing them, or amangst whom they resort, fall with all possible speede certifie his Majestie, or sum of his secreit Council, or sum of the chiefe perones of authoritie and credite, dwelling within the same Schire: That sik perones (gif they be knawen) ar within the same: And gif they be unknowen schawand their takens, and for quhat cause they pretend themselves to be wandring athort the Cüntrie, or lurking in onie part: under the paine, that the Traytours, Rebelles and vagaboundes, aucht to have susteined in bodie or guddes themselves, in-casie they had bene apprehended, presented and convicted be Justice.

145. *Anent the escheittees of Rebelles.*

OUR SOVERAINE LORDE, with advise of his Estaites in this present Parliament, statutis and ordainis, that na assignation, or uthere evident alleged maid in defraud of the creditour, fall be a valuable title to perlew or defend with, gif it fall be then instantlie verified be writ, that the cedent remainis Rebelle and at the Horne, for the same cause un-relaxed: Nor na gift of escheitree, assignation or uthere right, proceeding thereof, alleged maid in defraude of the creditour, and in favour of the rebell, fall be valuable title to perlew or defend with, gif it fall be then instantlie verified be writ, that the rebell remainis still at the horne, for the same cause; As alwa it fall be an relevant exception, against any pretending title thereto, be assignation or gift of escheit of the rebell, to allege that the said rebell himselfe, his wife, bairnes, or neare friends remainis in possession of his tackes and guddes, to his awin use and behoove. And in-casie escheitrees or life-rents fall happen to be given ony utherswaies, nor to the behoove of the party offended: the Thesaurer fall be halden to make the disposition to an esposual person, quha fall be debtor to the partie, at quhais instance the horning is led for his debt: Or the Thesaurer (gif he thinkis gud) fall take gud sufficient caution for his reliefe: And in-casie the donatour fall nor be found responsal in landes or gudis: Our Sovereaine Lord, with advise of his Estaites, declaris the gift to be null. And because persons convict, or standin rebelles for treason, murder, slaughter, or uthers odious crimes, commounlie hes the fruiton of their guddes, debts, tackes, steadings and possessions, their houses still bruike and possessed be their wives, bairnes, or tender friendes, to the defraud of the Law, of the profite of the Croun, and encouraging of wicked men, after committing of mischievous deedes; And that under pretense and coulour of fraudfull dispositions or assignationes, maid be their selves, or giftes of their escheitrees, simulatlic purchassed or transferred in favour of themselves, their wives, bairnes, tender friendes, or weil-willers, to their commoditie and behoove, for remeid quhairof; our Sovereaine Lord, with advise of his Estaites, statutis and ordainis; That the saidis fraudfull and simulat dispositions of escheitrees, or ony thing following thereupon, fall not serve to murish and susteine the saidis Traitoures and rebelles, in their contempt and rebellion: but that it fall be lauchfull to his Hiennes and his Thesaurer, to intromet-with, and up-take the saidis escheit-guddes, geare and debts, remaining in the possession of the person be quhais deede and occasion it fell: Or of his wife, bairnes,

bairnes, familie, or tender friendes quhat-sum-ever, upon the ground, and within the house occupied and possessed be him, before he was declared, or put to the Horne; Or in-cas hee have bene receipt in the same house at onie time after his foresaltour, or denunciation to the Horne: notwithstanding onie fraudfull disposition or assignation, or simulat gift or richt of escheitt purchased of the same, in favour, or to the belloove of the saidis Traitoures or Rebelles of before, quhair-throw the houfes and possessiones of the saidis Traitoures and Rebelles, fall nawaies bee suffered to cum to their use or commoditie, directlie, or indirectlie, during the time of their Rebellion; And the up-taking of the saidis escheitt guddes and debtes, and labouring of the saidis tackes and possessiones, during the continuance of the saidis Traytours and Rebelles, in their rebellion, fall nawaies be impute to the said Thefaurer, or uthers havand his richt or direction, as ony actiou criminal or civill, exonereng and discharging them of the famin for ever: And that the said Thefaurer or his deputies, cause the houfes of the perones committers of the crimes foresaidis, be detained and kepted, upon the expenes of the reddiest of the saidis escheitt guddes.

146. *Willfull setting of fire in Coale-heuches, is treason.*

FOR The better punishment of the wicked crime of setting of fire in Coale-heuches, be sum ungodlie perones, upon privat revenge and despite: It is statute and ordained, that the committing of the said crime, in onie time hereafter, fall be treason: And that the committers thereof, being ordourlie convict, fall suffer sik punishment in bodies, landes and guddes, as is dew be the Law, in causes of treason.

147. *For punishment of maisterfull beggares, and reliefe of the puir.*

OUR SOVERAINE LORDE And his Estaites, in this present Parliament, ratifies and apprievs his Hienes act of Parliament, maid for punishment of strang and idle beggars, and provision for reliefe of the puir and impotent: And ordainis the same to be put in execution in all partes of the Realme, as it hes alreadye tane effect, within the partes of the Burgh of *Edinburgh*; And because sum of the Schireffedomes ar of wide and lang boundes, quhair-throw it will be difficult, to convoy vagaboundes and perones offending, to the commoun prifones of the head Burrowes of the Schire: Therefore ordainis and commandis all Schireffes, Stewartes, Baillies, Lordes and Baillies of Regalities, and their deputies: And Provestes and Baillies within Burrowes, to make prifones, flockes and irones: Not onelie at the head Burgh, but also at the principal throw-faire townes, and Paroche Kirkes, within the hail boundes of the Schire: alswell to Burgh, as to Landwart; And to constitute one or twa Schireffe-deputes, of honest and zealous men, of best credite and power in the boundes within, or nixt adjacent to the saidis Burrowes, throw-faire Townes and Paroche Kirkes, to put the effect of the said act of Parliament in execution: Or gif the saidis Schireffes, or uthers Judges ordinar, beis found remisse or negligent: gives and grantis, full power, charge and authoritie, to the Ministers, Elders and Deacons within the boundes of everie Parochin, or of sa monie Parochines as will concur togidder, to nominate and elect one, twa, three or maa perones of the best habilitie, zeale and discrecion, within the same Parochin or boundes, quhom his Hienesse makis and constitutis Justices and Commissioners in that parte, to the effect underwritten; Givand, grantand, and committand to them, conjunctlie and severallie, full power, charge and authoritie, to execute the said act of Parliament, concerning the punishment of strang and idle beggares and vagaboundes, and provision for reliefe of the puir and impotent: And to that effect, to senie and hald courtes, creat officiares, summond assise, ilk person under the paine of five pundes, un-lawes and paines, to take, up-lift, and raise; And for the same, gif neede beis, to poynd and distreinzie, and to the uses contained in the said act applic; And generallie all and findrie uther things, to do, exerce and use, that to the full execution of the same acte of Parliament, within the saidis boundes, is necessarlie required, and in-cas the saidis Judges ordinar, or their deputies, or the saidis perones to be nominate and elect, as said is, constitute Justices and Commissioners, be the autoritie of this present acte of Parliament, fall happen to refuse or delay, to accept and use the said Commission; Or having accepted the same, fall be found remisse or negligent in execution thereof: they fall incur the paine and un-law appoynted, against Judges and Magistrates, be the said act of Parliament: quhairupon dittay fall be uptaken, and they called and accused therefore, at general Justice aires, or particular diettes; Or then letters fall be direct, be deliverance of the Lordes of Councell and Session; Charging alswell the saidis Judges ordinar and their deputies, as the saidis perones to be nominate and elected; and constitute Justices and Commissioners, be this present act of Parliament; upon the sight of the acte and testimonial of their nomination and election: to put the said act of Parliament to execution in all poyns: after the forme and tenour thereof, within fourtie daies, nixt after the charge; under the paine of rebellion, and putting of them to the Horne; And gif they failzie therein, the saids fourtie daies being by-past; to denunce the disobeyares, rebelles, and put them to the home: And to escheit and in-bring, all their movable guddes to his Hienesse use, for their contemption. And for the better tryall of commoun fomarres, vagaboundes, and maisterfull beggares: seinzied fooles and counterfact *Egyptians*: And to the effect that they may be still perswaded, quhill they be compelled to settle them at sum certaine dwelling, or be expelled fourth of the Countrie: That the Schireffes and uther Judges ordinar, and their deputies, and uther Justices and Commissioners

missioners abone specified, take inquisition be inquest, at the head Courtes zeirlic, of the names and takens of them; And make denuntiation of them, to the nixt ordinar Judges and Parochinnes, in the four halves about: As also to our Sovereine Lord, and his secreit Councell, within 40. dayes after the saids head courts, under the paine foresaid.

148. *Quba ar fore-stallars and regraters: how they shall be accused and paine thereof.*

FORSAMEIKLE As findry Acts of Parliament, hes bene maid for punishment of fore-stallars and regraters, being very pernicious members in the common weill: zit because it hes not bene expressed what was forestalling and regrating: Therefore our Sovereine Lord, with advise of his Estaites, in this present Parliament: declaris, statuis and ordainis, that quha ever buy, or cause buy, onie Merchandise, victuall, or uther thing cumming be Lande or Water, toward onie faire or mercat, in Burgh or in Landwart, to be fault in the same, from ony partes bezond Sea, or within the Realme: Or makis onie contract, or promises, for the having and buying of the same, or onie part thereof, before the saidis Merchandise, victualles, or uther things fall be in the faire or Mercat-place, in Burgh, port or raide, reddie to be fault: or fall make onie motion be word, writ, or message, for raising of the prices, or dearer selling of onie of the things abonc mentioned: Or else disswade or moove onie person cumming to the faire, Mercat or Town, to bring ony of the things abonc mentioned, to the Mercat, fair or Town, fall be esteemed and judged ane forestaller: And quha-ever gettis in his possession, in ony Fair or Mercat, onie corne, victuall, flesh, fish, or uther vivars, that fall be brought to be fault, and sellis the same againe, in onie Faire or Mercat, halden in the same place, or onie uther Faire or Mercat, within four miles thereof: Or quha gettis in his hand by buying, contract or promises, the growand corne on the field, fall be repute a regratour. And because there hes sa little effect followed in the execution of the said Act, be the Magistrats within Burrowes, to quhom the execution thereof was committed: Therefore it fall be lauchfull in time cumming, to **OUR SOVERAINE LORDIS** Thesaurer or Advocate, to call and persue all perones suspect and delated of forestalling and regrating; in-cas they fall happen to prevence, be apprehending, intending and executing first, alsweill as the saidis Magistrats in Burrowes; And it fall not be lesaum to the Magistrats within Burgh, to replege onie perones challenged or persewed be the Thesaurer or Advocate, before his Hienes Justice, or his deputies, ar Justice aires, or particular diettes. And albeit there be na speciall dittay, bot that the forestaller and Regratour, be onlie accused of common forestalling or regrating, sa repute and halden: zit the libell in that generalitie, fall stand relevant, and the perones accused, to be put to the knowledge of ane assise: And gif they cum in will, or be convict be ane assise, for common forestalling and regrating of Mercattes: They fall incurre for the first fault, the paine and un-law of fourtie pundes: And fall finde fovertie to absteine in time cumming, under the paine of ane hundreth markes: And gif he fall againe in the second fault, the principall, and his fovertie, to in-cur and pay the said summe of ane hundreth markes: And for the thrid fault, the offender being convict or cum in will, to tine and fore-fault all his moveable guddes, to be in-brocht to **OUR SOVERAINE LORDIS** use, as escheit: And that Justice courts or aires, for the effect foresaid, be halden everie zeir twife.

149. *Against carriers of wooll, nolt and sheepe forth of the Realme.*

IT IS Statute and ordained, that na wooll, sheepe nor nolt, be transported in *England*, under the paine of escheit, not onelie of the saide wooll, sचेepe, and nolt, quhilk fall be fund passand to *England*: Bot als wa of the haill moveabill guddes, of the actuall transporters, and als the Merchandes causers & principall doers of the said transporting, Albeit sum laiteilie they cause the same be done be pair folkes, the ane half of the saidis escheit to appertene to the apprehender of the saids guddes and woll, in-cas he may sufficientlie verifie and try the same, and the uther half to our Sovereine Lord, and to be intrometed with: be the wairdane, keiper, Schireffe, Steward, or Baillie, quha fall be comptable to his Majestie for the same; And furder, the saidis offenders, fall be punished in their perones, be warding, for the space of sex Moneths, And utherways at his Hienes pleasure; Like as our said Sovereine Lord, hes statute & ordained, that it fall be lesaum to ony Schireffe, Wairdane, keiper, or ony uther Banonne or Officiar, havand the Thesaurers power and direction; To staie and arreist, rake and apprehend the saids perones and guddes, & to present them before the Wardane, Schireffe, Steward, Baillie or keiper; or bring them to *Edinburgh*, to be presented to the Justice, or his deputies: and to underlie the Law, for the said offense. Quhilk being tryed, the offenders fall tine their haill moveable guddes, to be divided as said is: and als fall be punished in their perones, as is abonc writen, at the Kingis pleasure, to the terrour of uthers; And the samin penalties, to be extended against quhat-sum-ever perones within this Realme, that fall sell ony Nolt & Scheepe, to quhat-sum-ever *English*-man or uther, uther abydand within the boundes of *England*, or that traffiquis within this Realme; It being tryed that the person byar of the same guddes, sellis or transportis the same in *England*: And our Sovereine Lord, with advise of the saidis Estaites, annullis all licences, granted or to be granted hereof; And ordainis, that the penalitie of this Act, fall strike against the transgressours thereof: Notwithstanding the said licences purchaffed or to be purchaffed.

150. *Deforcers or troublers of officers, in execution of letters, foresfaultis and tynis all their movables.*

OUR SOVERAINE LORDE, And his Estaites, conveyed in this present Parliament; For remeid of the daily hurts and injuries, received be officiares of armes, or Schireffes in that part, executand letters or precepts in our Sovereine Lordis name and authoritie; Statutis and ordainis, that in case ane officiar of armes, or Schireffe in that part, or uther person quhat-sum-ever, the time of the execution of ony summoundes, letters or precepts, direct be his Hiennesse, or uther Judges within this Realme; Or in putting of decreetes to dce execution, be deforcend in dooing of the same, or be molested, invaded or perswcd, to the effusion of their bloud, be the person or persons, quhom they fall be vertew thereof summound or charge, Or ony uthers of their causing and command, the deforcers and perswewers of the officiares, and uthers foresaidis, fall foresfault, amitt and tine all and quhat-sum-ever their guddes and gearre moveable: and the ane halfe thereof, fall apperteine to our Sovereine Lord, as escheitte: and the uther halfe to the partie, at quhais instance the saidis summoundes, letters and precepts ar direct and purchased: quhilk execution, Our said Sovereine Lord, and Estaites foresaidis, decernis and declaris to be lauchfull and ordourlie execute; Notwithstanding the said deforcement, and invasion of the saidis Officiares, and uthers abone written, to be committed in maner foresaid: The deforcement being first verified and provin.

151. *Concerning the relevancie of libelles, in causes criminall.*

ITEM, It is statute and ordained, seeing that diverse exceptiones and objectiones risis upon criminall libelles, and parties are frustrat of Justice, be alleged irrelevancie thereof: That in tunc cumming, all criminall libelles, fall containe that the persones compleined on, ar air and pairt of the crimes libelled; Quhilk fall be relevant to accuse them thereof; Swa that na exception or objection, take awaie that part of the libell, in tunc cumming.

152. *It is not leasum to un-freemen; Bot to Burgesses to exerce the trafficque of Merchandise.*

ITEM, Fer-fameikle as by diverse Lawes and Acts of Parliament it is statute and ordained that na person within this Realme, suld exerce the trafficque of Merchandice, bot the Burgesses of Free-Burrowes; Quhilkis have not bene, nor zit ar observed, be reason that there is na penaltie irrogat to the persones, contraveeners thereof; Therefore our Sovereine Lord, and hail Estaites of this present Parliament; Confirmis, ratifes and apprievis the saidis Actes, constituciones, and everie one of them, with this addition; That quha-so-ever exercis the said trafficque of Merchandise, not being free Burgesses: Their hail guddes and gearre, fall becum in escheitte; The ane halfe to our Sovereine Lord, and the uther halfe to the Burgh, quhais Commissioner or Collectour fall first apprehend the same. And to the effect that the saidis escheitres may be up-lifed; his Majestie and Estaites foresaidis, gives and grauntis tull power and authoritie, to everie one of the saidis free-Burrowes, be themselves or their commissioner or collectour, quhom they fall have power to depute in that behalfe; To searsh and seeke the the guddes and gearre of the saidis un-freemen traffiquers, to intromet there-with as escheit: and to deliver ane half thereof, to his Hienes Thesaurer, and the uther halfe to the Burgh, quhair of he fall be appoynted Commissioner or Collectour, quhiddir it be within this Realme, or in ony uther part, quhair the same may be challenged: And to arreist the saidis guddes, call, follow and persew therefore, before un-suspected Baillies or deputes, quhom they fall have power to creat to that effect: and ordainis the ane halfe of the said escheit, to be intrometted-with, be the said Commissioner or Collectour, as said is, to be applied to the common weill of the said Burgh, quha fall first apprehend the saidis escheitte guddes: Of the quhilk halfe of the saidis escheit guddes, there fall be zeirlie compt maid, as is appoynted of the common gudde of the Burgh: Providing alwayes that this present Act be not prejudiciall to Noble men, Barronnes, or uther Landed-men; to bring, or cause bring, or have Merchandise to their awin particula; use and behoove; swa that they sell not the same, or make Merchandise thereof againe, to our Sovereine Lordis lieges. Quherein in case the said Noble men, Barronnes, and uthers abone written, be fund or apprehended culpable, they fall be reputed, halden, and esteemed, as un-free-men traffiquers: And it fall be leasum to the saidis free-Burrowes, or their Commissioner and Collectour foresaid, to intrometwith their hail guddes and gearre, as escheit; and dispone upon the same, as with the saidis un-freemens guddes, in maner as ne written.

153. *Anent the taxation of Burrowes: Watching, and warding.*

ITEM, Seeing the taxation and stentes upon the Realme is multiplied, quhere-with the Burrowes are verie greatlie burdened: Therefore it is statute and ordained, that all maner of persones, inhabitantes of Burrowes, exerceand onie maner of trafficque, Merchandise, or having change within the same, fall beare their part of all taxes, stentes, and taxationes, watching, and warding, in all duties and services pertaining

pertaining to our Sovereine Lord, the weill of the Realme, and the utilitie of the Burgh; and that without onie respect to be had to onie Priviledge, discharge, or exceptiones, granted be our Sovereine Lordis Predecessours; or be his Hienes self, or to be granted in times cumming be his Majestic, or his Successours, to quhar-sum-ever person, or persones, of quhar-sum-ever qualitie, or for quhar-sum-ever cause. And ordainis this to have execution against all persons, exerceand the trafficque of Merchandise, or urther change, in onie of the Burrowes of this Realme, whidder they be admitted Free-burgesses therein, or not: Providing alwayes that it fall be leasum to his Hienes, notwithstanding of the said Act, to exeeme from the saides taxations, watching and warding, and person of silk craft, for his Hienes particular use and service, in-case his Majestic finde it gude and expedient to be done. And sik-like, that this Act be not prejudiciall to the members of the Colledge of Justice, and to their priviledges and immunities granted unto them, or whereof they have bene in use in times by-gane.

154. *Exercise of craftes, within sub-urbs adjacent to Burrowes, is forbidden.*

ITEM, For-sa-meikle as the exercise of craftes-men, in the sub-urbes of the free-Burrowes, is not onlie hurtfull to all our Sovereine Lords lieges for the insufficiencie of the wark: bot also ministratis great occasion to Prentises and servands in free-Burrowes, un-dewittullie to leave their Maisters, and to remaine and abide in the saides sub-urbes, thereby subtracting themselves, fra the jurisdiction of the Provost and Baillies of the saides Burrowes. And als the free craftes-men, resident within the saidis Burrowes, are greardie damnified, seeing they beare ane great part of the charges of the Burgh, and the advantage of the wark, that shuld relieve them is drawn away to the saidis sub-urbes: Therefore our Sovereine Lord, and hail Estates of this present Parliament, statuis, declaris and decernis that in all time cumming, there fall be na exercise of craftes in the sub-urbes adjacent to the saidis Burrowes: Bot that the samin fall cease in all times hereafter; And that it fall be leasum to the Provost and Baillies of the saidis Burrowes, and their deputies and officiares, to intromet with all the warkes that fall be found wrought, or in working: quhidder the materials thereof appertaine to the craftes-man himselfe, or to quhar-sumever person, and to escheit the samin, to be applyed to the commoun warkes of the Burgh nixt adjacent to the saids sub-urbes.

155. *Against granting of respettes and remissions.*

FOR Furthering of the punishment of slaughters, fire-raisinges, and uthers odious crimes, committed in diverse partes of the Realme, thir findrie zeares by-gane, upon set purpose and fore-thought felonie, to the offense of God, and contempt of our Sovereine Lordis autoritie: His Hienesse followand the lovable example of his maist Noble Progenitours, in like cases, of his speciall favour, and at the instant request of his Estates, at this present Parliament grantis, and in the word of a Prince, faithfullie promitris, that he fall close his handes, and cease fra granting onie respites, or remissions, for any maner of slaughter, fire-raising, or urther odious crimes, that fall be committed, upon auld feed, and fore-thought felonie, for the space of 5. zeires nixt-to-cum, after the dait hereof: that in the meane time, the Realme may be put in peace, and his Lieges maid to live in sovertie, except the said respit or remission fall be craved to the offender, be the wife, bairnes or nearest friende, of the person that hes received the offense: Or that a sufficient letter of staines, seene and perfitelie considered be his Hienes Councell; And gif ony respit or remissions fall happen to be granted for auld actions, that it be expreed in the same, that the trespas was committed, before this present Parliament; And that his Hienesse and his Councell, hes seene quhar the partie is asly hed: urtherwayes declaris the same respit or remission, to be null, and of nané avail. And in-case ony sik remissions or respittes (as God forbid) fall happen to be granted and past: Ordainis and commandis his Hienesse Justice, Justice-Clerke, and their deputies, to proceed and do Justice upon the persones users thereof: Notwithstanding the saidis remissions and respittes, as gif the samin had never bene granted or produced: And ordainis all persones, that hes already obteneid respittes, for the saidis crimes, sen his Hienesse accepted the government of the Realme in his awin person, to be called to underly the Law for the same: At the instance of the partie offended, gif they please to persew. And although they insist not, at the instance of his Hienes Thesaurer and Advocate. and the persones compeirand offenders, and usand the saidis respittes or remissions, to cause them finde gude and responfall soverties, acted in the buikes of adjournall, for satisfieng of the partie, as Law will, at the modification of the Lordes of Councell and Session, quhome his Hienesse ordainis and commandis to procede and Minister up-right Justice in modifieng of condigne and sufficient affyithmentes of the saidis slaughters, and urther odious crimes, according to the gravitie and circumstances thereof, as they will answer to God and his Hienesse there-upon; And for the furtherance thereof, that his Hienesse Thesaurer and Justice-Clerke, cause collect the names of all persones, that hes gotten respittes or remissions for slaughters, or uthers odious crimes, sen his Hienes acceptation of the Government in his awin person, and present the same to his Hienesse, and his privie Councell, with all expedition.

155. *Against transporting of skinnes foorth of the Realme.*

OUR SOVERAINE LORD With advise of the Estaites, inhibitis and dischargis, all and sundrie merchandes, trafficquers, and uthers his Hieneffe Lieges quhat-sum-ever; Of all transporting and carrying foorth of this Realme, of Calve-skinnes, huddrounes, and Kid-skinnes, packing and pelling thereof, in time cumming, under the paine of confiscation of the same to his Majesties use; Commanding his Majesties Customer and Searcher, to search and seek the saidis skinnes; And in-casie onie beis foundin tranfporting, to intronet there-with, and in-bring the same to his Hieneffe use. And ordainis letters to be direct, for publication thereof, in forme as effectis.

156. *Concerning the streetes and passages of Burrowes.*

OUR SOVERAINE LORD And the Estaites of Parliament, ratifies and confirmis the act of Parliament, maid be Queene *Marie*, Dowager of this Realme, in the moneth of *Junij*, the zeir of God; ane thousand, five hundreth, fiftie five zeires; Intitular, *Assent the common passages to Burrowes*: Be the quhilk it was statute, that all common hie-gates, that free Burrowes hes bene in use of, proceeding ather for passage fra their Burgh, or cumming thereto: And in special, all common hie-gates, fra free dry Burrowes, to the Portes and havens, nixt adjacent, or proceeding to them, be observed and kept: And nane make them impediment or stop there-intill; And gif onie dois, to be called and accused for oppression, and punished therefore, according to the Lawes; as in the said act at mair length is conteneid: Quhilk act, with the haill clausies and conditiones thereof, his Majestie with advise foresaid, willis that the famin fall be halden, as exprest herein: And to put to dew execution in all time hereafter, with thir additions following.

THAT For-sameikle as it is sufficientlie understand be his Majestie, that diverse malicious persons, upon deliberat malice, stoppis and impedis publick passages, pertaining to free Burrowes, within this Realme; namelie to the Portes, quhilkis hes greatest occasion of trafficque, be casting of fowfies, and bigging of dikes, for inter-closing of the saidis common passages, and will not suffer the inhabitantes of the saidis Burrowes, and uthers his Hiennes Lieges, and trafficquers towards the saidis sea-portes: to have, or frequent the accustomed passage used of before, in transporting of victualles, fewalles, viviers, merchandise, and uthers, for entertainment of the common negotiation of the cuntrie: bot compellis them to pas ane mile or twa about, to the great hurt and prejudice of the saidis Lieges. **H**EIRFORE his Majestie with advise foresaid, in coroboration of the said former Act, and to the effect that the samin may be put to full execution in time cumming; Statutis and ordainis that nane presume, or take upon hand hereafter, to stop, or impede the saidis publick and common passages, pertaining to the saidis free Burrowes, and namelie to the saidis Sea-portes. And gif onie fall happen to doe in the contrarie, the parties grieved fall have their recourse to the Lordes of Councell and Session, quha fall grant summar letters in their favoures, upon sex daies warning allanerlie, to cause and compell the committers of the said oppression, to desist and cease therefra: and to heare and see themselves decerned to have done wrang, in stopping of the saidis passages: and to finde caution, acted in the saidis Lords buikes, under sik paines, as fall bee modified unto them, never to commit the like wrang be themselves, their men, tenants, or servandes, and uthers quhom they may let: the ane half of the said penaltie to appertaine to his Hiennes, and the uther half to the partie grieved; And the probation of the said wrang in stopping of the saidis passages, to be received by famous witnesses allanerlie, and not by ane assise: And the tryall thereof to appertaine to the saidis Lordes of Councell, and all uthers inferior Judges, to be discharged fra proceeding in the saidis causes: Notwithstanding ony quhat-sum-ever statute or constitution, maid anent molestaciones, in proprietie or commonrie; In number quhair of his Hieneffe will nawates that the saidis oppressesions and staying of publicke passages, fall be comprehended; And ordainis publication to be maid hercof, in forme as effectis.

157. *Concerning certaine abuses in the Admiralles proceeding.*

FORSAMEIKLE As it is heavelie compleened, be the haill Burrowes of this Realme; That they and the haill tounes, lyand upon the Sea Coast, have bene greatlie oppressed be the Admirall, taking ane cullor upon the new infestment, maid to *Frances*, sum-time Erie *Both-well*, of the said Admiralltie; In the quhilk infestment, there is ane great number of strange clausies, quhilk were never conteneid in ony infestment, given to ony Admirall of before; For the repressing of the quhilk oppression; It is statute and ordained, be our Sovereaine Lord, and the Estaites of this present Parliament; That the Admirall of this Realme, and his Successors in time cumming, exerce nor usurpe na jurisdiction; neither yet exact nor crave onie kinde of dewtie, escheit, nor casualitie; Bot according to that, quhilk was used to be exercised or taken be the Admirall, for the time, before the decease of King **JAMES** the Fifth, of noble memorie; Notwithstanding, ony greater specialitie conteneid in ony of the saidis Admirallis infestmentes, by-gane or to-cum.

158. *It is leasum to laik patrones to dispone their Prebendaries and Chaplanaries to Benefices of Cure, pertaining to the saidis patrones, and served be Ministers, payis na thrid.*

OUR Sovereine Lord and Estaites, presentlie convened in Parliament, ratifies and apprievis the Act of Parliament, maid in his Hiennesse minoritie, and first zeare of his raigne, upon the fifteenth day of December, the zeir of God, anethoufand, fivehundredth, threescoreseven zeires: Intitulated the disposition of Provestries, Prebendaries, and Chaplanaries to burfaires, to be founded in Colledges, pertaining to laik Patrones; And willis and declaris, that the hail poyntes, articles and proviſiones, contained in the said act, ſhall be halden as expreſſed herein, with this addition; That the ſaidis Burfares, ſtudentes and titulars, lauchfully provided to the ſaidis Prebendaries, Chaplanaries, ſhall bruik, joyis and poſſeſſe in all time hereafter: Like as they had ſufficient richtes to bruik, ſen the dait of their proviſiones; The hail rentes, profites and emolumentes, contained in the auncient foundationes, maid be the ſaid laik patrones; notwithstanding quhat-ſum-ever proviſiones, or particularuſe, to the quhilk the hail, or ane part of the ſame, war deſtinat, uſed or bruiked, in time of *Papiſtrie*, and before the Reformation of Religion: And notwithstanding quhat-ſum-ever act, ſtature, conſtitution, diſpoſition, gift or preſentation following there-upon, maid be his Hiennesſe at onie time heretofore: Like as his Maſteſtie, with adviſe of the ſaidis Estaites, and hail bodie of this preſent Parliament, expreſſelic declaris, that it was never his Maſteſties intention, ather to prejudge the ſaidis laik Patrones, in their Parſonages: or the Perſon provided to the ſaidis Prebendaries and Chaplanaries, of ony part of the fruites and emolumentes, contained in the auncient foundationes, maid be the ſaid laik Patrones; Bor as beforé, heartelic requetiſ the ſaidis Patrones, to diſpone and preſent their ſaidis Chaplanaries and Prebendaries, to ſufficient and qualified Perſones, as they wald godlinelle and gude letters to ſtootith within this Realme, to Gods glorie, and profite of this age, and the poſteritie. And atour, our Sovereine Lord, and his Estaites in Parliament, declaris, that the Benefices of Cure, being laik Patronages, provided to Ministers actually ſerving, and making reſidence at the proper Kirkes of the ſame Benefices, ſhall not be ſubject in time cumming, to the payment of ony thriddes, fourth of the ſame: bor the ſame thriddes, to be retained be them, as a part of their awin living and ſtipend.

159. *Annexation of the landes and annuelles, mortified to the Ministers and Hoſpittall of Edinburgh.*

OUR Sovereine Lorde, now after his perſite age of twentie five zeires compleit, with adviſe of his Estaites in Parliament, ratifies and apprievis the donationes and mortificationes, maid be his Hiennesſe unquhile dearest Mother, in her perſite age, and be his Hiennes at diſverſe times, of the landes, Benefices and rentes, doted for ſuſtentation of the Miniſterie within the Burgh of *Edinburgh*, and intertaining of the Hoſpittalles thereof; And ſpeciallic, of all landes, annuelles, and tenementes, lyand within the free-dome of the ſaid Burgh, founded to quhat-ſum-ever Benefice; And of all landes and annuelles, lyand outwith the libertie of the ſaid Burgh, annexed to ony Benefice, Prebendarie, or Religious place, ſituate within the free-dome of the ſaid Burgh. And OUR SOVERAINE LORD, for his pitfull zeale, quhilk he hes to the ſuſtentation of the Miniſterie and Hoſpittalles within the ſaid Burgh, with adviſe of his ſaidis Estaites of Parliament, now after his perſite age of twentie five zeires compleit; hes of new annexed to the Communitie of the ſaid Burgh, and their Succelours, in favoures of their Miniſtery and Hoſpittall; All and hail the ſaidis Lands and tenementes, annual-rentes, profits and emolumentes foresaidis: Few-fermes, mailles and dewties thereof; And ſurogatis them in the full richt of all landes, annual-rentes, and emolumentes, ſituate within the free-dome of the ſaid Burgh: Quhilkis pertained of before, to quhat-ſumever Biſhop, Abbot, Prior; Or quhat-ſumever Eccleſiaſtical perſon within this Realme; And ordainis an new inſeſtment to be exped thereupon, for their ſecuritie, gif it be thought expedient; And for the ſaid godlie effect, his Hiennes diſſolvis the generall annexation in that part; in ſa far as the ſamin may appeare to be extended to onie of the premiſſes, or to the annexation maid of before, in favoures of the ſaid Colledge and Hoſpittall, of *Dumbarry*, quhair of the Kirk of *Potie* and *Moucreiſe* ar pendickles, lyand within the Schireffedome of *Perth*: The Parſonage of *Curry*, and the ane halfe of the Vicarage thereof, pertaining to the Arch-deane of *Louthiane*: The landes, annual-rentes, houſes, zairdes and Bigginges of the *Trinitie* Colledge, ſituate within the ſaid Burgh of *Edinburgh*, alſweill pertaining to the Proveſt, as to the Prebendaris thereof, and common landes, and annual-rentes of the ſame. Quhilk annexation; his Hiennesſe with adviſe of his ſaidis Estaites in Parliament, ratifies and apprievis: As als his Maſteſtie, with adviſe of his ſaidis Estaites, of new annexis the uther halfe of the Vicarage of *Curry*, to the quhilk na perſon is provided: And the hail Vicarage of the ſaid Kirk of *Dumbarry*, quhilk alſwa vakis be deprivation of N. N. laſt poſſeſſour of the ſame; To remaine with the Proveſt, Baillies, Councell, and communitie of the ſaid Burgh, and their Succelours in time cumming, for ſuſtentation of their ſaid Miniſterie and Hoſpittall. And our Sovereine Lord, and Estaites foresaidis, decernis and declaris, that nane of their particulars before written, diſponed of before, and newlie annexed, for ſuſtentation of the ſaid Miniſterie and Hoſpittall, were, ar, or ſhall be ever comprehended in the generall Annexation of the Eccleſiaſtical landes and rentes to the Crown; Bor were, ar, and ſhall be excepted therefra: Like as his Maſteſtie and Estaites foresaidis, of new exceptis the ſamin, not onelie fra the ſaid annexation: bor fra his Hiennesſe revocation, maid in

time-by-past, or maid in this present Parliament; And declaris alswa, that the saidis Proveest, Baillies, Councell and communite, and their Successeoures, in all time cumming, hes, and fall have sik full richt of propertie and superiortie of the foresaidis landes, annuall-rentes and revenues, tennentes and tennendries and servise of free-tennentes thereof: as had the Bischoppes, Abbotes, Priors, Friers, Monkes, Nunnes, Chaplanes, and Prebendares, to quhom the saidis landes and annuall-rentes, pertained of before: Notwithstanding, ony acte or constitution, preceeding the dait hereof.

F I N I S.

A N E T A B L E

Of the PARTICULAR ACTES and uteris, maid be KING JAMES the Sext, in this twelfth Parliament, the fifth of Junij; 1592. zeires, not imprinted.

- 1 Commission anent the Ministers stipendes.
- 2 Exception in favour of Adam, Bisshoppe of Orkney.
- 3 Commission for reparation of Hospitalls.
- 4 Anent the bigging of ane second Kirk, within the Parochin of S. Andrewes.
- 5 For appricuing of the Kirk, bigged be John Schaw of Greenok.
- 6 The union of the Kirk of Forteviot, to the auld Colledge of Saint-Andrewes.
- 7 The dissolution of the Deanrie of Restal-rig.
- 8 Ratification of the pension granted to John Durie, his wife and sonne.
- 9 Ratification of the maufe of the Minister of Pertin-weeme.
- 10 Commission anent the locall stipendes of Ministers.
- 11 Commission anent the ryding in Parliament.
- 12 For furthering of the Kingis commoditie be the mines and mettalles.
- 13 Ratification of the Kingis revocation.
- 14 Anent the payment of Burrowe mailles.
- 15 Annexation of Kelso and Coldinghame.
- 16 Anent the nomination and establishing of our Sovereaine Lords privie Councell.
- 17 Anent the Kingis Chappell Royall.
- 18 Commission anent the examination and imprinting of the Lawes of this Realme.
- 19 Ratification of the contract of mariage, betuixt the King, and Queenes Majesties, and of her infestmentes past thereupon.
- 20 Approbation of their service, quha accompanied his Majestie to Norway and Denmark.
- 21 Ratification of the proceeding of the Earle Marshell, and uters direct to Denmarke, to treat the said Mariage.
- 22 Ratification to the Laird of Barne-Barrow, and Maister Peter Young, and of their proceeding in the said Mariage.
- 23 Prescription of the Act of repossession.
- 24 Act annulling the bandes and contractes of persones, being put in captivitie.
- 25 Ratification of the Commissariote of Edinburgh.
- 26 Ratification of the Burgh of Hadingtoun.
- 27 Of the Hospitall of Perth.
- 28 For the bigging of the Tolbuith of Clack-mannan.
- 29 Erection of the Toun of Scraling, in ane Burgh of Barroonie.
- 30 Changeing of the Faire of Dornoch.
- 31 Act in favour of the Burgh of Anstruther, beyond the Burne.
- 32 In favour of the Burgh of Cul-rossie.
- 33 Ratification of the exceptiones from the generall Act of Annexation.
- 34 Declaration to the Earle of Angus, anent his havoures.
- 35 Ratification of ane contract, betuixt the King, and the Earle of Angus.
- 36 Ratification to the Duke of Lennox, of the superioritie of the Priorie of Saint-Andrewes.
- 37 Ratification of the Earledome of Orknay, to the Earle thereof.
- 38 Ane utber to the Earle of Gowrie, of his infestment.
- 39 Item to him, of the Abbacie of Scone.
- 40 To the Earle of Mont-rose.
- 41 To the Maister of Mont-rose.
- 42 To the Lord Lindefay.
- 43 Of ane Pension out of Qwhite-horne, to my Lord of Spynie.
- 44 To the Maister of Drummond.
- 45 Anent the Temporakitie of Passay.
- 46 In favour of the Commendatar of Mel-rofe.

- 47 Ratification to Arche-bald Dowglas, son to the Commendatar of Mel-rose,
 48 To the Commendatar of Kinlosse.
 49 To the Commendatar of Lundoris.
 50 To the Lord of New-bottle.
 51 To the Lord of Urquhart.
 52 To John Colvill, Sonne to the Commendatar of Culrossie.
 53 To William, Commendatar of Tung-land, anent the Temporalitie of Kilwinning.
 54 To the bairnes of unquibile, Sir Lewes Bellenden of Auchinnowll, laite Justice-Clerke.
 55 To the bairnes of unquibile the Laird of Segey.
 56 To Maister David Chalmer of Ormond.
 57 To Alexander Hooome of North Berwike.
 58 To Sir Robbert Mal-vill of Murdocarny Knight, Theasurer.
 59 To Andrew Mal-vill of Garvok, Maister-housholde.
 60 To the Laird of Tullibardin, Maister-housholde.
 61 To the Laird of Ormestoun, Justice-Clerke.
 62 To Sir John Carmichaell, of that ilk, Knight, Maister of the Stable,
 63 To the said Sir John concerning the lands of Lang-Hirdmestoun.
 64 To Maister Gilbert Moncreif, Medicinar to his Majestie.
 65 To Maister George Young, Arche-deane of Sanct-Andrewes.
 66 To Sir George Hooome Knight.
 67 To John Gib.
 68 To John Chulholme.
 69 To Maister Henrie Keir.
 70 To the aires of Eupheme Mak-kalzane.
 71 To David Cunninghame of Robert-lar.
 72 To the Ladie Aicket.
 73 To the Laird of Cef-furde.
 74 To the Laird of Pettarrow.
 75 To the Laird of Findlater.
 76 To the Laird of Buquhollic.
 77 To the Laird of Largo.
 78 To the Laird of Basse.
 79 To the Laird of Vrie.
 80 To the Laird of Essil-mont.
 81 To James Boyde of the Kippes.
 82 To Gawin Hammiltoun of Roploch.
 83 To Nicoll Cairn-croce of Calfe-hill.
 84 To James and John Murrayes.
 85 To Walter Scot of Tuffschielaw.
 86 To Frances Borthwicke in Ballinreif.
 87 To Sir Alexander Hooome of Snuik Knight.
 88 To John Hooome of Sleg-den.
 89 To Thomas Meinzeis of Durn.
 90 To James Hammiltoun of Liber-toun.
 91 To George Hammiltoun of Presttoun.
 92 To Williame Hooome of Bassindene.
 93 To John Schaw of Broich.
 94 Of one band of man-rent to the Laird of Black-wood.
 95 To John Andro Clerk of the secreet Councell.
 96 To William Wylie Writer.
 97 To the Clerk of Register, and Maister John Hay his sonne.
 98 To the Earle of Murray ane Supet-federe.
 99 To my Lord Thirle-stane, Chancellar.
 100 To the Earle of Murray of his investmentes.
 101 To the Lord Ding-well.
 102 To the Laird of Leic zounger, bis.
 103 To the Lord Sea-toun.
 104 To John Levingstoun of Aber-korne.
 105 To the Commendatar of Petten-Wegme.
 106 To the Lord Boyde.
 107 To the Earle of Morroun.
 108 To the Lord Zester.
 109 To the Laird of Dunicpaig.
 110 To George Sinclair of Maj.
 111 To Martene Ellor.
 112 To my Lord of Spynie for his investment.

F I N I S.

Y Y 2

THE

T H E T H R E E T E N T H

P A R L I A M E N T,

Halden at Edinburgh, the XXI day of Julij, the zeir of God, ave thousand, five hundreth, fourscore threttene zeires. Be the richt excellent, high, and mighty Prince, JAMES the Sext, King of SCOTTES; And three Estaites of the Realme.

159. *Mercattes and Faïres ar forbidden on the Sabbath-day.*



OUR SOVERAINE LORD, With advife of the Estaites of this present Parliament, ratifies and apprievis the Actes maid anent the discharging of Faïres and Mercattes, halden on Sabbath-dayes; And becaufe the samin Actes in manie respects, ar na-wayes observed in Land-wart; THEREFORE His Majestie, with advife foresaid, expresse commandis and chargis, all Schireffes, Stewardec, Baillies, Provettes, and Baillies of Burrowes; And all utthers quhom it fall please everie particular Presbyterie to nominate, within their awin bounds, to that effect; To discharge, remooove, and put awaie all Faïres and Mercattes, halden on Sabbath-dayes, as they will anwere to his Majestie; And in-cas they be found negligent, ordainis letters of horning, upon an simple charge of ten dayes to be direct, to charge them thercto, ar the instance of the said Presbyterie.

160. *Contemners of the decreetes of the Kirk, suld be denounced Rebelles.*

FORSAMEIKLE As the Kingis Majestie, with advife of his Estaites in Parliament, hes confirmed and established, the jurisdiction and judicatours of the Kirk, in the generall and Synodall assemblies, Presbyteries, and particular Sessiones of everie Kirk and Paroche, willing and ordaining their sentences and decreetes, in maters petteining to their judicator, to be put in execution, and take full effect: And it is of veritie, that a number of obstinar and stubborne people, in diverse Paroches of this Land, hath contemned, and daylie contemnis the sentences and decreetes of the saidis assemblies and judicatours of the Kirk; Namelie in Land-wart Paroches, quhair there is little, or na concurrence of Magistrates, to punish obstinar and disobedient perfonas: And the said Kirk having na uther punishment in their handes bot Spirituall; the quhilk the said obstinate people (being altogether fleihlie and beastle) feelis not, nor fertis not by. Therefore OUR SOVERAINE LORD, With advife of the saidis Estaites, for remeid hereof, hes statute and ordained, that in-cas ony of his subjectes within this Realme, refusis to obey the ordinances and decreetes of the saidis Assemblies and judicatours of the Kirk, in ony time to cum, the saidis Assemblies and judicatours, fall direct their Bedle to the persone or perfonnes disobedient, chargeing and commanding them in the name of God and the King, to obey their decreete and ordinance: The quhilk charge, gif the said person or perfonas contemne, and remaine obstinar; The Minister of the Paroche, quhair the said person or perfonas remainis, fall three severall Sabbath-dayes from Pulpit, charge and command the said person or perfonas, in the name of God and the King, to obey the samin ordinance and decreete: And in-cas notwithstanding, all the saidis charges, the said person or perfonas remainis still obstinate and rebellious; Then fall the saide Assemblies or judicatours, quhilk hes maid the said ordinance and decreete, meane the mater be their supplication, to the Lordes of Session, containing the substance of the Proccesse, the sentence and decreete pronounced against the saidis persone or perfonas, with a complaint of their contempr and disobedience: Quhair-upon the partie compleined on, being first cited and heard to propone their lauchfull defences, in-cas they compeir: And gif they compeir not, *propter contumaciam*, The saidis Lordes of Session, or secreit Councell, fall give our letters, to put the said person or perfonas to the horne, within ten dayes nixt after the charge, in-cas of disobedience, and continuing in their former contempr and rebellion.

161. *Ministers glebes suld be designed fourth of onie Kirk-landes.*

ITEM, It is statute and ordained, quhair there hes bene na glebe of auld, or quhair hes bene sum of auld, zit it be farre within the quantitie of four aikers of Land, that the designation be maid of the Parson, Vicar, Abbot or Prioreffe Landes: And failzieng thereof, out of the Bischoppis landes, Friers landes, or ony uther Kirk-landes, lyand within the boundes of the said Paroche, ay and quhill foure aikets of land be complete.

ITEM.

ITEM, That the saids glebes be designed with free-dome of foggage, pastourage, sewall, fail, diffat, loning, fric ischue and entrie, and all others priviledges and riches, according to use and woort of auld.

162. *Ministeres stipendis suld be free of all impositiones.*

FORSAMEIKLE As sındric Ministeres, quha hes bene in lang possession of their stipends, be vertew of their assignationes, are troubled be pensioners or tacksmen, quha hes tane in tack, gift, or pension ather their haill stipends, or ane great pairt thereof, and hes obtained ratification in Parliament thereupon.

THEREFORE, Our Sovereine Lord, with advise of his Estaites of this present Parliament; Ordains that all Ministeres stipends in time cumming be fric from all tacks, pensiones, taxationes, or impositiones quhar-sum-ever, notwithstanding of onie gift or disposition maid in the contrair: to the effect that the Ministeres may bruk their stipends peaceably in all time cumming, without ony trouble, according to their assignation.

163. *Anent dispositions of benefices granted to Ministeres.*

FORSAMEIKLE As the Ministers serving the cure within this Realme, being lauchfullie provided to Parsonages and Vicarages, and annexed and pertaining of before to prelacies; hes bene this time by-gang fruitrat of the rentes and fruites of the same: Notwithstanding the lauchfull provisiones and assignationes thereto: For remeid quhairof, and to the effect that the haill Parsones, serving the Cure of Ministerie within this Realme, may peaceable bruk and possesse their benefices of Parsonages and Vicarages of their ayin Kirkes, fruites, rentes and emolumentes thereof, in all time cumming; Conforme to their Provision and assignation of the samin; to remaine wi h them and their successeours, serving the Cure, as said is: It is statute and ordained, thar all gifts, provisiones, and assignationes, disposed to the Ministers, serving the Cure of the Parsonages, Vicarages, and Kirkes thereof; Is and fall be, now, and in all time cumming, valuable and sufficient riches and titles to them, and everie ane of them: For bruing, joyning and possessing of the same; and intronetting with the fruites, rentes and dewties thereof, in time cumming, ratifand and apprievand the same: Notwithstanding quhar-sum-ever act or constitution maid in the contrair: But prejudice allvaies of quhar-sum-ever particular pairties rightes; And speciallie the Queenes Majesties Kirkes of *Dunfermeline*.

164. *Anent the sayers of Messe, and receipters, Or interteiners of excommunicat Papistes.*

ITEM, It is statute and ordained, that in-cas in time cumming, onie person or persones say *Messe*, or receipt and intertaine willingly, be the space of three nightes togidder, or three nightes at several times, excommunicate *Jesuites*, or trafficking *Papistes*, against the Kings Majestie and Religion, presentlie professed and established within this Realme: The samin being dewlie and lauchfullie tryed, fall verifie and infer the dedde to have bene of the knowledge and gud-will of the person or persones accused therefore: Quha being convict of the premisses, or ony of them; their escheittr, for the first fault, fall fall and becum in his Majesties handes, and fall be intronettet-with, to his Hiennesse proper use: And being convict thereof the secund time, fall amit and tine their life-rent, of quhat-sum-ever their landes, possessiones, uthers guddes and geate: And being accused and convict therefore the thrid time, fall incurre the paine of treason, and the proces and doome of foresaltour, fall be ordourlie led, pronounced and execute against them, with all rigour.

165. *Na particular acte of Parliament, fall prejudice the Ministeres in their livinges.*

OUR SOVERAINE LORDE, With the advise of the Estaites of this present Parliament, having consideration how that the Ministers Provided to Ecclesiastical functiones and livinges of the Kirk, and serving the cure thereat, hes bene and may be in time cumming heavilie prejudged in their saids Ecclesiastical livinges and rentes thereof, be special actes and constitutiones, maid in favour of certaine particular persones: For remeid thereof in time cumming; hes statute and ordained, that quhar-sum-ever acte or constitution of Parliament in time cumming, after the dair hereof, be maid in favour of ony particular Person, quhairby the provision of ony Ministers livinges, may be tane awaie, or in onie wise prejudged, directlie or indirectlie, in their saids provisiones, rentes and profits thereof, or ony part of the samin; thar the samin fall be in all times cumming, null and of nane availe, force nor effect: Except the saids Ministers be called upon their provisiones, and the samin in haill or in part, reduced before the Judge ordinar.

166. *Additiones to the paines of Law-borrowes.*

IT is statute and ordained, be OUR SOVERAINE LORDE, and the three Estaites, that in time cumming, the paines and unlaues of Law-borrowes, or for none-againe-bringing of letters to the Justice

Justice Clerke and his deputies; or for none-compeirance before the Justice after sovertie founde; shall bee for everie Erle or Lorde, twa thousand pundes: For everie great Barronne, ane thousand pundes: For everie Free-halder, ane thousand Markes: For everie Fewer, five hundreth Markes: For everie Zeaman-man, ane hundreth Markes: For everie Gentle-man un-landed, twa hundreth Markes: Of ilk person summoned to pas upon Assise before the Justice, ane hundreth Markes: And that the Justice Clerke and his deputies, receive sovertie, according to the saidis paines in time cumming, and na uther-waies: as they will answer upon the dewtie and execution of their offices. And the saidis paines of Law-borrowes, to be divided equally, betuixt the King and the partie offended unto; conforme to the act maid there-upon of before. And that the un-law of all perones arrested, and not compeirand at the first Justice aire, over all the Realme in time cumming, shall be twentie pundes.

167. *Annual-rentes payed out of the Kingis Propertie, to Ecclesiastical perones, after their decease, shall returne to the Crown.*

IT Is statute and ordained be OUR SOVERAINE LORD, and his Estaites in this present Parliament; That after the decease of the present possessour of the Prelacies, and uther benefices within this Realme; the annual-rentes payed there-unto, out of the Burrow-mailles, customes, and utheris rentes of the propertie, to remaine with his Hiensse and his successours, as a part of the patrimonie of the Crowne; And nane that shall happen to be provided in title to the saidis Prelacies, or uther inferior Benefices, shall have richt or action, to crave or recover the said annual-rentes: Notwithstanding their provisions, general or special quhar-sum-ever, without prejudice alwaies of the Hospitalles and Colleges within Universties, and Schooles, within this Realme.

168. *The paines of wrangoous Customers and Searchours.*

OUR SOVERAINE LORDE, with advise of the Estaites in this present Parliament, statuts and ordains, that all Customers and searchers, shall compeir zeirlic in the ordinar time of the Checker, and make faith that they have done their dewtie trewlie in their offices, the zeir preceeding: And gif ony fall be tryed to have done in the contrair; be suffering or over-looking of forbidden guddes, or un-customed guddes to be transported, ather before the Justices or his deputies, or auditours of the Checker, that the offender thereby in-cur the paine of deprivation from their offices, and escheitment of all their movable guddes.

169. *Remissions and respittes suld not be granted, without ane letter of slaines: They suld be registrat.*

OUR SOVERAINE LORDE, And Estaites of this present Parliament, ratifies and apprievis the actes of his Hiensse Parliamentes, maid of before; against the granting of remissions and respettes to the committers of murders, slaughters, and uther odious crimes, mentioned therein, quhair there is not sufficient letters of slaines shawen; And ordains the saidis acts to have full effect, and to be observed be his Hiensse and his deputies, during the haill space, mentioned therein; And that na respit or remission be admitted in judgement hereafter, except the said be componed be the Thesaurer, subscribed be him, and at the least, past his Register.

170. *Ratifications of the priviledges of the College of Justice.*

OUR SOVERAINE LORD, And Estaites of this Realme, convened at this present Parliament, ratifies and apprievis, for them and their successours, all and quhar-sum-ever Actes, statuts, constitutions and ordinances, maid be his Majestie, or his Predecessours, in favours of the Senatours of the College of Justice, and members thereof: sen the first erection of the said College, to this present day and dait, without ony maner of diminution or derogation of the saidin, in ony sort, be quhar-sum-ever uther act or statute, that may or can be extended or interpreted in the contrair, aither special or general.

171. *Infesmentes of the propertie, without consent of the Comptroller, ar null.*

OUR SOVERAINE LORD, With advise of the Estaites of this present Parliament, ratifies and apprievis the acte maid in the Parliament halden at *Edinburgh*, the fifth day of *Junij*, the zeir of God, ane thousand, five hundreth, fourscore twelve zeires; Anent the setting of infesmentes of his Majesties propertie; And decernis and declaris quhar-sum-ever infesmentes to be set in time cumming of the saidin, without the Comptrollers consent, his subscription and passing of his register, to be null and of nane availle.

172. *Infesmentes given be the King, with new richt of Patronage in that part, ar null.*

OUR SOVERAINE LORDE, And Estaites of this present Parliament, considering how his Hiensse hes bene greatumlie circumveened in granting of new infesmentes, to findrie perones of their Landes

Landes, including there-with, be their importune suite; the advocation, donation, and right of Patronage of diverse Kirkes and Benefices: quihik never pertained to them of before; Bot to his Majesties presentation, specially quhair perones provided thereto, is zit on life; And the right of the Patronage of their Benefice, purchasid and taken, during their life-time, without their consent or knowlege: Tending thereby to appropriate the fruites of the saidis benefices, quhair the samin fall vake, to their particular uses; Nor onelie to the great hurt of his Hienes, and prejudice of the Kirk: quhair by all convenient occasion is abstracted from his Hiensse, to gratifie qualified perones, quaha hes travelled and ar able to serve in the function of the Ministerie, and Preaching of the Evangell: Bor also to the great hazard and danger of the perones, provided to the saidis Benefices, zit on life.

FOR Remeid quhair of, our said Sovereine Lord and Estaites foresaid hes statute and ordained: and be the tenour hereof, decernis and declaris, that all sik infestmentes, granted in times by-past, or to be granted in times cumming, be his Hienes, containand the gift and disposition of the right of ony Patronage, advocation and donation of benefice, quihik pertained of before to his Hiensse gift and presentation: quhair of the beneficed person, was for the time, or fall happen to be alive, the time of the granting of the said infestment, & their consent nocht had and obtained thereto, hes bene fra the beginning, and fall be in all time cumming, null and of name availe, force nor effect, sa far as concernis the disposition of the richt of Patronage of the saidis Kirkes; Bor furder proces or declaratur of onie Judge to be given there-upon; And the saide advocation, donation, and right of Patronage of the saidis Benefices, to returne to his Hiensse; and be at his disposition and presentation freelic, as the samin was before the granting of the said infestment; And as gif the saidis infestmentes, had never bene granted: But prejudice alwaies of the saidis infestmentes, anent the remanent landes therein contained; Quihik fall remaine in the awin strength and effect, and this nullitie to be received summarlie, be way of exception, reply, or objection: Dischargeing all Judges within this Realme, to grant onie Processe upon the right of the said Patronage, be vertew of the saidis infestmentes: bot to haide the same as nocht expressed therein.

PROVIDING that fa soone as the beneficed mans awin consent may be had and obtained, to the saidis infestmentes, the same to be als sufficient and effectual, as gif their consent had bene obtained thereto, from the beginning.

173. *The paine of them that troubles the Parliament, Session and uther Judgements.*

IT Is statute and ordained be OUR SOVERAINE LORD, And Lordes of Artickles of this present Parliament; That quho-soever fall happen at ony time hereafter: to strike, hurt, or slae ony person within his Hiensse Parliament house, during the time of the holding of the Parliament, within the Kings inner Chalmer, Cabinette, or Chalmer of presence; The Kingis Majestie for the time being within his Pallace, or within the inner Tol-buith, the time that the Lordes of Session sittis, for administration of Justice; Or within the Kingis privie Councell-house, the time of the Councell sitting there; Or quha-soever fall happen to strike, hurt, or slae onie person in presence of his Majestie, quhair-ever his Hiensse fall happen to be for the time, fall incur the paine of treason: and fall be accused therefore, as committers of treason and lese-majestie.

AND Sik-like, statutis and ordainis, that quha-fa-ever fall strike or hurte in ony time heir-after onie person, before our Sovereine Lordis Justice, or his Deputes, sitting in judgement, or within the inner zette of the Kingis Pallace, quhair his Hienes fall make his residence for the time; Or within the utter Tol-buith of *Edinburgh*, the time that the Lordes of Session sittis for administration of Justice, fall incur the paine of death, and fall be accused criminallie therefore.

AND Als statutis and ordainis, that quha-fa-ever at onie time heirafter, fall strike or hurte onie person, before the Baillies of Burghes, Commissares, Schireffes, Baillies of Royalties and Regalities, and uther inferior Judges within this Realme; they or ony of them, sitting in judgement, fall pay ane hundredth poundes, to be employed at the discretion of the Judge offended, and be imprisoned in their perones, during the Judges will; But prejudice alwaies of the Priviledges granted bee quhat-sum-ever statute or Actes of Parliament of before, to the Provost and Baillies of Burrowes, or quhat-sum-ever inferior Judges.

AND Last it is statute and ordained, that quho-so-ever fall strike or hurt onie Judge within this Realme, sitting in judgement, fall incur the paine of death, and be accused criminaly therefor.

174. *Ratification of the Actes maid anent theift, respites, and remissions ar null, being given without satisfaction of the partie.*

OUR SOVERAINE LORDE, And Estaites of this present Parliament, Taking consideration of the rebellious contempt, used be ane great number of his Hienes subjects, alsweill upon the *Borders* as in the *Hie-landes*, and diverse utheris partes of his Hiensse Realme: Quha without regard of their dewtiful obedience, passis daylie to the home, for nor finding of law-foertie; Nor subscribing of assurances in maters of seede, dingis and strickis his Majesties messengers, and utheris his Hiensse Officiares, in execution of their offices: And sum quha nightlie and dailie rievris, forrayis, and committis open theift, riefie and oppression

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:ment.*

oppression: For remeid quhairof, our said Sovereain Lord, ordainis the Actes and Lawes maid of before, anent thieft, thieft-boote, receipt of thieft, interteiners, intercommuneres, receipters and suppliers of thieves, to be put to execution, according to the tenour thereof; And ratifies and apprievs the same in all poyntes; And furder, our said Sovereain Lord, with advise of the Estaites of this present Parliament, statutis and ordainis, that na respite nor remission, be granted at ony time hereafter, to ony person or persones, that passis to the home for thieft, rief, slaughter, burning, or heir-shippe, quhill the partie skaided, be first satisfied; And gif ony respit or remission fall happen to be granted, before the partie grieved, be first satisfied, the same shall be null and of nane availe, be way of exception or replie, without ony furder declaratur: except the saidis remissions and respittes be granted, for pacifieng of the broken Countries and bordoures.

175. *That the writer insert his name in the bodie of the writte.*

OUR SOVERAINE LORDE, And Estaites of this present Parliament, understanding perfitlie, that falseties in-creasis daile within this Realme: And speciallie, be the writing of the bodie of the contractes, chartoures, obligations, reversions, assignationes, and all uthers writtes and evidentes, be the hand-writtes of sik persones, as ar not commounie knawen, and ar not commoun notares, nor brukes na commoun Office, as writers within this Realme: And gif the writer were knavin, the same wald give great licht to the tryall of the trueth of the said writ and evident: Therefore his Hiennesse, with advise of the saidis Estaites in Parliament, decernis and declaris, that all original chartoures, contractes, obligationes, reversions, assignationes, and all uthers writtes and evidentes to be maid hereafter, fall make special mention in the hinder end thereof, before the inserting of the witnesses therein, Of the name, surname, and particular remaining place, diocesse, and uther denomination of the writer of the bodie of the foresaid original writtes and evidentes: utherswaies the same to make na faith in Judgement, nor out-with in time cumming: And to begin upon the first daye of *November*, nixt to-cum.

176. *Annexation of the proprietie to the Crown.*

OUR SOVERAINE LORDE, And Estaites of this present Parliament: Considering the daile in-crease of his Hiennes charges and expenses, and diminution of his Hiennesse rentes of his proprietie and commoditie, throw unprofitable dispositiones maid thereof in time by-gane: Therefore thinkis expedient, that the landes and Lord-shippes under-written, be annexed to the Crown; and presentlie annexis the same thereto, followand the example of his Predecessours, for the honorable support of his Estaites: and the same Landes, Lord-shippes, and uthers hereafter specified, to remaine perpetualie with the Crown: Quhillis may nather be given awaie in free frank-tenement, penson, or uther disposition to ony person, of quhat estait or degree that ever he be of, without advise, decreete, and deliverance of the haill Parliament: And for great reasonable causes, concerning the well-faire of the Realme: Lord to be advised, and digestlie considered be the haill Estaites. And albeit, it fall happen our Sovereain Lord that now is, or ony of his Successours, Kinges of *Scotland*, to annaie and dispone the saidis Landes, Lord-shippes, Castellles, Tounes, donation and advocation of the Kirkes and Hospitalles, with the pertinentes, annexed to the Crown, as said is, utherswaie: That the same alienationes and dispositiones, fall be of nane availe; bot that it fall be lesum to his Hiennesse, and his Successours, to receive the same landes and rentes to their awin use; quhen ever it likis them, without ony proces of Law: And the takers to refund and pay, all profits that they have taken up thereof, againe to his Hiennesse, and his successours uses, for all the time that they have had them, with sik uther restrictiones, as ar contened in the actes of Parliament, maid be his maill Noble Progenitours, Kingis of *Scotland*, in their annexationes to the Crown. They ar to say, the landes of *Beaufort*: The landes of *Pettindrecht*: The landes of *Cowall*: The landes of *Oneill*: The landes of *Fetircarne*: The landes of *Teiling* and *Pogavie*: The landes of *Coubrandispeth*: The Erledome of *Marche*: The landes of *Trabeache* and *Teringzeane*: The landes of *Carrist*, *Leswalt* and *Mennybrig*: The landes of *Cowell*: The landes and Lord-ship of *Galloway*, abone and beneath *Cree*: The landes of *Dunow*: The Castle and landes of *Lochmabene*: The landes of *Glencharny* and *Glenmoreistoun*: The landes of *Discher* and *Toyer*: The landes of *Kinlewin*: The Lord-schip of *Menteith*: The landes of *Rosmeith*: The landes of *Bute*: The landes of *Ruthvens* in *Cromar*: The assise herring in the *East* and *West* Seas: The Lord-ship of *Dumbar*: The landes of *Normangill*, *Qubitegill* & *South-wood*: The landes of *Dunedonald*: The Kingis wark in *Leith*: The Kingis stable: The Kingis Meedow: The Pallace, zardes, and Parke of *Haly-rude-house*: The Lord-shippe of *Linlithcow*; without prejudice of the former annexation of the landes and Lord-shippes abone written, or ony of them, gif ony be maid of before, with tennentes, tenendries, service of free-tennentes.

177. *Decretes given within Burrowes, suld receive execution, be letters of burning.*

ITEM, Because there is na execution on Borrow actes, but only waiting and poynding: Quhill is not onelie a great trouble to the Magistrates, bot hurt and defraud to the partie; In respect that sundrie absentis their gear: uthers respectis not warding: And that the suing of letters conforme, is baith sumptuous to the pewfer, and hindersum; the decretes beand given oftimes of small summes: Therefore OUR SO-

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VERAINE LORD with consent of the Estaites, decernis that the Lordes of Councell and Session, fall direct letters of horning on all decreetes and acts, given be Provest and Baillies of Burrowes *inter concives*; and all uther subject unto their jurisdictiones, upon the sight thereof: And execution of the officiares, charging the party to make payment within fiftene daies; like as is granted upon Commiffars precepts: And that the saidis letters of horning, proceede upon an simple charge of ten daies allanerlie.

178. *Calfe, Kid, and certaine utber skinnes, suld not be transported out of the Realme.*

OUR SOVERAINE LORD, With advise of his Estaites in this present Parliament, ratifies, appreevis, and confirmis, ane acte maid in his Hiennes last Parliament, anent the none-transporting of Calfe and Kid-skinnes and huddrounes fourth of this Realme: And declaris the same to be als effectual and sufficient, as if the same were insert herein, word be word; Notwithstanding the same is not insert: Anent the quhilke, his Majestie with advise foresaid, be thir presentes dispensis for ever, with this addition; That his Majestie and Estaites of this Parliament, understanding how necessary and profitable the schurling skinnes ar for lyning cuscheones, making of poikes, lyning, puitches, glooves, and claiting of the pair; and utherwise serving to diverse uther uses, to all his Majesties Lieges: Quhilkis be the transporting and carying of the same fourth of this Realme, ar become to ane exorbitant dearth; that there-throw, not onlie the skinners ar greatumlie hurt and prejudged, be the in-lak of the leather thereof, quhair-with to worke: As als wa his Majestie importis na profite thereof be custome, nor uther-wise; Bot als wa all utheris his Hiennes Lieges, ar greatumlie hurt and prejudged thereof. Therefore it is statute and ordained, that na Merchand, Crafter-man, or uther person or persones, carie, or transport, onie of the saidis schurling skinnes, nor utherskinnes abone mentioned, fourth of this Realme, under the paine of confiscation of samonie, as fall happen to be apprehended: The ane halfe thereof to be confiscat to our Sovereain Lordis use, and the uther halfe to the partie that apprehendis the same: And furder punishment of the persones, transporters and contraveeners of this present acte, in their person and guddes, according to his Majesties pleasure.

179. *The custome of Beare.*

OUR SOVERAINE LORDE, And Estaites in this present Parliament, statuis and ordainis, that his Hiennes fall have twentie shillings of custome, of everie tunne of Beare, brocht in this Realme, in time cumming, after the dait hereof.

180. *Confirmation of the Deane of Gildes Jurisdiction.*

FORSAMEIKLE As our Sovereain Lord, and Estaites of this present Parliament, having considered how necessarie and expedient it is, that the power and jurisdiction of the Deane of *Gild*, and their Councell within Burgh, be approved and allowed, as it is now used in the town of *Edinburgh*: quhilkis is to the great furtherance of Justice to our Sovereain Lords Lieges, in all actions and maters concerning Merchands; betwixt Merchand and Merchand, and betwixt Merchand and Mariner; quhilke actions, aucht not, nor suld not byde delay; Bot be exped and decerned be the Deane of *Gild* and his Councell summarlie, as men chosen and appoynted zeirlie, be the Councell of the Burgh; maist apt and able to judge and decerne in all actiones concerning Merchandes, as said is: Quhairfore OUR said SOVERAINE LORDE, With advise of the Estaites in this present Parliament, ratifies and confirmis, the judgement of the said Deane of *Gild* and his Councell, in all actiones, concerning Merchandes; as the same is set downe be the Provest, Baillies, Councell and Deacones of the Burgh of *Edinburgh*: And to have full strength, force and effect, in all times, according to the lovable forme of judgement, used in all gud townes of *France* and *Flanders*, quhair Burfes ar erected and constitute; And speciallie in *Paris*, *Roan*, *Bourdeaux*, *Rockell*: And the particular forme thereof, to be set downe againe in this present Parliament.

181. *The commoun good of Burrowes suld be rouped, and employed to the commoun weil of the Burgh.*

OUR SOVERAINE LORDE, With advise and consent of the Estaites in this present Parliament, hes decerned, concluded and ordained: and be thir presentis, decernis, conclusid and ordainis, that the commoun gud and patrimony of all Burghs within this Realme, fall be zeirly bestowed, at the sight of the Magistrates and Councell of the saidis Burrowes, to the doing of the commoun affaires thereof allanerly, after the zeirlie rouping and setting thereof, as use is: conforme to his Majesties former actes and statutes, maid anent the employing of the commoun gude within the saidis Burrowes: And that the same be na utherwise bestowed or converted to quhair-sum-ever use or alteration, maid there-anent, in hail or in part: Notwithstanding of quhat-sum-ever Commission, charge or direction, given be his Majestic, at any time heretofore, be procurement of particular parties in the contrair: And notwithstanding quhat-sum-ever statute, ordinance or decreete following or proceeding thereupon: Quhilks commissions, charges, decreites and ordinances, with all that hes followed, or may follow thereupon; his Majestic with advise foresaid, expreffelic reducis, retreatis and rescindis be thir presentes: And ordainis publication to be maid hereupon, to all and sundrie his Hiennes Lieges, that nane of them pretend ignorance, in forme as effeiris.

182. *The acte maid in the zeir of God, ane thousand, five hundreth, four score four zeires, anent successours to benefices, suld be extended ad futura allanerlie.*

FORSAMEIKLE As in the Parliament, halden at *Edinburgh*, the xxij. daie of *August*, the zeir of God, ane thousand, five hundreth, four score four zeires: It was statute and ordained, that all giftes, Provisions, and dispositions, of successories of Prelacies, Abbacies, Priors and Nunries, maid and granted be his Hiennesse, to quhat-sum-ever of his subjectes, upon the resignations or dimissions of the possessours of the said Abbacies, Priors, and titulares of the same, ar, and fall be of nane avale, force nor effect, with all that hes followed, or that may follow thereupon, bot ony furder Proces; as at mair length is contained in the said Act: The quihilk act and constitution, being maid against the forme of utheris gude actes and constitutiones maid of before, quihilkis were onelic extended *ad futura*; like as of all equitie and reason, all Lawes, Actes, and constitutiones of Parliament, aucht onelic to have effect in sik cases as happenis to follow after the making thereof.

THEREFORE OUR SOVERAINE LORDE, And Estaites of this present Parliament, decernis, declaris and ordainis, that the said act and constitution, fall have na effect, force nor strength against sik giftes, provisions, and dispositions of Prelacies, and Abbacies, granted be his Hiennesse at ony time, preceeding the daie and dait of the foresaid act, to quhat-sum-ever person or persones, bairnes or nearest kinf-folk, upon the resignations or dimissions of the possessours, commendatares, or titulares, at the time of their dimission, with reservation of their awin life-rentes: And decernis, staturis and ordainis, the saidis giftes, provisions, and dispositions, to be, and to have bene fra the dait thereof, sufficient richtes and titles to them, to bruike the saidis Abbacies and benefices, induring their life-time: Notwithstanding the reservation therein contained: And cassis and annullis the foresaid acte of Parliament; in-sa-far as the samin may be extended to ony gifte and provisione, of onic Abbacie or Prelacie, disposed before the said twentie twa daie of *August*, the zeir of God, ane thousand, five hundreth, four score four zeires, with reservation, in forme abone expremmed: And decernis the foresaid act in that part, to have no force of Law, ather be way of action, reply, exception or objection, against the validitie thereof: And that the said act, fall be extended to sik provisiones, and dimissions of Abbacies and Prelacies, as hes past or bein given and granted, sen the dait thereof allanerlie.

183. *Ratification of the Priviledges of the College of Justice.*

OUR SOVERAINE LORD, And Estaites of this Realme, conveyed at this present Parliament, ratifies and apprievis, for them and their successours; all and quhat-sum-ever actes, statutes, constitutiones and ordinances, maid be his Majestie, or his Predecessours, in favoures of the Senatours of the College of Justice, and members thereof, sen the first erection of the same College, to this present daie and dait, without onic maner of diminution or derogation of the samin, in ony sort, be quhat-sum-ever uther act or statute, that may or can be extended, or interpreted in the contrair, ather special or general.

184. *Anent tumultes within the Burgh of Edinburgh, and obedience to be given to the Magistrates thereof.*

FOR-sameikle as the over-sight and negligence of the civile Magistrates, and Judges ordinar within this Realme, in putting of decreetes to execution, punishing of malefactours and rebelles, and uthervise using of their offices, as becummis, partelie for regaird, and feare of strang pairties, and hazard of their own lives: and partly throw want of sufficient preparation for that effect; is the original and principale cause quhairfra the great confusion and disorder of this lande, in all estaites procedis. And seeing the Burgh of *Edinburgh*, is the chiefe place quhairin greatest confluence of people is, allweill of the Nobilitie and Gentlemen, as of utheris resorting thereto. Therefore, and that the said Provest and Baillies thereof, ar dailie charged, be vertew of their offices, ather at command of letters past be deliverance of the Lordes off secret Councell and Session, or beee privat and particular warrandice, soorth of the Kingis Majesties awin mouth, be missive letters, or uthervise, to take and apprehend persones of all estaites, quha hes contravened his Majesties Lawes; and to incarcerate, keepe and hold them in sure waird, quhill Justice be ministred upon them, as accordis of the Law, under the paines of treason, rebellion, and putting of the saidis Provest and Baillies to the horne, And uther the like great paines: For eschewing the danger quhairof, they ar constrained with sik readines and promptitude of obedience, as becummis be themselves in proper person, their officers, and utheris in their names; To search, seeke, take and apprehend the saidis rebelles, and to incarcerate them, as said is: Neverthelese sik is the malice and insolence of all men for the maist part; allweill of certaine inhabitants, within the said Burgh, as of utheris, that ather of them associating themselves, with utheris, regairdes not to make insurrection against the saidis Provest and Baillies, and his Hiennesse authoritie: And hes done their urther power to deforce them in execution of their offices:

Quhairfore, and in respect of the frequent assemblies of the Nobilitie, and utheris his Majesties Lieges, within the said Burgh, to Parliaments, Justice courtes, Councelles and utheris conventiones, quhairby it pleasis his Majestie, for eschewing of great trouble, and diverse inconvenientes quihilkis may occur,

occur, be reason of deadlie feedes betuixt great parties, to command the saidis Provest and Baillies, in their awin person, to gaide within the said Burgh, nicht and daie, as occasion requiris, to rtheir great travail and expences and paines: Beside, that diverse honest perones, inhabitants of the said Burgh, hes bene slaine, mutilat and hurt, in the said service: Necessarie and expedient it is, that sum gude and substantiallous remede be provided, for redressing the confusion and disordour abone written, to the glorie of God, the establishing of peace and quietnesse within this Realme, and keeping of the inhabitantes thereof under his Hiensse obedience. Therefore the Kingis Majestie, and Estaites of this present Parliament, having consideration of the premisises; with the gude, trewe, and faithfull service, done be them to his Majestie, in all times by-gane: statutis and ordainis, that na person nor perones, of quah estate or degree that ever they be of, presume or take upon hande, to disobey, or contravene the commandement and charge of the saidis Provest and Baillies of *Edinburgh*, present and to cum, in the execution of their offices, quhen as they procede, immediatlie be commande and direction of his Hiensse, be verrew of letters, be deliverance of the Lordes of Secreit Councell, and Session: Or be statute and ordinance of the Councell of the said Burgh: Or be their awin autoritie and power, aggriand alwaies with their awin libertie and priviledges; and not prejudiceand the liberties and priviledges of utheris. And that na person nor perones attempt nor do ony violence, to them or their officiares in their name, in the execution of rtheir saidis offices: Ceruising them, and ilk one of them thar dois the same; They sall be repute and halden as committers of deforcement, seditious perones, and perturbbers of the commoun weil of this Realme: and be punished therefore in their persons and guds with all rigour, in example of utheris, according to the Lawes of this Realme. Attour, for the better performing of the premisises, and defense of the Kirk of God, within this land, now in thir perellous daies, be the tenour hereof, gives, grantis and committis to the saidis Provest and Baillies, and their successoures, free libertie, full power and autoritie, to convocate and assemble themselves in armour, and to list and raise men of weire, for dailie, ouklic and monethlic wages, and to beare and use hagbuttes, and uther armour quah-sum-ever, at all times, quhen they sall thinke expedient: For the quihik na crime nor offense sall be impure to them, nor their successoures: Nor sall not be called nor troubled in their perones or gudes, civilie nor criminalle therefore, in ony time cumming, Notwithstanding of ony Proclamation maid in the contrair, and all paines contained there-intill: Providing alwaies that the occasion thereof be first signified to the Kingis Majestie, to the effect that the same may be done of his Majesties knowlege and allowance. And gif it fall happen ony person or perones, of quah-sum-ever degree they be of, or uthers being in companie with them; to be slaine, mutilat, or hurt, in resisting, withstanding, and deforceing of the saidis Provest and Baillies, present and to cum, in execution of their saidis offices, in maner foresaid. And als gif it fall happen ony person or persons, to be hurt, slaine or mutilate in redding and putting findrie parties meetand in armes, within the said Burgh of *Edinburgh*; they alwaies redding the saidis patties with lang weapons allanerly; and not be schutting of hagbuttes and pistolets, at ony of the parties: In thay cafes, and aither of them, the saidis Provest and Baillies, Councell and communitie of the said Burgh; nor their successoures, nor na uthers being in companie with them, and assisting them in the execution of their saidis offices; sall be nawaies, called, troubled, perfewed or molested criminalle, nor civilie therefore, in their person or gudes, in ony time thereafter; Dischargeing therefore his Hiensse Advocates, Justices Generall, their Deputes and Clerkes; Colonelles, Schireffes, and all uther officiares and Ministers of his Majesties Lawes, present and to-cum: Of all calling, accusing, troubling, molesting, arreisting, following and perfewing of them, or ony of them, for the causes foresaidis, and of there offices in that part: According to all equitie and Justice.

185. *Anent landes and annual-rentes disposed to the Town of Edinburgh.*

OUR SOVERAINE LORD, With advise of his Estaites in Parliament, hes ratified and approved, and be the tenour of this present acte; ratifies and apprievs the acte maid of before, in the Parliament, halden at *Edinburgh*, the fifth day of Junij, the zeir of God, one thousand, five hundred, four score twelwe zeires: In favour of the Provest, Baillies, Councell and communitie of the Burgh of *Edinburgh*; be quihik OUR SOVERAINE LORDE, and his Estaites foresaidis, then ratified and approved the donaciones, and mortifications, maid be his Hiensse umquhile dearest Mother, in her perste age: And be his Hiensse selfe, at diverse times sen his Majesties Coronation of all landes, tenementes, annual-rentes, uthet profites and commodities quah-sum-ever mentioned in the said acte: quihikis were given and doted for sustentation of the Ministry, Hospitalles, and College of the said Burgh, as at mair length is contained in the said acte in all pointes, clauses, articles, and circumstances thereof: Quihikis ar halden for expressed, in this present acte. Attour, our said Sovereine Lord, and his saidis Estaites, revokis, retreatis, and rescindis ail and findrie infestementes, giftes and dispositiões, maid be our said Sovereine Lord, or quah-sum-ever person or perones, of the saidis landes, tenementes, annual-rentes, utheris dewties and commodities quah-sum-ever, sen the daies *respective* of the infestementes, giftes and dispositiões maid thereof, to the saidis Provest, Baillies, Councell and communitie of the said Burgh of *Edinburgh*, for sustentation of the said Ministry, Hospitalles and College; And declaris the same, with all that followed thereupon, to be in all times cumming, and to have bene in all times by-gane, null and of nane avail, force nor effect.

And that the perones, obtainers of the saidis infestementes, giftes, and dispositiões, fall never be heard

to moove action nor quarrell thereupon: Nor founde onie exception or defense, be vertew thereof, against the saidis Provest, Baillies, Councill and communitie, and their successours, to the effect that they in all times hereafter, without onie impediment or obstacle, may peaceablie bruik the saidis landes, tenementes, annual-rentes, uthir emolumentes and profites, to the use quhair to they wete given of before, as said is.

186. *Ane mercat granted to Aberdene.*

OUR SOVERAINE LORDE, With advise of his Estaites of this present Parliament, givis and grauntis licence and libertie to the Burgh of *Aberdene*. To hald ane mercatte and publick Faire, within the freedome of the said Burgh, to begin zeirlic hereafter upon Monondaie, immediatlic before *Whitsundaie*: And thereafter to continue for the space of aucht daies, with the hail jurisdictiones, freedomes, toll and customes of the same.

187. *Ane confirmation of Kirk-landes, subscribed of auld be the King, and under the privie seale.*

OUR SOVERAINE LORD, understanding diverse infestmentes of few-ferme, to have bene granted of auld be the Prelates of this Realme, of their Temporal landes, in favours of his lieges, lauchfull maid for just causes, and with all solemnities requirit: And sundrie infestmentes, nocht onely granted be the saidis Prelates, and their convent, under their commoun seales and subscriptions: Bot als, be the special consente and authoritie of his Hiensse Predecessours, of gude memorie, Namelic, his Gracis Gudschir King JAMES the Fifth, under his subscription and privie seale: Quhilks according to the Estaitte of time wete lawfull securities, to the receivers thereof, and needed na particular confirmation to be interponed thereto, ather be authoritie of the *Paip*, or of our Sovereain Lordis Predecessours; there being na Law, statute nor constitution received, obliishing the subiectes thereto. And in case ony confirmation had bene requisite, the samin culd import na furder in effect or substance, then the consent of the Prince, under his seale and subscription; According to the quhilks infestmentes, the fewaris and uthiris, having richt fra them, their successours, alswell particular, as univerfall, hes bene established in the full ticht of the saidis Temporal landes, perteing to the saidis Prelates, be vertew of the saidis fewes, swa fet in maner foresaid: And neverthelese, uthiris affecting the same Kirk-landes, and takand occasion of certaine late statutes, maid anent the confirmation of the saidis Kirk-landes; quhilks tooke beginning and first fundament, anent the fewes of Kirk-landes, sett sen the Moneth of *Marche*, the zeir of God, ane thousand, five hundreth, fiftie aucht zeires, Albeit be posterioir statuts, extention is maid baith to new and auld fewes: Hes purchafed on their pretended maner, our Sovereain Lordis confirmation thereupon; to the prejudice of the saidis first fewaris: Tending to exclude and debarre them thereby fra their richt, and to acquire the proprietie of the saidis landes to themselves, onelie upon pretext of the said confirmation; His Hiensse nor willing that the lauchfull richtes and securities of the parties, acquired be them after sa lang space, fall be hurt or prejudged, be quhat-sum-ever Lawes or constitutiones subsequenz: Or that strangers and thrid persons quha hes never bene kindlie tennentes in the saidis landes, fall upon new fewes and confirmationes thereof, purchafed be them, prejudge the saidis first fewaris, onelie upon pretext of wanting of ane ordinar confirmation, according to the saidis late statutes: **O**UR SOVERAINE LORD with advise and consent of the Estaites, assembled in this present Parliament, hes statute, concluded, decerned and ordained; And be thir presentis, statuts, conclusis, decernis and ordainis, all and sundrie the saidis infestmentes of few-fermes, sett of auld, be the Prelates of this Realme, to quhat-sum-ever his Hiensse Lieges and subiectes; of quhat-sum-ever Temporal landes, offices, rentes, rowmes and possessions, being authorized be the subscription of his said Gudschir, or ony his Predecessours, and their privie seale, in takin of their consent interponed thereto, to have bene fra the beginning, to be presentie, and in all time cumming, gud, valide, lauchfull, persite, and effectual infestmentes, to the awners thereof; their aires and successours, alswell particular, as univerfall: To the effect they may peaceablie bruik, joyis, and possessie the landes, and uthiris contened there-intill: And gif neede beis, to call and persew, be vertew thereof, quhat-sum-ever persones purchafers of ony posterioir infestmentes of the samin landes, with his Hiensse confirmationes interponed thereto; for retreating and rescinding thereof: And the saidis first infestmentes, swa maid and granted, as said is, to make full faith in judgement, and out-with, to produce full action and exception, and to be preseted to quhat-sum-ever posterioir infestmentes: Notwithstanding the samin wantis ane ordinar confirmation, having the consent, subscription and privie seale, as said is: and swa oft as the samin fall be produced in judgement, ather for fundament of ony action, or for prieving of ony exception or reply, in quhat-sum-ever judgement or instance, quhair as the contraverisie fall stande upon want and in-laik of confirmation, and that ather the *Paipis* confirmation, or his Hiensse, or his Predecessours confirmation is alleged, and offered to be provin (*in forma specifica*) upon mutual convention of maintenance of twa diverse fewes, the ane auld, fet with the saidis solemnities: And the uthir lair, and authorized be confirmation, quhiddir the same be before *litis-constellation*, or thereafter, used for probation of the libell, exception or reply, in quhat-sum-ever instance, ather upon persute of reduction or utherswise the samin fall be halden and repete, now and in all time hereafter.

as valide and sufficient in all respectes, and to proove als sufficientlie the libell, exception or reply admitted, although the partie be burdened with production of the *Paipis*, or his Hieneffe Confirmation, as gif ane lauchfull confirmation, maist solemnelie paste in the Court of *Rome*, be proces of Commission, or utherwise, be his Hieneffe or his Predecessours, in maist ample forme, with all solemnities requisite, were produced: And the libell exception or replie, founded upon the said infesment, or upon our said Sovereine Lordis Confirmation, or the *Paipis* Confirmation alleged requisite thereto, To be als sufficientlie provin in all respectes, be production of the said infesment, with this present Act of Parliament, as gif ane ordinar Confirmation were produced: And this present Acte of Parliament to be received in all Judgements hereafter, als weill intended and depending in quhat-sumever part of the proces, as to be intended, and to be observed univerrallie, as ane perpetuall Law, in all times hereafter: And willis and declaris, that thir presentis fall make expresse derogation, to quhat-sumever actes, statutes or constitutions of Parliament preceeding, anent the Confirmation of the fewes of Kirk-landes, or anent double Confirmations and prerogative thereof.

188. *Act in favour of the Burgh of Aberdene, for confirmation of their annualles.*

OUR Sovereine Lord, and Estaites of this present Parliament, ratifies, apprievis and confirmis, and of new gives, grantis, and disponis, to the Burgh of *Aberdene*, all and findrie the annualles, few-fermes, Chaplanaries and Prebendaries, quhilks belanged of before, to the Chaplaines of their Paroche Kirke of *Aberdene*, contained in the gift maid to the said Burgh of before.

189. *Annexation of the Abbey of Dumfermeline to the Crown.*

ITEM, Because it is understand, that the povertie of the Crown, is the speciall cause of the povertie of the Realme, and inhabitantes thereof: and that the Patrimonie of the Crown being augmented; it is great weil and profite baith of the Kingis Grace, and to his lieges: Therefore our Sovereine Lord, with consent of his Estaites, unitis, annexes and incorporatis to the Crown of this Realme, to remaine therewith, as propertie annexed Patrimonie and propertie thereof, in all time cumming: and with our Sovereine Lord, and his Successours for ever: All and haill the Lands, Lordships, Baronies, milnes, multures; schawes, wooddes, parkes, fishinges, Tounes, Villages, Burrowes, Regalities, Baronies, annual-rentes, tenements, reversions, Customs great and small, few-fermes, places, houses, biggines, Castles, toures, manour-places, zairdes, orchardes, Kirkes, teindes great and small, fruites, rentes, emolumentes, and all and findrie utheris commodities and profites quhat-sum-ever, tennentes, rennendries, and service of free-tenentes; als weil to Burgh as Land, quhilkis in ony maner of way perreined, or may pertaine to the Abbacie or Monastierie of *Dumfermeline*: lyand upon the North-side of the water of *Forth* allanerly: to be in all times hereafter repute and halden, the propertie and Patrimonie of the Crown: to remaine therewith in all time cumming, after the forme, tenour and ordour of the acts of annexation, maid in the time of our Sovereine Lordis Predecessours, King *James* the Second, and King *James* the Fifth, and conforme to all the clauses, conditions and circumstances thereof; quhilk is in all poynts halden and understand; as expressed, and speciallie contained in this present Act, in all time hereafter: It is likewise declared, that in the said annexation of the Temporal Landes of the foresaid Abbacie of *Dumfermeline*, lyand upon the North-side of the water of *Forth*, as na-wayes comprehended, The Barronies of *Brunt-Iland*, alias wester *Kingborne*, and *Newbirne*, with annexes and connexes thereof, quhilkis pertained to the said Abbacie of *Dumfermeline* of before, and lyes upon the North-side of the water of *Forth*: And quhairin Sir *Robert Mal-vill* of *Murdocarny* Knight, and Sir *Robert Mal-vill* his eldest sonne; and appeirand aire: And *Andrew Wood* of *Largo*, were infest respective. And funder, our said Sovereine Lord, and his saidis Estaites, willis and declaris, that the saidis Barronies, with their annexes and connexes, shall remaine in time cumming, as separate Barronies, and na-wayes to be comprehended in the said annexation: With speciall provision, that all the teindes of the saidis Landes and Lordship of *Dumfermeline*, shall be understand, be vertue of this act, annexed to the Crowne, after the forme and tenour of the said genettall act of annexation, maid in the zeir of God, 1587. zeires, and all the teindes of the remanent prelacies and Kirk-landes of this Realme, as annexed to the Crown. It is alwayes declared, be our said Sovereine, and his Estaites of Parliament, that the Lordship and Barronie of *Musselburgh* Schire, with annexes and connexes, free Regalitie, partes and pendickles of the famin: At nocht comprehended in the said annexation: nor fall not be comprehended in ony annexation, to follow thereafter, because the said Lordshippe and Barronie, with annexes, connexes, free Regalitie, partes and pendickles of the famin, being ane part of the Patrimonie of the said Abbacie of *Dumfermeline*, was excepted furth of the first generall annexation of the Kirk-landes to the Crown. And *John* Lord of *Tbirlestane*, Chancellor to OUR said SOVERAINE LORD, and Dame *Jane Fleming* his spouse, for them and their aires were heretablie infest therein. Quhilks Lord-shippe and Bartonie, they have laiteie resigned in our said Sovereine Lordis handes, for infesment of lyfe-fermes, given to the Queenis Majestie for all the dayes of hir Hieneffe life-time. And for ane uther infesment thereof, given to the Queenis Majestie for all the dayes of hir Hieneffe life-time. And for ane uther infesment of the heritabill fee thereof, given to the said *John* Lord *Tbirlestane* Chancellor foresaid, his said Spouse, and their aires maill and of tairzie heritablie. Quhilkis infesmentes, our said Sovereine Lord,

with advife and consent of his foresaidis Estaites, ratifies and confirmis be thir presentes, and for his Hieneffe and his Successeours, willis and grantis, that the samin, stand in full force, steed and effect, in all time hereafter: And ordainis the said new infestment, given to the said *John*, Lord *Thirlestane*, his spoufe, and their aites foresaidis, to be insert in the buikes of Parliament, gif neede beis.

190. *Act of the new gift of Dumfermeline, with the Monkes portiones, to the Queenes Majestie.*

ITEM, OUR SOVERAINE LORD, With consent of his saidis Estaites, havand consideration that his Hieneffe beand in *Upslo*, in *Norway*, the twentie soure day of *November*, the zeare of God, ane thousand, five hundreth, souldcore nine zeares, for diverse occasiones mooving him, gave and disposed to his dearest Spoufe, ANNA Queene of *Scottes*, all and hail the Lord-ship and Barronies of *Dumfermeline*, with all Lands, Tounes, Manour-places, milnes, multures thereof, lyand on the North-side of the water of *Forth*; to be bruike and possessed be her, for all the dayes of her life-time, as at mair length is contained, in the said gift, of the dait foresaid: And now willing that his said dearest Spoufe, fall bruike & joyis the said gift, for all the dayes of her life-time, according to the tenour thereof, and to the promise maid be him, and be his saidis Estaites, to his dearest Brother CHRISTIANUS the Fourt of that name, King of *Denmarke*: THEREFOR Our Sovetaine Lord, with consent foresaid, confitmis, ratifies and apprievis the said gift, chartour, and seasing following there-upon; and all and findrie heades and articles contained therein: And promifes faithfullie to observe, keepe and fullfill, and eause the samin to be kepted, observed and fulfilled.

Maireover, for the causes foresaidis, OUR SOVERAINE LORD, with consent of the saidis Estaites, gives and disposis of new, to his said dearest Spoufe; All and hail the said Lordship of *Dumfermeline*, lyand as said is: With all Lands, Barronies. places, houfes, bigginges, Castles, toures, Fortalices, manour-places, zairdes, orchardes, milnes, wooddes, fischinges, Kirkes, teindes great and small, fruites, rentes, emolumentes pertaining thereto, with power and jurisdiction of Regalitie of the samin, for all the zeires and terme of her life-time; And lyke-wife all Monkes portiones, pertaining to the said Abbaeie, to be bruike be her, induring the said time: And to be peaceable intrometted with be her factoures and Chalmerlaines, in her name, als freele as our Sovereine Lord may bruike and possesse the same, be reafon of the annexation foresaid: Or as ony Abbot or Commendatar hes bruike or possessed the same, in ony time by-gane: And to that effect, our Sovereine Lord, with consent foresaid, callis, retractis, rescindis, and annullis all and findrie giftes and dispositiones of Monkes portiones, pertaining to the said Abbaeie, maid and given be his Hieneffe, to quhat-somever person or persones, for quhat-somever cause or occasion, before the daye and dait of this present act of constitution.

191. *Acte concerning the Queenes Majesties richt to the thrid of Dumfermeline, and compensation, for-sameikle as presently wants thereof.*

FORSAMEIKLE As immediatly after the Marriage contracted and solemnized betuixt the King and Queenes Majestie, our Sovereines Lord and Ladie: His Hieneffe, for the singular love and affection borne toward her; gave, granted, and confirmed to her, in forme of morning gift, all and hail, the Lordshippe of *Dumfermeline*: with all Barronies, Landes, principall Mansion, houfes, zairdes, pastoures, milnes, multures, milne-landes, teindes, alsweill great as small, wooddes, schawes, coales, coale-heuches, fischinges, and all utheris pertinentes thereof, quhat-somever, alsveill under the earth, as above, lyand on the North part of the water of *Forth*: Quhilkis Landes, Barronies, with all above specified, his Hieneffe of before had united, annexed and incorporated, in ane haill and free Lord-shippe, for payment of ane silver pennie, at the feast of *Whit-sunday*, in the name of *Blench-ferme*: Like as at mair length is contained in the said gift, daited at *Upslo*, in *Norway*, the xxiv. day of *November*, the zeir of God, 1589. zeires: And thereafter her Majestie was infest and gat possession, and faising of the said Lordship, upon the daye of *Maij*, the zeir of God, 1590. zeires: Quhilk gift, infestment, and haill contract of Marriage, is ratified, apprieved, and promised to be accomplished be his Hieneffe, and his Estaites; As his confirmation, under his great seale, and under the seales and subfcriptions of his saidis Estaites, daited and delivered to the Embassadoures of *Denmarke*, upon the xvij. day of the said Moneth of *Maij*, the zeir of God foresaid beares. As als in the Parliament, halden at *Edinburgh*, upon the fifth day of *Junij*, the zeir of God, 1592. zeires, our said Sovereine, with advife and consent of his Estaites in Parliament, ratified and apprieved the said contract of Marriage, morning gift, and als the charter, precept, and instrument of faising given be his Hieneffe, to the Queene his dearest Spoufe, according to the said contract, Of the Palice of *Linlithcow*, with the Lord-shippe and Landes of the same, zairdes, pastures, loches, fischinges, milnes, multures, coales, coal-heuches, rentes, fermes, victualles, custoumes, with advocacion and donation of Benefices, tennentes, tennendries, service of srie tennentes annexed and connexed Landis, partes, pendickles and pertinencies thereof, quhat-somever lyand within the Schireffe-dome of *Linlithcow*: and als the Earle-dome of *Fife*, with the Pallace and Castle of *Falk-land*, Lord-ship, Landes, wooddes, schawes, pastures, rentes, fermes, dewties, eustoumes, milnes, mul-

tures; with advocation and donation of Benefices, tennentes, tennendries, and service of free-tennentes, annexed and connexed landes, partes, pendickies, and pertinences quhar-sum-ever, alsweill nor named as named; lyand within the Schireffe-dome of *Fife*, and hail contentes thereof, according to the said Char-tour, of the daie, at *Haly-rude-bouse*, the Elleventh day of *Maij*, rhe zeir of God, ane thousand, five hundreth, fourscore ten zeires. And furder, decernand and declarand, rhar rhe said contract of Mariage, hail claufes and contentes thereof, the said Morning gift, the said Lord-shippe of *Dumfermeline* renewed, as said is, abone specified: The Chartreues, precepts, and instrumentes of saifing of the said Earledome, Lord-shippe, and utharis abone specified: To have bene maid and done, to the honour, weil and profire of his Majestie, and his Hiennesse Crown, and to the weil and commoditie of the hail Realme: And there-fore decernand and ordainand, the same to stand effectuell, and to be inviolable and faithfullie observed, keepeed and fulfilled, in all poyntes; and in all time cumming: And thar the said decreere and sentence of Parliament, suld be extracted, under the great seale, and seales of the hail Nobilitie, Barronnes, Clergie, and Commissioners of Burrowes, Lordes of Articles of the said Parliament, gif need were, quhair-throw his Hiennesse, and his Estaites, representing the hail bodie of this Realme, ar obliged to the accomplish-ment and fulfilling of the said contract, Morning gift, infestmentes and titles, maid to OUR said SOVE-RAINE LADIE, in maner before specified.

Neverthelesse becaufe throw occasion of findrie unprofitable dispositiounes, maid of findrie partes, of rhe frutes and rentes of the said Lord-shippe of *Dumfermeline*, partie before, and partie after the said Morn-ing gift; the full rentes of the said Lord-shippe, according as it is valued, could nochr be gotten, and tim-oullie brocht in to her Majesties proper use: OUR said SOVERAINE LORDE, hes bene diverse times mooved be his dearest Brother, coufing, and allia, the King of *Denmark*, and his Embasadoures, in his name, sent in this Realme; That the said Morning gift might be maid gude, to the Queenes Hiennesse; and the entred in reall possession thereof, to her awin proper use, Quhairanent treatie being had, betuix his Majestie, and certaine of his Councell in his name, and the Embasadoures of his said dearest Brother coufing, and allia the King of *Denmarke*; Resolusion is taken, that her Majestie, and her Chamb-merlane in her name, fall have full & reall possession of the said Lordshippe of *Dumfermeline*, and famonie of the rents and frutes thereof, as ar presentlie free and unvitiat: And fall have alswa compenfarion out of the rentes and properties of the Crown, be infestment of speciall landes and possessiones, as will extend in certaine and free rent, all chaarges deduced, to the summe of sex thousand punds money of this Realme, zeirlie to be intrometted with and uptaken be her Hiennes awin Chamberlane in her name, & ro hir behoove and proper use, quhill sik pairtes of the rents of *Dumfermeline*, as are now possessed be sum in lyfe-rentes, may accresse be their deeces; and the pretended titles now stand upon the rents and frutes of the said Lord-ship of *Dumfermeline*, may be annulled and taken away be ordour of Law and Justice. And the same rentes recovered and maid peaceable to be intrometted-with, be her Hiennes & her Chamberlane, to her proper use and behoove, quhillk God willing is to be performed, within the space of ane zeire and ane halfe, quhillk will bee maist acceptable unto her Majestie, and aye as onie part of the rent of *Dumfermeline* now vitiat fall be recovered, and her Hiennes in peaceable possession thereof, als meikle of rhe saide compenfarion out of the propertie fall be relieved and returne, to be received and intrometted-with bee his Hiennes Comptroiler, to his Majesties awin use.

Mair-over our said Sovereaine Lord, considering that the hail Lord-shippe of *Dumfermeline*, alsweill lan-des as reindes, thrid as twa part, is conferred to our said Sovereaine Ladie, his dearest Spouse, in her Morn-ing gift, as said is: And thar it is alreadye found be his Majestie, be ane act maid, with advife of the Lordes, and utharis of his privie Councell, Session and Checker, authorized, allowed and approved sensine be his Hiennesse Estaites in Parliament: Thar the thriddes of Benefices, and *super-plus* thereof, being destinat for support of the publick affaires, and sustentation of the Ministerie, micht be disponed, given, or employ-ed na utherswayes, bot to the said use and effect, for the quhillk they were appoynted at the beginning: And sik-like, thar na pensiones, tackes, or lyfe-rentes of the said *super-plus*, micht, or may be disponed in time cumming, for onie langer space, nor the space of ane zeir: And thar after the making of the zeirlie assign-ations of the Ministers stipendes, and sufficient provision for susteining of his Majesties house zeirlie: Decernand and declarand, all and quhar-sum-ever pensiones, lyfe-rents, and tackes, purchased, or ro be purchased, quhairby the thriddes *super-plus* thereof, Or the first and best rentalles thereof, hes bene diminished or altered, sen the first assumption of the saidis thriddes, granted either be OUR said SOVE-RAINE LORDIS dearest Mother, or be his Hiennesse selfe, to quhar-sum-ever person or persones, upon wrang report or importune suite, without cognition preceeding of the sustentation of the Ministerie, and sufficient provision for susteining of his Majesties House, to have bene fra the beginning, and to bee in all time cumming of nane availe, force nor effect: Norwithstanding quhar-sum-ever ratifications or confirma-tions following there-upon: And like as the generall Collectour, be himselfe, his Chamberlaines, & un-der-receivers in his name, ar ordained to aske, crave, receive, intromette, and up-rake all and hail rhe thriddes of Benefices, within this Realme, unassigned to the Ministerie, quhair the first and best rentalles of the same ar altered or diminished, sen the first assumption of the saidis thriddes, of the crophe and zeir of God, ane thousand, five hundreth, fourscore seven zeires: And siklike zeirlie in time cumming; accord-ing to the rentalles maid compt of, in the zeir of God, ane thousand, five hundreth, fourscore four zeires, and last thereof: And gif the saidis thriddes be diminished, or hurt ony wayes, be the saidis last rentalles, and

and assumption thereof, sen the first assumptiones of the saidis thriddes, maid in the zeir of God, anethou- sand, five hundredth, threecore ane zeires: The said Collectour to have recourts to the first assumption, for-sameikle of the saidis thriddes, as the samin ar diminished, be the last assumption: And to charge for the same, without respect of ony penson, rack, life-rent, or discharge of the saidis thriddes, and ^{super-plus,} or onie part thereof, altered or diminished in the rentalles, sen the first assumption of the thriddes, as said is: Swa now, our Sovereine Lord, be advise of his Estaites in this present Parliament; ordainis and gives, full richt and power, be the tenour hereof, to the Queene his dearest Spouse, our Sovereine Ladie, be herselfe, or her Chamberlanc, in her awin name and to her proper use and behoove: To aske, crave, receive, in- tromette with & up-take, the hail thrid of the said Abbaie and Lordshippe of *Dumfermeline*: Susteinie the Ministers, serving at the proper Kirkes theteof, in state as they were assigned, at the time of the making of the said Morning gift, or surder at her gude pleasure: And that the *Whit-sundayes* terme last by-past & *Martine-mes*, next-to-cum: And of the croppes and zeir of God, anethousand, five hundredth, fourscore threttene zeires: And siklike zeirlic in time cumming, during her life-time: according to the first assump- tion of the thrid of *Dumfermeline*, and compt maid thereof in the crop and zeir of God, anethousand, five hundredth, threecore ane zeires: And siklike, ordainis that the Lordes of Councell and Session, fall na- wayes graunt onie suspension or relaxation fra the horne, to onie persone or persones, charged or denounced, for payment of the said thrid of *Dumfermeline*, altered or diminished fra the first and best rental, as said is, quhill the summes and victualles charged for, be first payed to her Majestie, and her Chalmerlanc in her name: Notwithstanding quhat-sum-ever penson, tack, life-rent or discharge, purchassed, or to be pur- chassed, of the same thrid, quhair the first and best rental is altered or diminished as said is, of this instant croppes, and zeir of God, anethousand, five hundredth, fourscore threttene zeires, and zeirlic in time cum- ming, during her life-time, as said is: Bot that the saidis Lordes, fall repute and esteeme the same as null in the selse: And the said nullitie to be received, alsweill be way of exception, as action; But prejudice nevertheleffe of quhat-sum-ever heritable infestmentes, granted be our Sovereine Lord, quhairby the condi- tion of the saidis thriddes ar altered or diminished: Attour, our Sovereine Lord, with advise of his Estaites of Parliament, in respect of the said Morning gift, sa faithfullie and solemnedlie promised to bee upstert and maid gude: decernis and declaris, all giftes and provisiones, maid of the title of the Kirkes of the said Ab- baie and Lordshippe, sen the dait of the said Morning gift, ro quhat-sum-ever persones; to be likewise null fra the beginning, and to be in all times cumming, of nane availe, force nor effect: And the said nullitie to be received, be quhat-sum-ever Judge, alsweill be way of exception, as action; Norwithstanding ony dispensation or Act of Parliament, maid or to be maid in the contrair. Mairrattour, our said Sovereine Lord, with advise of the saidis Estaites of Parliament, considering that the Queene his dearest Spouse, is infest and raised in the said Lordshippe of *Dumfermeline*, granted to her in Morning gift, as said is, during her life- time; with tennentes, tennandries, service of free-tenentes, advocacion, donation and richt of Patronage of Kirks, Benefices, and Chaplanaries petteining thereto. And that her Majestie is likewise infest in lyle- rent, in the said Earledome of *Fife*, and Lordshippe of *Linlithcow*. And attour and beside the same, in the thrid part of the propertie of the Realme of *Scotland*; and all Proventes, rentes and emolumentes of the same propertie, petteining to his Hieneffe, or propertie of the Realme, all ratified and approved be his Hieneffe and his Estaites of before in Parliament. And to the effect that the same may be the better preserved from unprofitable dispositiones, in time cumming; and his Hieneffe, his Estaites and Realme the better relieved: Her Hieneffe, with his Majesties speciall advise and consent, hes nominate certaine persones of his Hieneffe privie Councell, Session and Checker: They ar to say, *Alexander*, Lord of *Urquhart*, Pre- sident of the Colledge of Justice, *Walter*, Commendatar of *Blantyre*, Keeper of the privie Seale, Mai- ster *John Lyndesay* of *Balcarras*, Maister *James Elphinstoun*, of *Inner-nochtie*, Maister *Tobias Ham- milton* of *Drumcarrie*, *Alexander Hay* of *Easter-Kennet*, Clerk of Register: And Maister *Peter Young* of *Sealoun* Eleemofynar to his Majestie, to be alswa of her Hienes Councell, in thinges tending to her honour and commoditie; inbringing and spending of her living; and in the administracion of the affaires concerning the samin living, nameic in hearing of the compts thereof, and touching the passing of presentation of Kirks and Benefices, Prebendaries, Chaplanaries, and Altarages: or Mai- sters and Members of Hospitalles, quhair of her Hienes hes the gift and richt of Patronage. And in re- ceiving and entring of free-tenentes, upon retoures, or *clare constat*, or upon resignaciones, or in granting of confirmaciones: Or setting of tackes of landes, teryndes, or utheris possessiones, or making of quhat-sum-ever dispositiones. Quhillis Counsellers, hes maid faith to give her Hieneffe their trow advie and counsell in the premiffes: Like as her Hieneffe, with advise of our said Sovereine Lord her husband, for his interest, is well contented: and hes promised in the word of a princeffe, to follow the gude advie of her Hieneffe Counsellours in the premiffes. And that she shall not deteriorate her said Morning gift, or uther her said life-rent landes and living, be her deede and occasion: And that na writ, evident or precept, that fall be presented there-ant, fall be past their Majesties hands, quhill the same be first seene, red and deliberatelic considered be her said Council, and subscribed be them, at the least foure of them convened togidder: The said Lord Præsident alwaies being ane, testifiand the matter to be lauchfull, and for her Hieneffe honour and commoditie, without the quhillk her Majesties seale fall not bee appended nor affixed thereto: Nor the same writ, evident or precept fall be of nane availe, force nor effect, to the Purchasser.

To the quhilkis, all and findrie premisses, OUR SOVERAINE LORD, with advife of his Estaites in this present Parliament, interponis his consent and authoritie, ratifiand, allowand and apprievand the same for ever.

Sic subscribitur,
JAMES R.
ANNA R.

192. *Act anent the Burgh of Forfare.*

OUR SOVERAINE LORDE, understanding, that be aste and ordinance maid anent observacion of the Sabboth-day, within this Realme: The Mercatte-daye of the Burgh of *Forfare*, being the head Burgh of the Schiire, quhilk was Sundaye, is taken from them; And his Hieneffe not willing that they in onie wayes shuld be prejudged hereby: Therefore his Hieneffe, with advife of the Estaites of this present Parliament, alteris and changis their said Mercat-day, from Sunday to Friday, And willes the samin Fridaye, oukkie to be their Mercat-daye to them, in all times hereafter: And the samin to stande with the like Priviledges and freedomes, as the Sundaye did of before.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES and uthers, maid be KING JAMES the Sext, in this threttenth Parliament, the fifth of Junij; 1593. zeires, not imprinted.

- 1 **T**HE Decreete of reduction of the doome and foresaltour, led and deduced against unquhill John Lindesay of Wauchop.
- 2 Particular exceptions concerning new infestments, with richt of Patronage.
- 3 For mending of the Calfay of the Cannongate, and ourwith the Waterzet.
- 4 Ratification of the Priviledge of the College of Justice.
- 5 Commission to the Checker, anent deciding of suspensjones in the Kingis cause.
- 6 Commission anent the Guinzie.
- 7 Ratification of the liberties and Priviledges of Burrowes.
- 8 *Act in favour of the Town of Edinburgh, concerning the reparation of their Tolbuith and walles.*
- 9 *Act in favour of the Bisshoppe of Aberdene, anent the temporall laudes therof.*
- 10 The dissolution of the Parsonage and Vicarage of Kirk-listoun.
- 11 Commission anent the Ministers stipendes.
- 12 Anent the Kingis privie Councell.
- 13 Supplication of the Minister of Dumfermline, remitted to the Queenes Majesties Councell.
- 14 Ratification of the Earle Marschel, anent the College of Aberdene.
- 15 *Act in favour of the Earle Marschel, anent the Haven of Peter-head.*
- 16 *Act in favour of Andrew, Lord Stewart of Ochiltre.*
- 17 *Act in favour of the Laird of Basse.*
- 18 Ratification of the Laird of Edmond-stoun.
- 19 *Act in favour of Colin Mak-kenzie of Kintail.*
- 20 *Act in favour of the Duke of Lennox, anent the superioritie of the Bisshoppricke of Saint-Andrewes, and Glasgou.*
- 21 Confirmation of the Burgh of Aberdene of their annualles.

F I N I S.

T H E F O U R T E N T H
P A R L I A M E N T,

*Halden at Edinburgh, the aucht day of Junij, the zeir of God, aue thousand, five hundreth, four score fourtene zeires. Be the richt excellent, high, and mightie Prince,
JAMES the Sext, be the grace of God, King of SCOTTES;
With advise of his Estaites as followis.*

193. *Against willfull hearers of Messe.*



OUR SOVERAINE LORDE, With advise of his Estaites of Parliament, statutis and ordainis, thar in all time cumming, all willfull hearers of *Messe* and conceilers of the same, bee execute to the death, and their guddes and gear eſcheitred to his Hieneſſe uſe, ſa ſoone as they fall be founde guiltrie and convict thereof, or declared fugitive for the ſame, before the Juſtice Generall, or his deputies, or the Lordes of his Majeſties privie Councell.

194. *Anent ſatisfaction to the Kirk be Papistes.*

OUR SOVERAINE LORD, With advise of his Estaites in this present Parliament; Ordainis all Presbyteries within this Realme, to cause lauchfully ſummond, and charge quharſum-ever perſones *Papistes*, or ſuſpected of *Papistrie* within the boundes of their Presbyteries, perſonally, or at their dwelling places, To compeir before the ſaidis Presbyteries, and ſatisfie the Kirk and Presbyterie, quhair they remaine and makis reſidence, betuixt and the firſt daie of *Auguſt* nixt-to-cum: And in-caſe of their not-compearance, or compearing, ſhall reſuſe to give odedience and make ſatisfaction, as ſaid is, betuixt and the ſaid day; His Hieneſſe with advise of his Estaites foreſaidis, ordainis ſignification thereof, to be maid be the Presbyterie to his Hieneſſe privie Councell: and upon the ſaid ſignification, the privie Councell to direct letters, charging the ſaidis perſones *Papistes*, or ſuſpected of *Papistrie*, to compeir before them, and produce ſufficient teſtimoniall of the Presbyterie quhair they remaine, of their ſatisfaction as ſaid is, under the paine of rebellion, and putting of them to the home: And gif they failzie, to denunce them thereto: Bee the quhilk denunciation, our ſaide Sovereine Lordie and the Estaites foreſaid, declares that not only their moveable guddes, ſhall fall in eſcheit, and be conſiscar to his Hieneſſe uſe; but the lyfe-rent of quharſum-ever their landes, rowmes, poſſeſſions, and uthetis belanging unto them, ſhall appertaine to his Hieneſſe as eſcheitite: To be inrometted-with, and diſponed upon, as he thinkis gude. And in like maner declaris; rhat quharſum-ever perſon or perſones ſall receipt, ſupplie or interteine the ſaidis *Papistes*, after the intimation of their diſobedience, and denunciation, as ſaid is, ſhall incurre the ſame penaltie of tinfell of ther guddes, gear, and liſe-rent: And to the effect rhat the premiſſes may be the better accompliſhed: His Hieneſſe and Estaites foreſaidis declaris; that in-caſe the ſaidis Presbyteries, beis found remiſſe or negligent in citation of the ſaidis Perſones before them, to the effect abone writen: The Miniſters of the ſaid Presbyterie, or onie ane perſon of the Miniſterie thereof, in quhom the fault ſall be tryed, ſhall amit and tyne the ane halfe of their benefice or ſtipend rhat zeir: And the Collectour and his depute, ſhall up-liſt the ſamin, to be diſponed be the advise of the Lordes, modifiers of the Miniſters ſtipends, to the help, ſupplie, and interteinement of uther Miniſters, as yet not provided to ſufficient ſtipendes.

195. *Against erections after the Annexation.*

OUR SOVERAINE LORD, With advise of his Estaites in Parliament, retreatis, reſcindis, and declaris, all erections granted and ratified, ſen the acte of Parliament, maid in the zeir of GOD, ane thousand, five hundreth, four-score ſeven zeires, anent the annexation of the Temporalities to the Crown (quhilkis ar not ſpeciallie excepted in the ſaid acte, from the ſaid annexation) to be null and of nane avale, force nor effect.

196. *For proviſion of commoun Kirkes.*

OUR SOVERAINE LORD, And his Estaites in this present Parliament, decernis and declaris, all commoun Kirkes to be of the ſame nature of uther Parſonages and Vicarages: And ordainis the ſame commoun Kirkes to be conſerted be preſentation of the lauchfull Patrone, and ſufficient collation to Miniſters, ſerving thereat, ſeeing they ar benefices of Cure.

197. *Anent escheittes and life-rentes of Excommunicate perſones.*

FORSAMEIKLE As there is diuerſe perſones denounced Rebelles, quha being ſuſpected of *Papiſtrie* of before, and fearing the ſentence of Excommunication to have followed againſt them, heſ procured the giftes of their eſcheittes and life-rentes, diſponed be our Sovereine Lorde, to their bairnes or utheris con-
 junct perſones, upon hornings execute againſt them for civil cauſes. And nevertheleſſe heſ retained the poſſeſſion of their hail guddes, gear, landes, poſſeſſiones, as gif they had remained his Hienes faithfull and obedient ſubjectes, quhilik heſ given them occaſion to continue in their rebellion: as alſwa in their ſuperſtitious opinion of *Papiſtrie*, and remaining under the ſaid ſentence of excommunication, in maniſteſt contempt of God his trew religion, and Lawes of this Realme. For the repreſſing of quhiliks contempt and remeid thereof: our ſaid SOVERAINE LORD, with adviſe of the Eſtates in this preſent Parliament, decernis and declaris all and quhat-ſum-ever giftes of eſcheittes and life-rentes, granted to the ſaid bairnes and conjunct perſons of any of the foir-named perſones, denounced rebels and put to the horne, for quhat-ſum-ever cauſe (quha being ſuſpected of *Papiſtrie* of before, heſ ſuffereſt the ſentence of excommunication to paſſe againſt them: and quhais guddes, gear, lands and poſſeſſions may be verified to have remained in their awin poſſeſſions, as gif they had remained faithfull and obedient ſubjectes) to have bene fra the beginning, and to be in all time cumming, null and of nane availe, with all that heſ followed, or may follow their-upon: Notwithſtanding quhat-ſum-ever decreites or declaratours given and paſt in favour of the ſaid rebelles, their bairnes or conjunct perſones, and the richt of the ſaid eſcheit guds, gear, and life-rentes, to have perteined, and to pertaine to our ſaid Sovereine Lord, and to be at his gift and diſpoſition, alſ freelic as gif the ſaid pretended giftes and diſpoſitiones thereof, had never bene granted nor diſpoſed to their ſaidis bairnes and conjunct perſonis, and as declaratour had not paſt their-upon.

198. *For the better obſerving of the Sabbath-day.*

ITEM, OUR SOVERAINE LORDE, And Eſtates of this preſent Parliament, ratifies and apprievs the Actes maid be his Hienes of before, anent the diſcharging of holding of mercattes upon the Sabbath-day, with this addition; That quha-foever prophanis the Sabbath-day be ſelling, or preſenting and offering to be ſauld upon the ſaid day, ony guddes, or gear, or quhat-ſum-ever merchandiſe be themſelves or anie uther in their name, and beis three ſeverall times lauchfullie convict thereof, ither before the Provett and Baillies within Burgh, quhair the prophanation fall happen to be committed, or before certaine commiſſioners, and Juſtices in every Presbytery, to be appoynted be the Kings Majestie, with adviſe of his privie Councell, their hail guddes and gear fall be eſcheitted to his Majesties uſe, and their perſonies puniſhed at the will of his Majestie, with adviſe of his ſecreit Councell.

199. *For reliefe of them, quhais landes are, or ſall be deſigned for Manſes and Glebes to Miniſteres.*

OUR SOVERAINE LORDE, and Eſtates of this preſent Parliament, underſtanding that there are ſundry ſewares and poſſeſſors, having Kirk-landes neir adjacent to the Kirk, quhair their heſ bene na manſes nor gleibe of auld, nor zit deſigned of new, and conſidering, that it were baith againſt reaſon and gude confidence, that their ſuld be ane gleibe deſigned enelic of the ſaidis Kirk-landes, that pertainis to ane ſewar and poſſeſſour, and not of the reſt, and ſpeciallic quhair the hail Lands within the Parochin, or ane great part of the ſaidis lands are alike halden of the Kirk, and payis the likte dewtie.

THEREFORE to the effect, that the Miniſters may be the better answered of their manſes and gleibes in time cumming, and enter theirto but onie trouble or contention, conforme to the former Acte of Parliament, maid anent Manſes and Gleibes of the Miniſters, ſtatutis and ordainis, that quhair designation of Manſes and Gleibes beis maid and tane of Kirk-land, (the hail Parochin, or ane great part thereof being Kirk-land: And the Miniſter notwithſtanding deſigned to the Kirk-land, maift eweſt and adjacent to the Kirk.) That the ſewars, poſſeſſours and tacke-men, out of quhais landes, the Manſes or Gleibes are deſigned, ſhall have their reliefe of the remanent Parochinners, quha are ſewars, poſſeſſours, and tacke-men of Kirk-landes, lyand within the ſaide Parochin *pro rata*.

200. *Anent ſetting of tackes without conſent of the Patrone.*

OUR SOVERAINE LORDE, With adviſe of his Eſtates in this preſent Parliament, findis and declaris: That na benefited man under a Prelate, within this Realme, may in time cumming, ſetlanger tackes of teindes, or utheris pertinentes of their benefices, without the conſent of their Patrones, bot for the ſpace of three zeires allanerlic.

201. *Annulling of Actes of Parliament maid in favour of Vaſſalles of perſones ſoir-filded.*

OUR SOVERAINE LORDE, and Eſtates of this preſent Parliament, caſſis, annullis, and abrogates the Acte of Parliament, maid at *Edinburgh* the fiſt day of Junij, the zeire of God, ane thouſand,

thouſand, five hundreth, foureſcore twelve zeiris, in favour of the Vaſſalles of the perſones foireſaulted, and decernis and declaris the ſaid Acte to have na ſtrength, force, nor effect, and to be deleit furth of the buikis of Parliament.

202. *Anent fraudfull diſpoſitiones maid be perſones foireſaulted.*

OUR SOVERAINE LORDE, And Eſtates of this preſent Parliament, underſtanding that diuerſe perſones, quha hes committed the crime of treaſon and Leſe-majeſtie; In defraud of his Hieneſſe, and his Donatoures, hes maid diuerſe Bandes, obligations, letters of tacks, aſſignationes, giftes of penſions, letters of factourie, and diuerſe uther giftes and diſpoſitiones: as gif the ſame had bene maid and granted be them, before the crime of treaſon attempted, be the ſaides perſones fore-faulted: For remeid quhairof, it is ſtatute and ordaind, that na letters of penſion, factourie, bānds, obligations or aſſignationes, maid or granted be onie perſon fore-faulted, ſhall be valide, effectuell, ſufficient, nor give onie action without the ſamin, be ather lauchfullie confirmed be his Majeſtie, or authorized be ane decreete of ane ordinar judge, obtained before the ſaidis perſones fore-faulted, were firſt ſummonde, and challenged for the crimes of treaſon, for the quhilkis they were fore-faulted; Norwithſtanding quharſum-ever confirmation or decreit obtained and following thereupon, ſen their ſaid citation, upon the crimes of treaſon, laide to their charge.

Ratification of the act anent the Bullion.

OUR Sovereine Lord, with adviſe of his Eſtates in this preſent Parliament, ratifies and appreivis, the Actes maid alſweill be his Majeſties maiſt Noble Progenitoures, as alſwa in his awin time, anent the hame-bringing of Bullion. And to the effect that the maiſt diligence may be done, for in-gaddering thereof, alſweill for byganis as in time cumming, the Theſaurar, his deputes and uthers admitted to the cure thereof, to make compt and reckoning to the auditoures of the next checker, and ſiklike in time cumming.

203. *Ratification of the actes maid for annexation of the proprietie, and annulling of the diſpoſitiones maid in Princes minorities.*

OUR SOVERAINE LORDE, and Eſtates of this preſent Parliament, ratifies and appreivis the Actes of Parliament, maid be King James the Second; And King James the Fifth, intitulate, *Anent the annexation of Landes to the Crown*: And ſpeciallie, the act maid be the ſaid King James the Second, upon the fourth daye of *Auguſt*, ane thouſand, foure hundreth, fiſtie five zeires. And als ane uther Act, maid be the ſaide King James the Fifth, upon the third daye of *December*, the zeir of God, ane thouſand, five hundreth, and tourtie zeires, and haill poyntes, artickles and claufes ſpecified therein: And all uthers actes, maid be onie our Sovereine Lordis Predeceſſoures, concerning the keeping of the annexed proprietie to remaine with the Crown. And further, our ſaid Sovereine Lord, with adviſe of his Eſtates in Parliament, declaris, that all perſones quha hes uplifed, received; and intrometted-with, or ſhall hereafter intromett-with, at his Hieneſſe ſpecial command, onie of the Kingis annexed proprietie, be vertew of the ſaidis Actes of Parliament, ſhall incurre na daunger of ejection, ſpuilzie, or wrāngous intromiſſion: And declaris, that they ſhall be quite and free thereof, and all action that may followe there-upon. And ſik-like, our Sovereine Lord and Eſtates in this preſent Parliament, findis, decernis, and declaris the Act of diſſolution, maid be our Sovereine Lord in his Hieneſſe minoritie, In the Parliament holden at *Edinburgh*, in the zeir of God, ane thouſand, five hundreth, foureſcore foure zeirs, and all uther actes of diſſolution maid be his Hieneſſe, or his ſaidis Predeceſſoures in their minoritie, althocht the ſamin Actes and inſetmentes following thereupon, be ratified in Parliament in their majoritie, To be null and of nane avail, force nor effect, with all that hes followed, or may followe there-upon.

204. *Generall diſſolution of the proprietie.*

OUR Sovereine Lord, with adviſe of his Eſtates in this preſent Parliament, Statutis and ordainis, that it ſhall be leaſum to his Hieneſſe, to ſet all his auld proper landis, baith annexed. and un-annexed in few-ferme, ſa that it be nocht in diminution of the rental, gerſſummes or uther dewties, bot in augmentation of the ſamin, with ſik claufes and conditionis, as he thinks expedient to the effect foreſaid, and that the Landes that he ſettis in his time, ſtand perpetually to the aites after the forme of their condition, and that this diſſolution indure for the life-time of the King our Sovereine Lord, that now is allanerlie. Swa that the Landes quhilkis he ſettis in his time, with the conditiones foreſaidis, ſhall ſtand perpetuallie. And after his deceaſe the annexationes maid of before, to returne againe to the awin nature. Swa that his Succelſſoures ſhall not have power to annalie nor ſet in few, mair nor they had before the making of this ſtatute. Providing, that this ſtatute ſhall not extend to the ſetting in few-ferme of onie of our Sovetaine Lords Caſtelles, Palaces, zairdes, wooddes, parkes, forreſtes, paſtures for ſcheip and nolr, and in ſpeciall, the *Lorremondes of Falkland*, coal-heuches, & offices. Bot the ſame to remane inſeperable annexed to the Crown, notwithstanding this preſent diſſolution. And OUR SOVERAINE LORDE and his Eſtates foreſaidis, decernis and declaris, that this preſent diſſolution, is, and ſhall be only to this effect, that the ſaidis annexed lands ſhall be ſett in few, to
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the auncient and kindly tenneses, possessours and occupiers of the ground, quha wer infest be OUR SOVERAINE LORD, and his predecesours of befoir, and to all utheris perones, quihilk hes heritable infestment of few-ferme, granted to them be our Sovereine Lord, or ony of his predecesours, they seikand their infestmentes of few-ferme, and payand their compositiones theirfoir, to be modified be his Hienes Comptroller, with advise of *John*, Lord of *Thirlestane*, Chancellor, *John* Earl of *Mar*, Lord *Erskin*, *John* Earl of *Montrose*, Lord *Grahame*, *Alexander* Lord *Lovingston*, *Robert* Lord *Seatoun*, *Mark* Lord of *New-bottle*, Maister of requestes, Maister *Thomas Lyon* of *Balduky*, Thesaurer, Sir *John Cockburne* of *Ormsfoun* Knicht, Justice Clerk, *Walter* Commendar of *Blantyre*, keeper of the privie seale, Maister *Robert Dowglas* Provest of *Lincolnden*, Collectedor General, Sir *John Carmichael* of that ilk Knicht, Maister *David Carnegie* of *Culluthy*, *Alexander Hay* of *Easter Kennet*, Clerk of Register, *Alexander Hume* of *North-berwick* *Mames* Provest of *Edinburgh*, or onie seven of them; The said Comptroller alwaies being aze, beruix and the first day of *August*, the zeir of God, ane thousand, five hundreth, foure scoir, sitene zeires. Utherwaies, that it be lauchfull to his Majestie, to set the saidis annexed landes, now dissolved to quhat-sum-ever persons his Hienes thinkis expedient. Alwaies on condition of augmentation of his Hienes rentall as said is. And alswa ordainis, this present act of dissolution, to be extended in favour of the Queenes Majestie, to have sik richts and infestmentes of quhat-sum-ever landes perteing to her, as she had of befoir.

205. *Anent lesing-makers and autboris of slanders.*

OUR SOVERAINE LORD, With advise of his Estaites in this present Parliament, ratifies, apprievis, and for his Hienes and his successours perpetuallie confirmis the Act, maid be his nobil Progenitors, King *JAMES* the First of worthy memorie, against lesing makers, the Act maid be King *JAMES* the secund, Intitulat, *Against lesing makers and telleris of them*: The act maid be King *James* the Fifth, Intitulat, *Of lesing makers*, and the Act maid be his Hienes selfe, with advise of his Estaites in Parliament, upon the twentieth day of *Mayj*, the zeir of God, ane thousand, five hundreth, fourecore foure zeires, Intitulat, for the punishment of the authors of slanders, and untrewie calumnies against the Kingis Majestie, his Councell and proceedinges, to the dishonour and prejudice of his Hienesse, his Parentes, Progenitours, Crown and Estait: As likewise, the Act of his Hienes Parliament, halden at *Linlithow*, upon the tenth day of *December*, the zeir of God, ane thousand, five hundreth, fourecore five zeires, Intitulat, *Against the authoures of slanderous speachis or writtis*. And statutis and ordainis all the saidis Actes to be published of new, and to be put in execution in time cumming, with this addition, That quha ever hearis the saids lesings, calumnies, or slanderous speaches or writtes to be maid, and apprehendis not the authours their of, if it lye in his power, or reveilis not the same to his Hienesse, or one of his privie Councell, or to the Schireffe, Stewart, or Baillie of the Schire, Stewartes in Regalitie or Royaltie, or to the Provest, or one of the Baillies within Burgh, be quhome the same may cum to the knowlege of his Hienesse or his saide privie Councell, quhair-throw the said lesing makers, and authors of slanderous speaches may be called, rryed, and punished according to the saidis Actes. The hearer and nor apprehender, and (git it lye in his power) conceiler and not reveiler of the saids lesing makers, and authors of the saidis slanderous speaches or writtes, fall incurre the like paine and punishment, as the principall offendour.

206. *Anent payment of the dewtie of the wines.*

IT Is statute and ordained be our Sovereine Lord, and Estaites of this present Parliament, that the dewtie granted be the Estaites to his Majestie, upon the Wines, be thankfullie payed to his Majesties Collectour in all time cumming, within the space of ten dayis nixt efter their ariving within this Cuntry. And to this effect, ordainis the Provest and Baillies of ilk Burgh, within quahis bounds and jurisdiction ony wines fall arrive in time cumming, to take sufficient caution and soverty of the Merchandes, Mariners, and utheris hame-bringeris of the saidis wines, that they fall thankfullie pay the said dewtie, granted to our Sovereine Lord their of, within the space foirsaid, to his Hienes Collectours appointed for in-gathering their of. And heire-upon ordainis letteris to be direct, gif neid beis, baith to chaarge the saids Provest and Baillies, to tak the said caution, as also, ather to chaarge the caution, or then the hame bringeris, at the pleasure of the Collectour, to make payment of the said dewtis to his Hienes, within the saidis ten dayis nixt, after their ariving within this Realme, under the paine of Rebellion; And gif they failzie their in, the saids ten dayes being by-past, to denunce them rebelles, and put them to the home, and that they be not relaxed their fra, unto the tyme they pay the double of the said dewtie, to the Collectour for their contemptioun.

207. *Annulling of pensones furth of the erectiones, sen the annexation.*

OUR Sovereine Lord, with advise of his Estaites in this present Parliament, hes united, annexed, and incorporat; and be the tenour of this present act unitis, annexis, and incorporatis, in his Hienes patrimonie and to his Crown, to remaine their with inseparably in all time cumming, all and sindrie the few mailles and blenche dewties of all Landes, Lord-ships, and Barronnies, quihilkis pertained of auld to quhar-sum-ever benefice within this Realme, and have bene erected in temporal livingis befoir, or sen the Act of annexation maid in *Julij*, 1587. zeires: And therefoir have called and annulled, and be the tenour heriof callis and annullis

annullis all and quhat-sum-ever penfiones, and uther difpofitiones, maid be his Majestie heirtofore, fen the said Act of Annexation, to quhat-sum-ever person or persons, of ony part or pertinent thereof, or of ony temporalities of vacand benefices fallen in his Hienes hands at onie time, fen the said Act of Annexation, and that be they esteemed in all time cumming null, and of nane availe, notwithstanding quhat-sum-ever confirmation or grante thereof in Parliament, or uther-ways.

208 *Anent soverties for Officiares of armes.*

ITEM, Because that the soverties of all Officiares of armes, admitted be *Lyon* King of Armes, are found to him and his Clerk: It is therefore statute and ordained, that they be charged twife in the zeire, to produce their buikes offoverties; To the effect **OUR SOVERAINE LORDE** and his Thefaurar bee nocht defrauded of the halfe of the penalties, for the deprived officiares, and this to be used of the Thefaurar in sik sort as the Schireffe-Clerks ar ordained to produce their hornings, to the effect that execution may follow there-upon. And the Thefaurar to be charged with his receipt of the foresaids penalties in his comptes. And further, ordainis all the saidis Officiares, that hes not found sufficient caution for dew administration in their office, or quhais cautioneris are deceased, or are not sufficient: To find caution of new, betuixt and the first day of *August* nixt-to-cum, uthertwise, the not finding of the said caution is presentlie declared to be cause of their deprivation. Quhilk deprivation fall be immediatlie published at the Mercat croce of the Schirefdomes, quhair the saidis Officiares remainis; and all their executions, fra thence furth to be unauthentic and null.

209. *For tryall of the trueth of acquittances, in suspensions.*

OUR SOVERAINE LORD, With advise of his Estaites in this present Parliament, understanding that in times by-gang, his Hienes, and his Thefaurar hes bene greatumlie præjudged, anent the escheites of sik personis as hes bene ordoorly denounced Rebelles & put to the horne, and that throw collusion of parties, quha after their lauchfull denunciation, the escheites being cum in his Hienes hands, aggreis with the parties, at quhais instance they are denounced, and intendis reduction against the partie, the Kingis Thefaurar and Advocate, for annulling of the proces of horning, and denunciation led against them, and obtainis decreit thereintil, be production of antè-daitted discharges and acquittances, as gif the summes, or cause they were charged for, had bene payed, done, and fulfilled, lang before the denunciation. For remeid quhairof, It is statute and ordained, that quhen-soever onie partie groundis their reasons of suspension or reduction, for annulling of hornings, upon payment or satisfaction maid before the denunciation, and producis acquittances or discharges there-upon; the producer thereof, fall bee halden in presence of the Lords, to make faith solemnely swome, that the acquittances and discharges produced are trew in themselves, maid and subferived, of the famin dait as they wer produced: uthertways the users of the saids acquittances nor to be heard, to ground ony reasons of suspension for annulling of hornings upon sik acquittances and discharges, nor to use the fame, against his Hienes and his Thefaurar.

210. *Anent haning of the Kingis Parkes and Forrestes, and increase of wilde fowll and vennison.*

OUR SOVERAINE LORDE, And his Estaites in this present Parliament, fore-seing that his haill Wooddes, Forrestes, Parkes, Hanynges, Da, Ra, Harts, Hynds, fallow deir, phefant, fouldes and uthertis wild beastes within the same, are greatumly destroyed, and dailie decreffis, be reason the Actes and statutes, quhilk are set downe against the destroyers of the saids Woods, Forrestes, Parkes, Hanynges, and slayeris of the saidis wyld beastes, hes not bene put to execution: Swa that all men hes tane libertie to destroy and slay at their awin appetites. For remeid quhairof, and better interteinement of his royall pastime in time cumming: It is statute and ordained, that quhat-sum-ever person or persones, at onie time heirafter, fall happen to cut onie timmer or greene-wood within his Hienes Wooddes or Parkes, or fall happen to slay deir, harts, phefants, fowls, partricks, or uther wild-fowll quhat-sum-ever, ather with gun, croce-bow, hand-bow, dogges, halkes, or gines, or be uther ingine quhat-sum-ever, within the same: or that beis found schutting with ony gun theirin, without special licence and tolerance of his Majestie, had and obtained heitro, or that slayis onie of his Hienes Deir, straying and in time of stormes to barnz zairds, or uther pairtes maist ewest feikand their fude: or beis foundand tryed till have schot with hagbut in the winter nicht, within onie of the foirsaidis wooddes or parkes, or within the space of ane mile theirabout, quhiddir they be apprehended slayand the Deir or not, that their haill guddes, and gear fall be escheit and inbrocht to his Hienes use, and their persones punished at his Hienes will, and this to be ane ordinar point of dittay, and the offender to be criminallie accused heiron, in all times hereafter. And also, It is statute and ordained, that gif onie person or persons, fall happen to put onie of their guds within the saids woods, forrests, parkes or hanings, the same fall be confiscar and escheited. And that it fall be leifum to the keeperis, to intrometh their-with, at their awin hands, but onie further proces of Law, and they to be frie of all danger and action, that in onie wise may follow and ensue their-upon, the ane halfe to be employed to **OUR** said **SOVERAINE LORDS**

use, and the uther halfe to the Foresters and keepers. And likewise, it is statute and ordained, that no person nor persones shall hunt nor halke, within the boundes of sex miles to onie of his Hienes Woods, Parkes, Castellies, and Palices. And in case ony doe in the contrair, that ilk person contraveening, shall pay the summe of ane hundred pounds money, the ane halfe thereof to the delatours of them, and the uther halfe to his Hienes use. And als, quhat-sum-ever person shall be deprehended, or tryed till have flane hartes, or onie kinde of wilde foule in snaw, or onie uther time with gunnes or gines, or zit beis found to have shot at duik, draik, or ony uther wilde-foul with ane hagbut, within onie part of this Realm, that they shall be subject to the foresaid penaltie of ane 100. pounds. And in case they, or onie of them beis not responfall, to be punished in their persones, at his Hienes will and pleasour.

211. *Anent the Privileges of the College of Justice.*

OUR SOVERAINE LORDE, With advyse of his Estaites in Parliament, ratifies, apprievs and confirmis all and quhat-sum-ever privileges, liberties, and immunities, granted of before be his Majestie, and his maist noble Progenitours, to the Chancellor and haill Senatours, baith Spiritual and Temporall, and members of the College of Justice, for maintenance of them in their persones, honoures, and dignities, and for bruing of their landes, rents, Benefices and pensions, in sik forme as is contained in the first erection of the said College, and as they and their Predecessours hes bruike and possessed fensive, conforme to the Ratification thereof in Parliament, or in onie uther Acts, Lawes, Statutes, maid be his Majestie, or his Predecessours, in favoures of the said College, Senatours and members thereof, in all poyntes: Notwithstanding quhat-sum-ever Actes, or constitutions that may appeare to derogate fra the same.

212. *Anent the declining of the Senatours of the College of Justice, quha ar Father, Brother, or Sonne to the parties.*

OUR SOVERAINE LORDE, With advyse of his Estaites in this present Parliament, statuis and ordainis, that na Senatours of the College of Justice, ordinar or extraordinar, shall sit, or vote in onie action or cause intended, or to be intended before them, quhair the parties persewer or defender, is airther their Father, Brother, or Sonne: swa that the Father shall in na wise be Judge in the Sonnis case, the Sonne in the Fathers case, nor the Brother in the Brothers, nor be declined therein.

213. *Anent the beginning of the Harvest vacance.*

OUR SOVERAINE LORDE, With advyse of the Estaites of Parliament, considering the great skaith that the Lieges suiteinis, throw sitting of the Session, after the first day of *August*, harvest being in monie partes of the cuntrie, already then begun. And understanding that the Lordes of Session, are content during the haill Summer Session, to enter in the Folbuth, and call maters dayie at acht houres, quhair as their ordinar diet was not quhill nync: Therefoir statuis and ordainis that the harvest vacance shall begin the first day of *August*; And the Session to sit bot the latt day of *Julij inclusive*.

214. *That nane shall be compelled to produce procuratories or instrumentes of resignation, precepts of clare constat, or uther precepts of saisung of Lands or annual-rents, possessed be them befor the space of fourtie zeiris.*

OUR SOVERAINE LORD, And Estaites of this present Parliament, understanding that sundrie of his Hienes Lieges, are heretablie infest in divers lands, and annual-rents within this Realme, like as their predecesours and authores, fra quhome their richts thereof proceedis, hes bene heretablie infest in the samin Landes & annual-rentes: And be vertue of their several infestmentes, & life-rentes therein reserved, they and their Predecesours and authores, hes bruike the foirsaidis landes and annual-rentes be the space of fourtie zeires togidder: Notwithstanding quhair of, the saids infestmentes, maid and granted to them and their Predecesours and authores, are sundrie times drawn in question, for laik and want of procuratories of resignation, instrumentes of resignation, precepts of *clare constat*, or utheris precepts of saisung, quhilks are not extant to be produced and used, in respect that the samin are ynt and amited, partlie be iniquitie of time, partlie be perisching of protocollies and scrolles of notares: partlie for none-delivering of the samin, be the persones, sellares, and disponeres thereof: partlie because the evidents of comprised Landes uses to be abstracted and with-halden upon malice of pairties: and partlie, as evidentes nor thoer necessary to have bene keiped, after sa lang time: Be reasone that the chartoures makis mention of the procuratories and instrumentes of resignations, and instrumentes of saisung makis mention of the precepts of saisung, quhair-upon the samin proceedes. For remede quhair of, **OUR SAID SOVERAINE LORD**, with advyse of his saids Estaites, and haill bodie of this present Parliament, findis, decernis, and declaris, that nane of his Hienes Lieges, may be compelled, after the space of fourtie zeires, to produce procuratories or instrumentes of resignation, precepts of *clare constat*, or utheris precepts of saisung of landes, or annual-rentes, quhair of

quhair of the present heretable possessours and their predeecessours, and authours, and utheris persons be vertew of life-rentes reserved in the saidis infestments, are, and was in possession be the space of fourtie zeires togidder, and that the wanting and in-laik thereof, nor name of them, fall be na cause of reduction of the infestments granted to the proprietaires, or their Predeecessours or authores of the lands or annual-rentes, quhair of the charter or charters (makand mention of the resignation or resignations to have bene maid, and the instrumentes of faising, makand mention of the preceptes of faising, be vertew quhair of, the faisings wer given) are extant. And willis, statutis, and ordainis, that this Act fall be extended to all procuratories, and instrumentes of resignation, preceptes of *clare constat*, or utheris preceptes of faisings, the wanting and in-laik quhair of nor name of them, fall be na cause of reduction, nor uther quarrell quhar-sum-ever, after the space of fourtie zeires, quhair infestments hes tane effect be possession, be the said space of fourtie zeires, in maner abone-reheard, and quhair the charters and instrumentes of faising are extant, as said is.

215. *Ratificationes in this Parliament to be, Salvo jute cujuslibet.*

OUR SOVERAINE LORD, And his Estaites of this present Parliament, decernis and declairis, that na ratification granted in favour of particuar parties in this present Parliament, fall be hurtfull or prejudicial to onie of the Lieges of the Realme, nor heard nor speciallie called thereto, bot all the saidis ratificationes fall be understood and interpreted, *Salvo jure cujuslibet.*

216. *Auent the bying of laudes and possessiones dependand in pley, be Judges or members of Courtes.*

OUR SOVERAINE LORDE, and Estaites of this present Parliament, statutis and ordainis, that in time cumming, it fall not be lesum to onie Lordes of the Session, ordinar, or extraordinar, Advocates, Clerkes, Writers, their servandes, or onie uther member of the Colledge of Justice, or onie inferior judgements within this Realme, their Deputes, Clerkes, or Advocates, directly or indirectly, be themselves, or onie utheris in their names, to their behoove or utilitie: To bye onie landes, teyndes, rowmes or possessiones, quhilkis ar dependand in controverfie or question betuix onie parties, or hes bene dependand, and not as zit decided: Quhilkis gif they, or onie of them do, and contraveinis the premises: The saidis Lordes of Session, Advocates, Clerkes, Writers, their servandes, or onie uther member of the Colledge of Justice, or onie inferior judgements within this Realme, their Deputes, Clerkes, and Advocates, fall amit and tane their office, place, and all Priviledges and immunities bruikeid, or that may be bruikeid be them, be vertue thereof.

217. *That caution be found in actiones of ejection.*

OUR SOVERAINE LORD, With advise of the Estaites of this present Parliament, understand the great disordour, quhilk hes risen, and dailie dois arise amongst his Hieneffe lieges, quhairas perones wrangcoullie intrusing themselves in the rowmes and possessiones of utheris, be bangitrie and force, being altogidder unresponsal themselves, maintainis their possession thereof: And quhen they ar challenged before the Lords of the Session, or uther Judges ordinar, be the partie grieved; The perones intrusers of themselves in sik possessiones, delayis the mater, be proponing of peremptour exceptions, quhilk ar not of veritie, and delays upon the probation thereof; And after lang pley, quhen as the partie grieved hes gotten decreete, ordaining him to be repossessed to his rowme and profites thereof, his pairtie being unresponsal altogidder, gettis na commoditie thereof: For remeid of the quhilk; It is statute and ordained, that in all time cumming, the partie persewed beane uthet for ejection, fall finde caution for the violent profites, asin causes of removing, the first diet of the *Littifcontestation*, or utherwaies decreete to be given, otdainand the partie to be repossessed.

218. *For consideration of articles to be proponed in Parliament.*

OUR SOVERAINE LORDE, And his Estaites in this present Parliament, having considered the great falscherie and inconvenience ar findrie Parliamentes, throw presenting of a confused multitude of doubtfull and informal articles, and supplicationes: For remeid thereof in time cumming, statutis and ordainis, that quhen ever the Parliament is appoynted and ordained to be proclaimed, there fall ane convention be appoynted, of foure of everie estait, to meete twentie dayes before the Parliament, to receive all maner of articles and supplicationes concerning general Laves, or tuitching particuar parties: Quhilks articles and supplicationes, fall be delivered to the Clerke of Register, and be him presented to the perones of the Estaites, to be considered be them; To the effect that thinges reasonable and necessary, may be somallie maid and presented in an buik to the Lordes of the articles in the Parliament time, and all impertinent, frivolous and imptoper maters rejected: And that na article or supplication, wantand a speciall title, or unsubscriber be the presenter, fall be red or answered in that convention, or Parliament following the same: It is alwayes provided, that his Majestie may present sik articles, as he thinkis gude, concerning himselfe, or the common weil of the Realme, at all times when he thinkis expedient.

219. *Anent slauchter, and troubling of parties in persute, and defense of their actions.*

OUR SOVERAINE LORD, having consideration of the manifold oppressions done within this Realme, and for the maist parte occurring betuixt parties contending in Justice, be proud and undantoned braggers, boasters and oppressours: And understanding that there was an acte of Parliament, maid of lang time by-past: First in the daies of umquhill *Marie*, Queene Dawager, his Hieneffe Gud-dame, of worthie memorie, quhilk wes onelie Temporall, for the space of three zeires nixt following; and approven be his Hieneffe in his Parliament halden at *Edinburgh*, in the Moneth of *Maij*, ane thousand, five hundred, fourscore four zeires; quhairby it was found and declared, that if ony person, uther persewer or defender, fuld happen to slaie or wound to the effusion of blood, or utherwaies to invade ane of them ane uther in ony forte, quhair-upon they might be criminallie accused, after the raising of the summondes and precepts, and lauchfull execution thereof, or in ony time before the compleit execution to be recovered there-upon: The committer of the slauchter, blood or invasion, in maner foresaid; or being airt, pairt, red or counsell thereof; gif it be the defender, he fall be condemned at the instance of the persewer, gif he be on life; or in-cace of his deceafe, the nearest of his kinne, quha is slaine, without ony probation of the libell, except summar cognition to be tane of the slauchter, blood-shed or invasion, before the Justice, or ony uther Judge competent thereto. And gif the persewer slayis, woundis or invadis the defender, as said is: or be airt, pairt, red, or counsell thereof, cognition being tane, in-cace the defender be on live, or in-cace of his deceafe, the nearest of his kinne, fall have absolvitour fra the persewers libell. And gif the slayer, shedder of blood, or invader, as said is, hes landes or life-rentes, and beis denounced rebell, and put to the horne, for none-finding of soverty, or none-compearance, to underly the Law for the said slauchter, blood-shed, or invasion: In that case, the slayer, shedder of blood, or in-vader, incontinent after the denunciation, fall tane the benefite of his life-rent, of quhat-sum-ever his landes, offices or commodities, as in the saidis actes and statutes maid there-upon, at mair length is conteneid. Quhilk last act was also temporall, to indure for the space of seven zeires; And now it being knawen to his Hieneffe, and the saidis Estaites, how necessar the famin is, to be alwaies observed and kept in continual observance, as ane univcrfall law in all time cumming, for repressing of the saidis invasiones: Therefore his Hieneffe, with advife of the Estaites, and hail bodie of this present Parliament, ratifies, appricvis, and affirmis baith the saidis first and second actes, with the haill poyntes, articles, and conditions conteneid there-inall, And ordainis the same to stand as ane perpetual Law in all time cumming.

220. *For punishment of Parricide.*

OUR SOVERAINE LORDE, and Estaites of this present Parliament, understanding the abominable and odious crueltie, that hes bene at sum-times heretofore used within this Reaime, be Children against their Parentes, in murdering of them, and takand of their lives maist unnaturally; Hes therefore statute and ordainid, that quhat-sum-ever he be, that hes slaine, or fall hereafter slaie, his Father or Mother, Gud-schir, or Gud-dame, and hes bene alreadye, or fall be hereafter convict be ane assise: The committers of the said crime, and his posteritie in *linea recta*, fall be disherishid in all time hereafter, fra their landes, heritages, tackes, possessiones: And the famin fall appertene to the nixt collateral and nearest of blood, quha utherwise might succede failzieng of the richt line.

221. *Anent the certaine time of Lentron, sparing of zoung flesh in the spring, and breakers of Lentron, ana uther dayes forbidden to cate flesh.*

OUR Sovereine Lorde, and his Estaites in this present Parliament, in respect of the great dearth and scarcitie of all kinde of fleshes, statutis and ordainis, that in all time cumming, the time of *Lentron* fall be certaine, fra the first daie of *Marche inclusive*, to the first daie of *Maij exclusive*: And that na Lambes, nor zoung Vealles within zeir auldes, be slaine, or eaten before *Whit-sundaie* zeirle, under the paines following. And als, ratifies, appricvis, and confirmis the actes of Parliament maid of before against the caters of fleshin *Lentron*, or on the Wednisdaie, Fridaie, or Setterdaie, in everie oulke, except the penaltie appointed in the saidis actes, against the contraveeners thereof: Quhilk our Sovereine Lord, and Estaites foresaidis, castis, annullis, and haldis that poynt of the same as deleit, and reservis the said penaltie as followis, to the effect the same may be the better execute: That is to say, quhafoever fall be tryed to have contravened the same, for the first fault fall be adjudged in the summe of ten pundes money, for the second, in the summe of twentie pundes; and for the thrid, in the summe of fourtie pundes. And so ordainis the paine to be multiplied, according to the contempt, and oft contraveining of the saidis Actes: And that the same may take the better effect: Our Sovereine Lorde, and Estaites foresaidis, ordainis, that within Burrows, his Hieneffe Thesaurer nominate ane sufficient person, and that everie Burgh nominate ane uther, quha fall have power to try, search, and seeke quhat-sum-ever persones contraveeners of this present act: And persew them before the Justice general, or his Deputes, monethlic for the same. And in-cace of conviction of ony person or persons, ordainis the ane halfe of the penaltie to appertene to our Sovereine Lord, and the uther halfe to the Burgh, quhair the conviction fall happen, to be employed be them as

they shall think good. Quhilk act, our said Sovereine Lord and Estaites foresaidis, ordainis to be put to execution in time cumming without exception or pretense of ony former licence granted before the daie hercof, allweill against the eaters, as against fleschours, cuikes, hostelliers, and others preparers thereof. And that na licence be granted hereafter, without ane sufficient testimoniall be schawen to our Sovereine Lordis Thesaurer, be ane Minister of Gods word, and Doctour of Medicine, Apothecarie or Chirurgian, of the infirmite of the person that suitis and cravis the same, uthewise the licence to be null. And in-cas the persone obtainer of the said licence, be challenged for contraveining of this present act, the licence shall not be sufficient to absolve the person accused, except the same, togidder with the foresaid testimoniall, be likewais produced and schawen in judgement.

222. *For punishment of committers of Usurie.*

FORSAMEIKLE As Usurie and ocker is an great crime, condemned be the Lawes of God and all commoun wealthes, and zit hes bene over frequentlie used within this Realme, thir diverse zeires by-gane, throw want of a certaine paine and punishment: Therefore our Sovereine Lorde, with advise of his Estaites in this present Parliament, statutis and ordainis, That quha ever committis usurie, or ocker in time cumming, directlie or indirectlie (that is to say) takis mair profite for the leane of money, nor as it cummis to ten pundes in the zeir for a hundreth pundes, or five bolles victual, And swa *provata*, quhidder the same be great or small, upon wedde, pledge, or obligation, act or contract afore hande, or alter the zeir or time, shall be counted and esteemed Usurers and ockerers, and the partie p yer, or oblist for the said un-lauchfull profite, reveiland the same, shall have repetition of his pledge, wedde, or discharge of his obligation, acle or contract, for his rewarde: And if the partie payer conccalis the payment thereof, quhatsum-ever uthier man that reveillis and verifies the saide ocker, shall have the saide benefite and richt to the summes of money given for ocker, as the giver might hahad, in-cas heve had reveiled it himselve: & the partie receiver of the said unlawfull profit, or contracter thereanent, to rine the principall sum and stock, quhilk was employed be him for payment of the said unlawfull profit and ocker.

223. *For punishment of sum disorders of students and burfares.*

ITEM, Because the Burfares, Studentes and Maisters of Colleges, ar greatrumlie drawn from their studies, and oftimes incurris greate skaith and perrell themselves, and dois damage unto uthers, throw their licencious libertie, in resorting night and daie to free Burghes, armed with swordes, pistolettes, and uthir weapons: Therefore **OUR SOVERAINE LORDE**, and Estaites of this present Parliament, ordainis the Provestes and Baillies of his Majesties free Burghes, in-cas they finde the foresaidis persones, or ony of them, vagand nicht or day, within their saidis Townes, armed in maner abone specified: To take and intromet-with their armour, and to dispoise upon the same, as they thinke good.

224. *For execution of the Actes, anent the slauchter of black or red fish, and fry of Salmound.*

OUR SOVERAINE LORDE, And Estaites of this present Parliament, understanding that the actes of Parliament, maid against slayers of blackc or red silhe in forbidden time, destroyers of Smoltes and fry of Salmound, hes not bene put to execution in times by-gane, be reason of the jurisdiction of the Schireffes of everie Schireffedome, impeding the Provest and Baillies of Burrowes, to prosecute Justice thereanent: Hes therefore ratified, and approven the former actes, maid anent slaying of Salmound fish in forbidden time, and destroying of smoltes, &c. And declaris, that it shall be lauchfull to the Provest and Baillies of everie Burgh in time cumming, to proceede against the contraveiners of the saidis Actes, gif they shall happen first to attache and apprehend them, before they be challenged be the Schireffe or his deputies: Notwithstanding that be the former actes, the said power was restricted to the saidis Schireffes:

225. *Anent the Priviledge of Burrowes.*

OUR SOVERAINE LORDE, with advise of his Estaites in this present Parliament, ratifies, apprievs and confirmis, the acte and statute maid in his Hienes Parliament, halden at *Edinburgh*, upon the fifth daie of *Junij*, the zeir of God, ane thousand, five hundreth, fourscor twelve zeires: In favours of the free Burrowes of this Realme, and their liberties and priviledges, against un-free traffiquers: and anent using of craftes in all the sub-urbes of the saidis Burrowes: speciallie beating, That all maner of persones, inhabitants of the saidis Burrowes, exerceand ony maner of traffick in merchandice, or having exchange within the same: shall beare their part of all stentes and taxationes, watching and warding, in all dewties pertaining to our Sovereine Lord, the weill of the Realme, and utilitie of the Burgh, as at length is contained in the said act, and all clauses and conditiones therein contained: with this addition, that the samin shall be extended to all merchandes or Craftes-men, allweill free as unfree, that hes na uthir dwelling place but within Burgh, and hes their commoditie within the same Burgh, and bearis na burden of taxation without the same Burgh.

226. *Anent the uphalding of the decayed landes within Burghs.*

OUR SOVERAINE LORDE, With advise of his Estaites of this present Parliament, ratifies and apprievs the actes and statutes, maid be his Hieneffe maist Noble Progenitours of worthie memorie, concerning the uphalding of Landes, given in conjunct infestment, alswell to Burgh as Land: And for the better execution thereof, and reparation of the decayed policie within Burgh, statuts and ordainis; That the Provect and Baillies of ilke Burgh, fall at the instance of the heirtoours of the landes within the samin, upon citation of the partie, take summar cognition of the estaite of the landes, houses, or tenementes within the Burgh, beane condigne inquest of the Nichtboours thereof: And gif the samin be found anle, decayed, and ruinous in ruise, sclaites, dures, windowes, fluring, loftis, tymmer-wark, and walles, or onie of them, and ane land bigged ofaulde, and throw lang time decayed, in sik fort that it be already inhabitable, or that within short time may becom inhabitable, in that case, to decerne that the conjunct fear or life-renter fall repaire the saidis landes, and rementes in the partes theirow decayed, as fall be found be the said inquest, within the space of zeire and day, nixt after they be required theirow be the heritours: and failzeing theirow, declairis that it fall be frie to the said heretour, to enter to the possession of the same, to have the setting, raising, using, and disposing their-upon, in all time cumming, as gif there war na life-rent, or conjunct fee standing theirow. Providing alwaies, that sufficient security in the Burgh, quhair the landes or tenementes lyeis, be tane, for termelie payment to the conjunct fears or life-renteris theirow, induring their life-time of sik mail and dewtie, as the samin presentlie gives the time of the said cognition, or might reasonablie give in that estat, in-case it be not presentlie fer, deduceand alwaies the annualles, and uther burding lyand their-upon. And this to be extended to all brunt and waist landes, and against all conjunct fears present and to cum within Burgh.

227. *For punishment of theft, rife, oppression and forning.*

OUR SOVERAINE LORDE, And Estaites in this present Parliament, considering, that notwithstanding the fundrie Actes maid be his Hiennes, and his maist Noble Progenitours, for punishment of the Authours of theft, rife, oppression and forning, and Maisters and susteiners of thieves: Zit sik hes bene, and presentlie is the barbarous cruelties, and daile Heirschippes of the wicked thieves and limmers of the Clannes and surnames following, inhabiting the *Hie-landes and Iles*: They are to say, *Clawgregore, Clansarlane, Clanlawren, Cladowall, Clandonoghby, Clanchattane, Clanchewill, Clanchamron, Clannaird in Lechaber, Clannaird in Knoydart, Moydart, and Glegarrey, Clanlewid of the Lewis, Clanlewid of Harriche, Clandonald South and North, Clangileane, Clainane, Clankinnor, Clanneil, Clankenzie, Clannadreis, Clannorgun, Clangun, Cheilphale*: And als monie broken men of the surnames of *Stewartis in Athole, Lorne, and Balquhadder, Campbells, Grabames in Menteith, Buchananes, Galbraithes, Mackaulais, Macknabbes, Maknabrichtes, Meinzeis, Fergussones, Spaldinges, Makintoshes in Athol, Makthomas in Glenfche, Fergusones in the Brae of Mar, Makinpersones, Grantes, Rosses, Fraseres, Monroes, Neilsones*: and utheris inhabiting the Schireffdomes of *Argyle, Bute, Dumbartane, Strivirling, Perth, Forfare, Aberdene, Bamff, Elgin, Forres, Narne, Invernes, and Cromertie, Stewartries of Statberne and Menteith*. And likeways a great number of wicked thieves, oppressours, and peace breakers, and receptors of theft, of the surnames of *Armestranges, Elliotes, Nicksones, Croseres, Grabames, Irwings, Belles, Cairlilles, Beatisones, Lielles, Thomsones, Glendunnings, Carutheres, Iobestones, Iardanes, Moffettes, Latimers*: and utheris inhabiting the Bordoures fore-anent *England*, in the Schireffdomes of *Roxburgh, Selkirk, Peebles, Dumfrise, and Stewartrie of Annandall*. In the Murther, Heirschipp, and daile oppression of his Hieneffe peaceable and gude subjectes; in the haill Countries adjacent to the Hielandes and Bordoures; to the displeasure of God, contempt and dishonour of his Hiennes person and authoritie; and to the waisting and desolation of a gud part of the plentiful ground of the country, if speedy remeid be not provided. And understanding that this mischief and schamefull disorder increasiss, and is nurished be the oversight, hounding-out, receipt, maintenance, and not punishment of the thieves, limmers and vagaboundes; partlie be the Landis-lordes, Maisters, and Baillies of the landes and boundes, quhair they dwell or resortis: And partly throw the counsellis, directions, receipt, and partaking of Chieftaines principalles of the branches, and householders of the saidis surnames and Clannes, quhillkis bearis quarrell, and seekis revenge for the least hurting and slaughter of onie ane of their unhappie race, although it were ordour of Justice; or in rescuing and following of rew mennis geare, stolen or rest: Swa than the said Chieftaines, principal of the branches, and householders, worthelie may be esteemed the verie authors, fosterers and maintainers of the wicked deedes of the vagaboundes of their clannes and surnames. **FOR** remeid quhairow, and that there may be anis a perfite distinction be names and surnames, beruixt them that ar, and desiris to be esteemed honest and trew men: and them, that ar and aschamis nor to be esteemed thieves, reisers, fornares, and receptors, and susteiners of theft, in their wicked & odious crimes and deedes: **IT IS** statute and ordained, that ther be an roll and catalogue maid with all possible diligence, of all persons of the surnames foresaidis, suspected of slaughter, theft, rife, receipt of theft, or thieves, or forning, within the saidis Schireffdomes and Stewartries in quhat townes, and parochins, and under quhat Landes-lordes and Maisters or Baillies they dwell. **THAT** all Landis-lordes and Baillies be charged to finde sovertie, to relieve the King and Warden in the Bordoures, and over all quhair, to make their

The Landis-
lordes suld
finde cau-
tion.
Landis-
lordes suld
present
them to
Justice.

Pleger.

Fugitives.

Soverie.

No allion
is com-
pete to re-
belles.

Quha is
man or ser-
vant to ane
other.

Justice
Courtes.

Ane gene-
rall band.

Suspect
perjones.

of ten-
nentes and
indwellers
in other
mens hou-
ses.

men, tennentes and servants answerable to Justice, and to redresse parties skaithed, quhilkis hes not found the said fovertie arecaid: THAT the haill perones suspected and delated of the saidis crimes, fall be given in valentes to their Maisters, Landis-lordes or Baillies, to be presented before his Hienesse Justice and his Deputes, and uthers Commissioners or assessors to bee appoynted at certaine daies and places: That it may be understand quha will be obedient, and quha inobedient and fugitive. SIK Houholders of the saidis Clannes, as compeiris, to finde caution, for reliefe of their Landis-lordes: SIK as compeiris not, to be denounced rebelles and fugitives. THE Chieftaines, principal of the branches and Houholders to be charged to enter pleges, for reliefe alswa of the Landis-lordes. THE Pleges to be delivered in keeping to the Noble-men, Barronnes and Gentle-men, that hes received greatest and latest harmes of the saidis thieves and forners of Clannes, and their assisters in their awin houses, or with their friendes in the Countrie, quhair they thinke maist sure. GIF the perones compleined upon, compeiris and findes gud fovertie, for reliefe of their Maisters and Landis-lordes, to bruk their tackes and titles. GIF They compeir not, or compeirand findis not the saide fovertie, to be denounced rebelles, and their escheities of tackes to be disponed to their Landis-lordes, for their better reliefe. The compleinar to have action criminal or civill, against the Landis-lordes, Maister or Baillies, or their foverties, for the attemptat to be committed, after the fovertie found; THE availe and quantite of the guddes stolen or rest, or uther skaith done, fall be referred to the aith of the compleiner, the truth of the fact being proven be two witnesses: or gif the partie compleined upon, compeiris not personallie before the Justice, to make his defense, or excusis him not be the aith of his Minister personallie compeirand; Na Landis-lord, to set his land, or to suffer his land to be occupied and possessed with his consent, or receive mailles, gressume, and durie for the occupier theirof, that being of a Clanne, findis not fovertie, to relieve his Landis-lord, betuixt and the first day of *August* nixt, quhilk gif the Landis-lord omit to seik for his reliefe, he to be answerable to the compleiner, criminalie or civilie, as gif he had done the deed himselfe. Nane of the saidis Clannes, or uther broken men, their wives, bairnes, aites, executors or assignayes, fall have action criminal or civill against quhat-sum-ever perones, For ejection, spuilzie, slaughter, fire-raising, or uther alleged violent deed committed against them, be onie of his Hienes Lieges, except they instrukt with their summondes, that the persone alleged hurt, spuilzed, slaine, or ejected wes the Kings free-licge man, the time of that deed, and had found fovertie to be answerable to Justice, for reliefe of his Landis-lord, and to redresse parties skaithed. Everie thiefe and forner fall be esteemed the man and servand of him, quhom of he hes land in tillage or pastourage: Or quhom the said thiefe, forner or rievair accompanies at conventiones, gatherings, or at onie violent deeds: Or on quhais ground, the said thief or rievair is receipt, and tariies twelve houres together, with the knowlege of the Landis-lord, being of habitie and power to apprehend him: Or quha hes received band of mairent, or given band of maintenance to the thieves or rievaires: Or receivis their cawlpes and herczeldes: Or quha hes had the said thieves and rievaires under their asurance, or exemption: Twa Justice Courtes to be halden zeirlic, for the ordinar execution of this present act and statute, within everie one of the saidis Schireffedomes and Stewartries at least: At *Jedburgh*, for *Roxburgh*, *Selkirk* and *Peibles*: At *Dumfriesshire* for the Schireffedome theirof, and Stewartries of *Kircudbright* and *Annand-dail*: At *Strivling* for *Argyle*, *Bute*, *Dumbartane* and *Perth*, Stewartries of *Menteith*, and *Strathern*: At *Aberdene* for the Schireffedome theirof, and *Bamff*: At *Elgin* or *Invernes*, for the Schireffedomes of *Elgin*, *Forres*, *Narne*, *Invernes*, and *Cromertie*: And the expenses of Officiates, Clerkes and uther things needfull, to be tane of the readiest unlaues and escheities of the saidis Courts: Ane band to be maid, sworne and subscribed be all Nobil-men, Barronnes, and landed men, within the boundes of the saidis Schireffedomes and Stewartries, oblihand them to seik the true execution of this present act, for their awin partes, and to concurre against the saidis thieves, rebelles, and fornaires, and to keip ordinar watching and warding, and to contribute to that effect: in sik sort, as fall be thought meitest among themselvis. Certifying them, that fall be found not to conveene and futher this gude wark, they fall be halden infamous and favoreres and partakers with the saidis thieves and fornaires in their vill deedes. And our said Sovereaine Lord, with advise of his saidis Estaites, declaris that this present Act of Parliament, fall extend not onelie against all inhabitants of the saidis special Schireffedomes and Stewartries, bot against the Landis-lordes, Maisters, and Baillies of all perons that are, or fall be suspected and delated of theft, reif, oppression, and forning over all partes of the Realme, and nameilie against the heretours and life-renters of Landes within Townes and sub-urbs theirof, quhilkis fall be halden to enter and present to Justice, perones dwelland within their tenementes and houses, suspected to be Harlottes, thieves, receipters of thiefr, or vagaboundes, sik-like as Landis-lordes in Hielands, or Dor-renters in townes and sub-urbs theirof, take fovertie of their tennentes, quhome unto they set their houles, for their reliefe, at their awin perrell. And further, our Sovereaine Lord, with advise of his said Estaites, ratifies and apprievis, and for his Hienes and his successours perpetuallie confirmis all former Lawes and Actes, maid be his Hienes, and his maist Noble Progenitours in onie times by-gane, anent punishment of thief, rief, forning or oppression, not rising to effray and following, siting under a asurance of thieves, or taking, or paying of black mail: And ordainis the same actes to be put to execution with diligence, after the forme and tenour thereof. AND finallie, that as thieves and forners concurre, assistis and mainteinis uthers in wicked deedes, against trew men, without feare of God, the King, or the Lawes:

Swia it fall be lauchfull to trow and honest men, to concurre and joyne themselves in Counsell and actiones, for defense of the lives and guddes of themselves and their tennentes, against thieves and forners, and to follow and persue them, and all their races, clannes and names, dwelland within the boundes of the Hielandes and Bordoures (not subject be gude and sufficient soverties and pleges, to be answerable to the Lawes, and redresse of parties skaithed) and to take and apprehend their persones and guddes, keepe themselves in prison, or execute them to the death, makand all our Sovereain Lords Officers, and Ministers of Justice, to Burgh or lande, and all his Free-holders, remaining at his Hiennesse Faith, peace and obedience, conjunctlie or severallie his Hiennesse Justices to that effect: with power to halde Courtes, create members thereof, summond assises, ilk person under the paine of ten poundes, als oft as neede beis. And in-casse any of the saide thieves, forners of the saidis clannes, or their assisters dwelland in the Hielandes and Bordoures (quhilk fall not be under gude sovertie or plegging, as said is; beruixt and the first daye of *August* nixt-to-cum) happenis to be tane, hurt, slaine, or mutilate: Their guddes to be taken and intronnetted-with; their houses burnt, destroyed, or casten to the grounde. OUR Sovereain Lorde with advyse of the said Estaites in this present Parliament, willis, grants, and declaris, that the same fall never be impute as onie crime or offense, to quhat-sum-ever trow man, authors or executors thereof: NOR they, nor name of them, fall be called or accused thereof, criminallic, nor civilie be onie maner of way in time cumming: Exonerand and dischargeand them of the same for ever: And ratifies and apprievis all utheris acts abone specified: And ordainis them to extend over all the Realme.

Convo-
cation for
punishment
of thiefe or
forning.

All the
Kingis He-
ges mate
take, slait,
or mutilate
thieves and
forner, de-
stroy their
houses, &c

228. *Prelates and uthers beneficed persones suld have reliefe of their taxation.*

OUR Sovereain Lorde and Estaites of this present Parliament, for the better explaining of the reliefe granted to Prelates and Ministeres provided to parsonages and vicarages, Vicars, and utheris beneficed men, be the Act maid be the Estaites laidie convened, upon the taxation of ane hundred thousand poundes, granted be them for the defray of the honourable charges of the Princis *Baptisme*: Findis and declaris that they and everie one of them fall have their just reliefe *pro rata*, of their part of this present taxation, upon the sewares, vassalies, pensioners, and tackes-men of teinds of their severall Benefices.

229. *That the Temporall lawdes annexed to the Crown fall remaine therewith, and that they suld be retoured.*

OUR Sovereain Lorde, and his Estaites of this present Parliament, declaris and ordainis, that all few-landes annexed to his Majesties Crown, be the act of annexation, remaine with his Majestie & Crown in all time hereafter. And that all few-landes annexed, or uther few-lands quhat-sum-ever, within this Realme, be retoured and availed, to marke or pennie lands, that his Majestie may know the awner thereof. And being retoured that quhen it fall happen ony impoff or taxation to be raised, that the saidis sewares fall be charged according to their retours.

230. *Caution suld be found be them quha suld make compt in the Checker.*

OUR Sovereain Lord and Estaites of Parliament, ratifies and apprievis, the act maid at *Edinburg*; the zeir of GOD, ane thousand, five hundredth, auchtie seven zeires; Anent making of Compt in the Checker; And statuts and ordainis, that all the Chalmerlaines and sewares of his Majesties proper landes, Customers, Baillies of Burrowes, Schireffes and utheris intronnetours with the dewties of his Hiennesse propertie and casualties, fall finde caution and sovertie, Burgesles of *Edinburg*, for their zeirlic compeirance and making of compt in the Checker.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES and uthers, maid be King JAMES the Sext; in the Fourteenth Parliament, the viij. of Junij, the zeir of God, ane thousand, five hundredth, ninetie four zeires, not imprinted.

- 1 Declaration anent the annexation of Kello and Coldingham.
- 2 That na prejudice be done to the Queenes Majestie in this present Parliament.
- 3 Act in favour of the Ministers of Glasgow.
- 4 Ratification of the Kirk of Brunnt-land.

- 5 Ratification of the dispositions maid be umquible Patrick Bisshoppe of Saint-Andrewes.
- 6 Ratification of the disposition of the Kirk of Carrail.
- 7 Ratification of the Kirk of Greenock, and the Parochin of Innerkip.
- 8 Anent the Chappel Royall of Striviling.
- 9 Ratification of the act maid in favour of the Skimares.
- 10 Anent the dissolution of the Kirk of Neither-airlie.
- 11 In favour of the Bisshoppe of Dunkeld.
- 12 In favour of the Bisshoppe of Aberdene.
- 13 In favour of Maister William Mall-vill, anent Kilwinning.
- 14 In favour of the new College of Saint-Andrewes.
- 15 In favour of the Provost of Lincluden Collectour.
- 16 In favour of David Seaton, of Parbroith, Comptroller.
- 17 In favour of the Cittie of Glasgow.
- 18 In favour of the Burgh of Kinghorne.
- 19 In favour of the Burgh of the Cannon-gate.
- 20 Anent the fair of Bachcarte.
- 21 Act in favour of the Earle of Murray.
- 22 Of the Lord Fleming.
- 23 Of the Lord Levingstoun.
- 24 In favour of the Countesse of Mart.
- 25 In favour of the Laird of Maw.
- 26 In favour of Maister George Young.
- 27 In favour of John Androw.
- 28 In favour of John Achefoun.
- 29 In favour of James Smyith and John Wel-wood.
- 30 In favour of Robert Abercrumby.
- 31 Act in favour of the sewares of the Kingis propertie in Fife.
- 32 In favour of Thomas Fowles.
- 33 Against the exemption of Nicoll Udward Burges of Edinburgh.
- 34 In favour of Robert Walde-grave Prentar.
- 35 Ratification of the act and contract anent the Cuinzie.
- 36 Of the act anent the bulzeon.
- 37 Of the attes anent Regraters and forestallers.
- 38 Ratification to the Burgh of Aberdene.
- 39 Ratification of the Burgh in Barronie of Turteff.
- 40 Ratification of the Kingis Majesties acquittances to the Burgh of Dundie.
- 41 Ratification to the Duke of Lennox. Of the Temporalitie of Pluscardin.
- 42 To the Earle of Matre.
- 43 To David Seaton of Parbroth, Comptroller.
- 44 To the Clerke of Register, and Maister John Hay his sonne.
- 45 To Maister Peter Young.
- 46 To the Laird of Drumlanrig.
- 47 To the Constable of Dundie.
- 48 To David Scrimgeour of Fordie.
- 49 To John Hay of Lochloy.
- 50 To John Arnot.
- 51 To Captaine Patrick Cranstoun.
- 52 To Maister Henrie Keir.
- 53 To George Haliburntoun and his wife.
- 54 To the Clerke of Register of the Chaplaines Chalmers of Aberdene.
- 55 The Commendatar of Pettin weeme.
- 56 To Patrick Hume of Polwart.
- 57 Anent the Brig of Dalkeith.
- 58 Provisions in favoures of Burghs erected sen the acte of annexation.
- 59 Anent the Hospitales and Schooles.
- 60 Exceptions fra the act anent Pensiones soorth of the erections, sen the annexation.
- 61 Exceptions fra the generall act of dissolution.

T H E F I F T E N T H

P A R L I A M E N T

O F

K I N G J A M E S T H E S E X T ,

*Halden at Edinburgh, the nineteenth day of December, the zeir of God, one thousand, five hundred, ninerie seven zeires.*231. *All Ministers provided to Prelacies, suld have vote in Parliament.*

OUR SOVERAINE LORD, AND His Hieneffe Estaites in Parliamente, havand speciall consideration and regard, of the great Priviledges and immunities, granted bee his Hieneffe Predecessours, of maist worthie memorie, to the halie Kirk within this Realme; And to the speciall persones, exercising the offices, titles, and dignities of Prelacies, within the samin: Quhilkis persones, hes ever represented ane of the Estaites of this Realme, in all conventiones of the saidis Estaites: And that the saidis Priviledges and freedomes hes bene from time to time renewed and conserved in the same integritie, and condition, quhair-in they were at ony time of before: Swa that his Majestie, acknowledging the samin now to be fallen and becumin, under his Majesties maist favourable protection: Therefore his Majestie of his greate zeale, and singular affection, quhilik hee alwayes hes to the advancement of the trew Religion, presentlie professed within this Realme with advise and consent of his Hieneffe Estaites, statutis, decernis, and declaris, that the Kirk within this Realme, quhairin the samin Religion is professed, is the trew and halie Kirk: And that sik Pastoures and Ministers within the samin, as at ony time his Majestie shall please to provide to the office, place, title, and dignitie of ane Bishop, Abbot, or uther Prelate, fall at all time hereafter, have vote in Parliament, sik-like and als freele, as ony uther Ecclesiasticall Prelate had at ony time by-gane: And als declaris, that all and quhat-sum-ever Bishopprickes, presendie vaikand in his Hieneffe handes, quhilkis as zit ar un-disponed to ony person; or quhilkis fall happen at ony time hereafter, to vaik, fall be onelie disponed be his Majestie, to actuall Preacheres and Ministers in the Kirk: Or to sik uthers persones, as fall be foundin apt and qualified, to use and exercise the Office and function of ane Minister and Preacher: And quha in their provisiones to the said Bishopprickes, fall accept in, and upon them, to be actuall Pastoures and Ministers: And according thereto, fall practize and exerce the samin thereafter.

ITEM, As concerning the office of the saidis persones, to be provided to the saidis Bishopprickes, in their Spirituall Policie and government in the Kirk: The Estaites of Parliament, hes remitted, and remittis the samin to the Kingis Majestie, to be advised, consulted, and agreed upon, be his Hieneffe, with the Generall Assemblie of the Ministers, at sik times as his Majestie shall thinke expedient to treat with them there-upon: But prejudice alwayes in the meane-time, of the jurisdiction and discipline of the Kirk, established be Actes of Parliament, maid in onie time preceeding, and permitted be the saidis Actis, to all Generall and Provinciaill Assemblies, and uthers quhat-sum-ever Presbyteries and Sessions of the Kirk.

232. *Kirk-zairde dykes suld be bigged,*

OUR Sovereine Lord, and Estaites in Parliament, statutis, decernis and ordainis: That all Parochi-ners of everie Paroch Kirk within this Realme, build and repaire the Kirk-zairde dykes of their awin Paroch Kirk, with stane and morture, to the hight of twa elnes: And to make sufficient stiles and entresse in the saidis dykes, to pas to the Kirk and Kirk-zaird thereof: And ordainis the Lordes of the Session to direct and give letters and charges thereupon, in forme as efteris.

233. *Alienation of the Kingis annexed propertie.*

THE Kingis Majestie, and Estaites in Parliament, decernis and declaris, that all heretable infesmentes of few-ferme, set, given, and disponed be his Hieneffe, or ony of his Progenitours of gude memorie, of annexed propertie, is null of the Law, be way of action or exception, except sik infesmentes & dispositiones, quhilkis ar set be his Majestie, or his Predecessours, being of perfit age, after dissolution maid in Parliamente, in his or their majoritie, with augmentation of the rental.

234. *The*

234. *The annexed proprietie may not be disposed bot in few-ferme allanerlic.*

ITEM, It is decerned and declared, That all heretable dispositions given and granted in any time by-gane, or to cum, to any person, of his Hiennes annexed proprietie, to be holden of his Majestie, and his Succesours in chiefe, be service of waerd and reliefe: or in any uther maner of haïding, then in few-ferme allanerlic, is null and of nane availl, be way of action, or exception: Because landes, or uther annexed proprietie to the Crowne, cannot be set or disposed, bot in few-ferme allanerlic: Providing that this constitution na-ways prejudgeth sik infestmentes and alienationes, as ar maid and given be his Hiennesse, or his Predecessours, be way of *excaumbium*, permutation, or recompensation: Swa that thereby his Hiennesse rentall be not diminished.

235. *Auent disposition of the Kingis Castelles, and certaine uthers partes of the annexed proprietie.*

IT IS Decerned and declared, that all heretable alienationes in few-ferme, or uther-ways, affedationes, rentalles, pensiones, giftes, or dispositiones quhat-sum-ever, maid and given be his Hiennesse, or any of his Predecessours, of his Majesties Palices, Castelles, Parkes, Meadowes, Coale-heuches, and uthers under-written: they ar to say, of the Palice of *Haly-rude-bouse*, and Park thereof: Palice of *Limth-gow*, Park and Coale thereof: Palice of *Falk-land*, Coale, Parke, and *Lowmoundes* thereof: Castell of *Striviling*, Parkes and wairdes thereof, and of the *Tor-woodde*: Castell of *Dumbartane*, with the landes and maines adjacent thercto: Castell of *Blacknesse*. And generallie of all and quhat-sum-ever Castelles, Parkes, Meadowes, Coale-heuches, and uthers of his Majesties annexed proprietie, ar null, and of nane availe, force nor effect, fra the beginning, be way of action or exception.

236. *Disposition of the annexed proprietie maid before the dissolution, or nocht conforme to the condicions thereof is null.*

IT IS statute, that all infestmentes, alienationes, rentalles, affedationes, pensiones, giftes, discharges, and uther dispositiones quhat-sum-ever, of the annexed proprietie: And speciallic of the Customes, great or small, maid or given after the annexation, and before lauchfull dissolution in Parliament: Or maid and given, after the dissolution, and zit contrair to any of the condicions of the same, ar null of the Law, be way of action or exception, in all time by-gane, and to cum.

237. *Affise herring may not be disposed.*

IT IS statute and ordained, that all infestmentes and alienationes in few-ferme, or utherways, and all rentalles, affedationes, and dispositiones quhat-sum-ever, in all time by-gane, and to cum, of the affise herring, is null and of nane availe: Because the faide affise herring perteinis to our Sovetaine Lorde, as ane part of his customes, and annexed proprietie.

238. *Auent heretable Chalmerlanries, and dispositiones of the proprietie.*

ITEM, The Kingis Majestie, and Estaites in Parliament, decernis and declaris, all offices of heretable Chalmerlanries, and all free giftes and discharges of the Kingis proprietie, or any part thereof, with all fees, casualities, or priviledges pertaining thereto, to be null, and of nane availl. And ordainis them to cease in all time cumming: Swa that the King, and his Comptroller, may freelic intronet with the same, and all the rentes thereof, like as gif the saidis offices and dispositiones had never bene maid.

239. *Alienatio feudifirmæ feudifirmarum.*

OUR SOVERAINE LORD, and Estaites in Parliament, retreatis, rescindis, cassis and annullis all and quhat-sum-ever heretable infestmentes, and all and sindric uther dispositiones, maid and given to any person in any time by-gane, of any part of the few-ferme dewties, pertaining to his Hiennesse, fourth of the annexed Temporalitie of benefices of this Reaime: Or of the annexed proprietie: Or of any parte of the patrimonie of the Crowne.

240. *Auent tackes and pensiones, given fourth of thriddes.*

ITEM, It is statute and ordained, that all tackes and affedationes, set in diminution of the rentall, or first assumption: And pensiones maid and given to any person, in any time by-gane, or in time hereafter, of the thriddes of the benefices, or any part thereof: Ar, and hes bene fra the beginning, null & of nane availe: And that it fall nor bee leasum to his Hiennesse, in any time cumming, to give and dispone the same, in any maner of way.

241. *Auent*

241. *Auent thriddes of Benefices, commoun Kirkes, Friers-landes, rentes, and Benefices of cure under Prelacies.*

OUR SOVERAINE LORD, and Estaites in Parliament, Ratifies, apprievis and confirmis, the act maid be his Hiennesse, with advise of the Lordes of his secreit Councell and Checker, upon the fourteenth day of *Februar*, the zeir of God, anethousand, five hundredth fourscore seven zeirs: And confirmed in Parliament, with advise of the Estaites, upon the fifth daye of *Junij*, the zeir of God, anethousand, five hundredth, ninetie twa zeires: Auent the Reformation of the abuses of the thriddes of Benefices, commoun Kirkes, Friers-landes, rentes and Benefices of cure under Prelacies, within this Realme: And reducing of the same to their first institution: to have the strength, force, and effect of ane perpetuall and generall Law, in all time cumming: In all clauses and articles of the samin, and conforme to the tenour thereof in all poyntes: Amangst all and findrie our Sovereaine Lordis Lieges, alswell be way of action and perfute, as be way of exception and defense: And declaris and decernis, all and findrie exceptions, granted in favour of ony person or persones, in the bodie of the said acte, or severallie in the said Parliament, halden at *Edinburgh* the said fifth day of *Junij*, the zeir of God, anethousand, five hundredth, ninetie twa zeires: Or in ony uther Parliament halden thereafter, to be null, and of nane availe, force, nor effect, be way of exception or reply: like as gif the samin had never bene given or granted: Providing alwayes, that the exception and provison contained in the said acte and constitution, touching heretabing infestmentes, shall remaine and stande in the awin strength and effect, as ane exception maid fra the said Acte and Ordinance: And sik-like, but prejudice of ony priviledge granted to the Colledge of Justice, or ony of the Lordes thereof.

242. *The twa part of the Benefices vaikand, fall apperteine to the King.*

IT Is statute and ordained, that the twa part of the Spiritualitie un-assumed of all Prelacies now vaikand, or that fall happen to vaik: And all fruites, rentes, profites, and emolumentes thereof, *sede vacante*, fall apperteine to his Hiennesse and his Successoures, to the sustentation of their houses and affaires: And fall on na-ways be disponed in all or in part, to ony person, be way of pension, gift or disposition quhat-sum-ever.

243. *Auent ratifications and dispositions maid in Parliament.*

FORSAMEIKLE As there is certaine Generall and Originall Lawes, quhairby expres provison is maid, that his Majesties proprietie and annexed Temporalitie of Benefices, may not be dilapidate nor disponed, to his Hiennesse prejudice, and derogation of the saidis Lawes. **IT IS** Therefore statute and ordained be his Majestie, with advise of the Estaites in Parliament, that the saidis generall Lawes shall have their full effect. And that na derogation shall be maid thereto, bee quhat-sum-ever gift or disposition: Notwithstanding the same bee particularly ratified in Parliament, except the said ratification and new disposition be maid with expresse and speciall dispensation of the saidis generall Lawes, and bee advise of the Estaites to bee speciallie mentioned therein: And that the Lordes of the Session shall Judge according to the generall Lawes, without respect of ony particular derogation maid thereto, to his Majesties hurte or prejudice; or contrair the tenour of the saidis Actes.

244. *Ministers and possessoures of benefices, shall give up the rentall of the Temporalitie.*

IT Is statute and ordained, that all Ministers that fall happen to receive ony assignationes for their stipendes, foorth of the fruites and rentes of ony Benefice, within this Realme, shall at the time of the receiving of their assignationes, and raising of letters conforme thereto, declare and give up particularlie to the Clerk director and subscriber of the saidis letters, how meikle they, or ilk ane of them hes of the Temporalitie, given and disponed unto them, in their severall assignationes: The quhilk Clerke shall be halden and obliged, to give and deliver the same, to the Clerk of the Thesaurarie of augmentation, to be insert and remaine in Register in all time cumming: And maircover, all and findrie Prelates, and uthers possessoures of all benefices, quhilkis ar at his Hiennesse gift or disposition, shall likewise give up to the Clerke foresaid, ane sufficient inventare, conforme to the first assumption of the thriddes of all rentes, profites, and dewties, of the twa part of the saidis benefices: And how meikle thereof is set in few-ferme, or in *feudifirma feudifirmarum*: With certification to them, and everie ane of them, gif they failzie, or gif they fall happen to omit ony of the rents or fruites foresaid: or give up ane rentall, quhilk is not just and leill: In that case their benefices shall vaik in his Hiennesse handes, as gif they were naturalie dead: Swa that his Hiennesse may disponethereupon, and intromet with the profites of the same, at his pleasure.

245. *The sewares of the Temporalitie, shall give up ane rentall of their dewties.*

IT Is statute and ordained, that all sewares, of quhat-sum-ever annexed landes, pertaining to the Temporalitie of all Benefices within this Realme, except laick patronages, shall before the first day of *Januar*, the

zeir of God, ane thousand, five hundreth, ninetic aucht zeires, exhibite and produce to the Thesaurare of augmentationes, and his deputes, their infestmentes and titles, quhair-by they bruike and possesse the saidis landes: To the effect his Hieneffe and his saidis officiares may be inspection thereof, understande the dewtie quhilk they, and ilk ane of them aucht and suld pay to his Hieneffe: The quhilk Clerke, fall extract ane minute thereof: And all the speciall clausies and provisiones gif ony be contened in the saidis infestmentes, to remaine with him, as ane trew and authentick rental, of his Hieneffe Temporalitie in time cumming: And gif ony of the saidis sewars sailzies in the premisles, the infestment of few-ferme, and all uther richt and title quhilk he can allege and pretend to the saidis landes, to be null, and of nane avail, force nor effect, be way of exception or reply: and it fall be leasum to the King and his Thesaurar foresaid, to intronet, lift, and uptake the mialles, fermes, and dewrics, ar the terme and feast of *Whit-sunday*, nixt and immediatlie following, the said first day of *Januar* foresaide: And ordainis that this acte fall be imprented before the first day of *Maij* nixt-ro-cum: Or failzieing thereof, fall bee openly published at the heade Burgh of ilk Schire: And that the famin fall not be extended to ony person, quha hes produced and schawen their hal-dinges alreadie.

246. *All sewes may be decerned null, for not payment of the dewtie, albeit na provision be maid there-aneut in the infestments.*

OR Sovereine Lord, and Estaites of this present Parliament, haveand consideration of the greate damage and skarth, quhilk his Majestie and lieges of this Realme susteinis, throw evil and univous payment of the tew dewties of their landes, set in few-ferme: Therefore statutis and ordainis, that in case it fall happen in time cumming ony vassall or sewar, haldand lands in few-ferme, of our Sovereine Lord, or of ony uther superiour immediatlie in few-ferme, to failzie in making of payment of his few dewtie to our Soverein Lords Comptroller, or uther havand power of him, or to uther immediate superiour, or uthers havand power of him, be the space of twa zeires, haill and togidder: That they fall amitte and tine their said few of their saids lands, conforme to the civill and cannon Law: Sik-like and in the same maner, as gif ane clause irritant were speciallie ingrossed and insert in their saidis infestmentes of few-ferme.

247. *It is not leasum to take mair annual-rent or profite, nor ten for the hundreth.*

OUR SOVERAINE LORDE, And Estaites of this present Parliament, havand consideration, that exorbitante profite and usurie taken for the lene of money: Is nocht onlie bee the Lawe of GOD condemned, bot als wa is forbidden bee the Lawes of this Realme, and Actes of Parliament: Therefore statutis and ordainis, that nane of our Sovereine Lords lieges take upon hand in ony time hereafter, to take ony greater profite, or annual-rent, for the lenc of money, outhir be infestment, or be band or contract, directly, or indirectly, bot ten for the hundreth, under paine of confiscation of all their moveable guddes and geare: And to be utherwayes punished in their persones, as commoun ockerars, according to the Lawes: And for that effect, to be called and persewed at particular diettes, before the Justice and his deputes, to underly the Lawe for the famin, And that all infestmentes, contractes, and obligations to be maid in time cumming, for payment of annual-rent of victuall: That the victuall therein contened, fall be reduced to sik conformitie of price, as fall answer to ten for the hundreth alianerlie: Swa that the partie addebet, payand ten for the hundreth, the famin fall be als lauchfull, as gif they had payed the victuall contened in the saidis infestments. And because there is diverse persones, quha obreinis themselves infest in the propertie of landes, for small summes of money, under reversion: and fetis tack back againe to the heretour, or uthers to his behoove, for payment of ane great dewtie in silver or victuall, far exceeding the profite of Ten, for ilk hundreth: As als wa be contract, band or obligation, makis simulat forme, of byeing or selling of victuall, to be delivered at ane certaine day, and failzieing thereof, certaine high prices liquidat therein, of intention onely in defraud of the said act, to recover with their principall summe, sik exorbitant ocker and profite, as is directlie forbidden herein: As likewise there is diverse persones, quha the time of the debursing of the said summe, quhilk they let to profite, aggries with the partie for the usurie and ocker, far exceeding the ordinar annual-rent foresaid, and reteinis the same in their handes, and takis their securitie be plain forme of obligation, or utherwayes of the hail summe to be payed at ane certaine terme, as gif na sik exorbitant profite and ocker had bene deduced or allowed therein: Therefore statutis and ordainis, that all sik infestments, bandes, contractes, or obligations, quhilk fall happen to be maid, in maner foresaid, in defraud of the saidis acts and statutes, and for circumvention of the lieges, astrictand them to pay farther profite in silver, nor according to ten for the hundreth: or mair victuall, nor may be answerable in price, to the annual-rent in silver foresaid, in maner abone specified, fall be null, and of nane avail, force nor effect, as gif the famin had never bene maid: Notwithstanding quhat sum- ever uther colloured or pretended clause be insert therein: And the said nullitie upon the causes fore-said; to be received summarlie, als well be way of exception and reply, as be way of action, and to be tryed be the aith of partie, and all uther lauchfull probation conjoynd therewith, competent of the Law; quhairby the said un-lauchfull ocker may be verified to the Judge, and the said nullitie to be persewed be

brocht within this Realme hereafter, quhair-unto his Hieneſſe ſubjectes ar aſtricted to bring in, bee his Ma-
jeſties Lawes, as Bulzicon: The ounce thereof, being of twelve deniers, Or being baſſer, and ſupplied
bee compt and quantitie, to bee worth twelve Deniers: THE Merchandes in-bringers thereof, and ſupplied
have ane ounce of his Hieneſſe awin cuinzie of eleven deniers for every ounce of bulzicon, brought in maner
fore-ſaide: AND of all uther foreine Cuinzie, that they fall voluntarie bring in to the Cuinzie-houſe of
the ſaide ordinar Bulzicon: That there be onlic the threttie pennie thereof reteind to his Maieſties
profite.

And alſwa ordainis, thar all the ſaide Lieges, conforme themſelves in this mater of the Cuinzie: to the
will, declaration and determination of his Maieſtie, his Nobilitie, Councill, and Eſtates foreſaids: And
on na-wayes take upon hande to breake, or contravene the ſamin in any part, as they will anſwere to his
Hieneſſe, upon their obedience, at their uttermaift charge and perrell: And under the paines preſcribed
in his Hieneſſe Lawes, to be execute upon them without favour. And to this effect, that the Theſaurar
and his deputies, inſiſt, and ſeek the execution of the paines and puniſhmentes preſcribed in the ſaidis Lawes,
againſt the contraveners thereof, with all rigour and extremitie, as they will anſwere to his Hieneſſe, upon
their office and obedience: And that the Generall Maifter Cuinziour, Warder, Counrer ward, Mai-
ſter Cuinziour, aſſayer, ſinker, meltare, forger, and all uthers officiares of his Hieneſſe Cuinzie-houſe,
proceede to the cuinzieng, ſtriking, and forging of new Cuinzie, according to the Lawes alreadie maid,
and this preſent acte and ordinance, as they will anſwere to his Hieneſſe, upon their offices. And to the
effect his Maieſties ſubjectes may be reſolved of the prices of all golde and ſilver to be brocht be them
within this Realme: And quhilk the Maifter Cuinziour ſhall be aſtricted to paye to them, conforme
to the tenour of thir preſents, he ſhall be aſtricted to have openlic affixed in his houſe of exchange, ane authen-
tick Table, to be maid be his Hieneſſe Commiſſioners, appoynted to that effect, containand the particular
prices of all ſpeces of foreine Gold and Silver, uſuallic in-brocht within this Cuntrie: According to the
availe, weicht, and ſines thereof: And that the Clerke of his Hieneſſe Register, cauſe imprent thir pre-
ſentes, and all uther Actis maid concerning the Cuinzie, Customes, and Bulzicon, quhair throw his Hieneſſe
ſubjectes pretend na ignorance thereof: Quhilk acte abone written, our ſaid Sovereine Lord, with
advife of the ſaidis Eſtates in Parliament, ratifies, apprievis, and confirmis in all poyntes, after the tenour
thereof: And decernis and declaris the ſamin, to have the ſtrength, force and effect of ane Law and acte of
Parliament, in all time cumming.

250. *Wool ſuld not be transported fourth of the Realme.*

OUR Sovereine Lord, and Eſtates of this preſent Parliament, ratifies, apprievis, and confirmis the
act maid at *Dundie*, the threttenth day of *Maij*, the zeir of God, ane thouſand, five hundreth, nine-
tiet ſeven zeires: Anent the reteining of wool within this Realme: Of the quhilk the tenour followis.
THE Quhilk day, the Kingis Maieſtie, with advife of his Nobilitie, Councill, and Eſtates, preſentlic
conveened, ratifies, apprievis, and confirmis the Acte of Parliament, maid be his Hieneſſe, and his E-
ſtates for the time; Anent the receiving and reteining within this Realme, of all the wool quhilk growis
within the ſame, in all and ſindry poyntes, artickles, and clauſis therein contained: And ordainis the ſaid
act to be put to dewe execution in all poyntes againſt the contraveners thereof: norwithſtanding any licen-
ces or uther diſpenſation, granted be his Hieneſſe in the contrair: Quhilkis licen-ces and diſpenſationes, ſtrength
and effect thereof, his Maieſtie annullis, and diſchargis *ſimpliciter* be thir preſentes: Promitting on na wayes,
to grant any ſik licen-ces or diſpenſationes at any time hereafter: And thar craſtef-men ſtrangers, be brocht
hame within this Cuntrie, for working of the ſaid wool within the ſamin, for the common weill and pro-
fite thereof, in time cumming: Quhilk acte abone written, our ſaid Sovereine Lorde, with advife of the
Eſtates in Parliament, ratifies, and confirmis in all poyntes, after the tenour thereof: And decernis and
declaris the ſamin to have the ſtrength of ane Law and acte of Parliament, in all time cumming.

251. *All Merchandice brocht within this Realme, ſuld pay cuſtome.*

OUR Sovereain Lord, and Eſtates of this preſent Parliament, ratifies, apprievis, and confirmis the
act maid at *Dundie*, the threttenth day of *Maij*, the zeire of God, ane thouſand, five hundreth, nine-
tiet ſeven zeires: Anent our Sovereain Lordis cuſtomes; of the quhilk the tenour followis: FOR S A M E-
K L E As it is underſtand to the Kingis Maieſtie, his Nobilitie, Councill, and Eſtates, preſentlic con-
veened, that the ſubjectes of all Foreine Nationes, quhilkis bringis and transportis any kinde of claith, or
uthers wares or Merchandice, from any Foreine Cuntrie, to their awin Native Cuntrie, hes bene in uſe,
and zit ſtill continues, in the payment of certaine cuſtome, or uther exaction therefore, chiefelic at the
time of their arrivall, and in-cumming within the ſamin: And almaiſt few or nane of the ſubjectes of any
Realme exeeded therelra (the ſubjectes of the Cuntrie onely excepted) quha be reaſon of ane alleaged by-paſt
immunitie, claimis the priviledge of exemption: Albeit it cannot be denied bot his Maieſtie is a free
Prince, of a Sovereain power, havand als greate liberties and Prerogatives, be the Lawes of this Realme,
and Priviledge of his Crowne and Diademe, as any uther King, or Prince, or Porentate quhar-ſum-ever:
And therefore aucht to have the like cuſtome and exaction, for interteining of his Princelic Eſtate of
all

all Claith and uther wares and merchandice, to be brocht within this Realme, be his Hiene subjects, at all times hereafter. For the quihlk purpose, his Majestie, with advise of his said Nobilitie, Councell and Estaites, hes thocht meere, concluded, and ordained, that all Claith, and uthers merchandice quabsum-ever, to bee brocht within this Realme, fra all foreine Nationes, fall pay the custome following, at the time of their arrivall, and entrie therein, in all time cumming, that is to say, twelve pennies of everie poundes worth of all sortes of the saidis wares, or merchandice: And to this effecte, his Hieneffe, and his said Nobilitie, Councell, and Estaites, givis full power and Commission to the Lordes, Audiroures of his Checker, and uthers of his Nobilitie and Councell, to the number alwaies of eleven persones, at the least, to set downe the *A. B. C.* of the custome of all claith, and uthers wares, and merchandice, quihlkis fall be brocht and entered within this Realme zeirle here-after: with power likewise to them, to set price upon the saidis wares: Conforme to the quihlk the Customers, to bee appoynted bee his Majestie ro that effect, fall up-lif custome thereof: and to make all uther ordinances necessar for the ease of the merchandes, and surctie of his Hieneffe Custome, in the execution of the premiffes: And alswa of sik uther guddes, to bee transported forth of this Realme, as is nor as zit expressed in the *A. B. C.* alreadie maid: Providing this Acte bee not extended to Earles, Lordes, Barronnes, and Free-holders: Bot it fall be leasum to them, to send their guddes beyond Sea, for their awin particular use: AND ALS, It fall bee leasum to them to bring within this Realme, Wines, Claithes, and uther furnishinges, for their awin particular use: And nawaies to make merchandice thereof, conforme to the Lawes and liberties granted to them of before: The quihlk acte, above written, OUR SOVERAINE LORD, and Estaites foresaidis, decernis and declaris, to stand as ane law in all time cumming.

252. *English claith, and all uthers English merchandice maid of wool, is forbidden.*

OUR SOVERAINE LORD, And Estaites of this present Parliament, ratifies, apprievis, and confirmis the acte maid at *Dundie*, the thretenth daye of *Maij*, the zeir of GOD, ane thousand, five hundreth, ninetie seven zeires: Anent the hame-bringing of *English* Claith: Of the quihlk the tenour followis: THE Quihlk day the Kings Majestie, his Nobilitie, Councell, and Estaites, presentlie convened, fore-seeing the greate hurte and inconveniente, quihlk the commoun weill of this Realme dathie susteinis, throw the un-profitable trade used bee Merchandes, in the hame-bringing of *English* Claith, and uthers *English* wares and Merchandice maid of wooll: The same Claith havand onelie for the maist parre, ane out-wardeschaw, wantand that substance and strength, quihlk oft-times it appears to have: And being ane of the chiefe causes of the transporting of all gold and silver forth of this Realme: And consequentie of the great fearfittie, and present dearth of the cuinzic, now current within the samin: Seeing that kinde of exchange, cannot weill bee interreined be ony lauchfull trade, or uthers wares or merchandice, to be transported forth of this Realme, quihlk be the Lawes of the samin, ar not alreadie prohibite and forbidden: And therefore his Majestie, with advise of his saidis Nobilitie, Councell, and Estaites foresaidis, hes thocht rincete and conveniente, to restrain the hame bringing within this Realme, of all *English* Claith, or uther *English* wares or merchandice maid of wooll in time cumming: And ordainis his Hieneffe Lieges, of quhat estaitie, qualitie, or degree that ever they be of, that nane of them take upon hande, to bye or bring hame within this Realme to be fauld, ony kinde of *English* claith, or uther *English* wares, or merchandice maid of wooll, at ony time hereafter, under the paine of confiscation of the same claith and merchandice: And all uthers the moveable guddes of the hame-bringers to his Majesties use: The quihlk acte, our said Sovereine Lord; and Estaites foresaidis, ordainis to stand as ane law in all time cumming.

253. *Great burne Coale, suld not be transported firth of this Realme.*

OUR SOVERAINE LORD, And Estaites of this present Parliament, ratifies, apprievis, and confirmis the Acte maid at *Dundie*, the thretene daye of *Maij*, the zeire of God, ane thousand, five hundreth, ninetie seven zeires: Anent the transporting of Coales firth of this Realme. Of the quihlk the tenour followis: FOR-Sameikle as it is understand to the Kingis Majestie, his Nobilitie, Councell, and Estaites, presentlie convened: That the greate burne Coales, ar commounlie transported forth of this Realme, be diverse and findrie persones, quha at all times laidenis their Schippes and uthers veschelles therewith, and transportis the same at their pleasure, usand the samin as a commoun trade, togidder without his Majesties licence or permission: To the greate hurte of the commoun weill, and expresselie against his Hieneffe Lawes, actes of Parliamente, and findrie proclamations maid in the contrair: For remeid quhairof in time cumming his Majestie, with advise of the saidis Nobilitie, Councell, and Estaites foresaidis, statutis and ordainis, that na persones, alsweill strangers, as uthers borne subiectes of this Realme, take upon hande to transporte onie greate burne Coale forth of this Realme, at ony time hereafter: Nor zit laiden their Schippes, Creares, or uthers veschelles there-with, to be transported, as said is, under the paine of confiscation of the same Coales, Schippes, Creares, and uthers veschelles, to his Majesties use: Certifieng them, and they doe in the contrair, that the same Coalles, Schippes, Creares, and veschelles, fall be confiscat and intrometed-with, with all rigour and extremittie, in exemple of uthers. And to this effect, thar all Provestes and Baillies of the saidis Burrowes, Customers and searhoures quhat-sum-ever,

fall search, seeke, take, and apprehend all and findrie persones, contraveeners thereof, keip, and cause retaine their persones in ward, within their Tolbuithes: Fense and arreist their schips, Creares and vessels, take the failes fra the Raes, and keip them under arreistment, at his Majesties instance, quhairthrow they departe not: Notifand their names to his Hienes, that his Majestie may give furder direction towards them, as apperteinis: As the saidis Provestes, Baillies, Customers, and searchours will answereto his Hienesse, upon their office and obedience: The quhilk act, our said Sovereaine Lord and Estaites foresaidis, ordainis to stande as ane law, in all time cumming.

254. *Forbidden guddes suld pay custome.*

OUR SOVERAINE LORDE, And Estaites of Parliament, statuis and ordainis, that in case any of the forbidden guddes under written, bee transported upon licence forth of this Cuntrie: The rransporters fall pay therefore, the customes under-written, To wit, for ilk stane of wool, five shillings; Ilk douzane elnes of linning claith, foure shillings: Ilk boll of victual, five shillings, and ilk poundes woorth of forbidden *English* wares, in-brocht to this Cuntrie upon licence, twelve pennies.

255. *All cocquettes suld be speciall, and containe the particular kindes of Merchandice.*

ITEM, It is statute and ordained, for eschewing of the damage and skaith quhilk dailie arisis, throw generall and informall cocquettes, given and graunted within this Realme: That in all times cumming, all Clerkes of the Cocquet, fall particularlie expreeme and specific in the Cocquettes given be them, the particular quantities of the guddes and merchandices, the special kindes and sortes thereof: The names of the Merchandes, and awners of the famin: How meikle of the same guddes pertainis to ilk Merchant: And that the Conservatour in the *Law-Cuntries*, doe not admit nor allow ony Cocquet, except it be written and formed in maner foresaid, bot fall confiscate all the saidis guddes, nocht expreemed particularlie, as said is: And make compt and reckoning thereof zeirlic to the Thesaurar, as he will answer upon his office.

256. *All Schippes suld have ane sufficient Cocquet.*

IT is statute and ordained, because the Cocquet is the Schippes passport and testimonial of het lauchfulness; That the Conservatour fall fense and arreist all Schippes nocht havand ane Cocquet, or nocht havand ane Cocquet formelie written: And escheit the haill guddes and gear being in the said Schip, to our Sovereaine Lordis use, and make compt thereof zeirlic in the Checker to the Thesaurar.

257. *The aith of the Merchandes, Skippers, and Factoures, passand to and fra the Law-cuntries, and firth of this Realme.*

ITEM, The Conservatour fall nocht receive or admit ony Cocquet, albeit the same be lauchfullie given, except the Merchandes, Skippers, Factoures, and everie ane of them, before the lossing of any of their guddes, make faith, and sweare solemnedlie be God himselve his Creator, that hee hes na forbidden guddes or gear, nor na uther lauchfull merchandices, by, and arour that quhilk is contained in the Cocquet: Nor knawis of nane to be in the famin Schip, pertaining to uthers: And that fa far as hee understandis, the haill guddes and gear pertainis properlie to free men, and na part thereof to un-freemen: As alsua at their back returning fra the *Law-cuntries*, towards *Scotland*: They fall likewise give their solemne aithes, before the laidening of the Schip, or inputting of ony guddes, that the guddes properlie pertainis to themselves, and nocht to strangers: And gif they losse onie guddes and gear cummand from *Scotland*, before the giving of the faide aith, or putris ony guddes in Schip-buird, to be transported towards *Scotland*, all the same guddes to bee confiscate. And gif the said aith be refused be them all, and they nawaies will make the same: It fall be leasum to the Conservatour, to arreist the faide Schippe, and all the guddes contained therein: And gif some makis aith, and uthers refusis, hee fall arreist all the guddes pertainand to the partie refusand: And make compt thereof, as faide is: And quhair-fu-m-ever guddes is nocht contained in the Cocquet, to be confiscat, as said is.

ITEM, It is statute and ordained, that all Merchandes and Skippers, at the receiving of their Cocquettes, in all partes and Portes within this Realme, fall give their solemne aithes, and mak faith in forme and maner abone expreemed: And that they have na forbidden guddes, nor na uther lauchfull guddes or merchandice, except that quhilk is contained in their Cocquet and entres: And fall take na uther guds in, all that voyage, under the paines foresaidis: Quhilk aith, fall be maid to the Customers, quhair-arent they fall be answerable zeirlic in the Checker.

258. *All Schippes and Merchandes suld land at the ordinar Staple.*

IT is statute and ordained, that na Schippe passand to the *Law-cuntries*, fall lande onie mennis guddes or gear in ony parte thereof, bot at the Town of *Camp-Veeer*, or the ordinarie Staple for the time: And na person fall gang on Lande, or transporte ony thing out of the Schippe, before his arrival at the same Porte,

richtes and titles quhat-sum-ever. quahairby they claime richt and title to ony parte of the landes or fishinges, with in the boundes foresaidis: And then thereafter finde sufficient caution, acted in the buikes of Checkers. For zeirlic and thankfull payment to his Majestie, of his zeirlic rentes, dewties, and service addebted be them, foorth of the landes, possessed and occupied bee them, or ony in their names: And that they themselves, men, tennentes, servandes, and dependares, fall bee answerable to his Hieneffe Lawes and Justices: And that they, nor name of them, fall doe injurie to ony uthers his Hieneffe Lieges, in their persones or guddes, quha fall happen to repaire and travell within the saidis boundes, for their lauchfull trafficque within the saidis: And that they, and every anc of them, fall make redresse to all parties, skaithed and hurte, or to be skaithed and hurte bee them, in time cumming, under sik paines as it fall please the saidis Lordes of Checker to modifie, by reparation of the skaithe to the parties, that susteined the saidis: With certification to them, and ilk anc of them, gif they failzie in the premisses, or to compeare and finde caution in maner, and within the space foresaide: That they, and everie anc of them, quha failzies, fall bee decerned, like as bee this present acte, they ar decerned, to foresault, amit, and tunc all pretended infesmentes, and uthir richt and title they have, or may pretende to have, to ony landes quhat-sum-ever, they have holden, or pretendis to hald of his Majestie, either in propertie, or superioritic: Quhilks their pretended infesmentes and titles thereof, in-cas of failzie foresaide, ar now as then, and then as now, declared be this present Parliamente, to bee null and of nane availe, force, nor effect in themselves, and that the nullitie thereof, fall be received and admitted in all judgements, be way of exception or reply, but ony proces, action, or declaratur of reduction to be given thereupon.

263. *Anent the bigging of Burrowes-Townes, in the Iles and Hie-landes.*

OUR SOVERAINE LORDE, With advife of the Estaites of this present Parliament: FOR the better intertencing and continuing of civilitie and policie, within the HIE-LANDES and ILES: Hes statute and ordained, that there be erected, and builded within the boundes thereof, Three Burghes and Burrowe-Townes in the maiste convenient and commodious partes, meete for the saidis: To wit, ane in *Kintyre*, ane uthir in *Lochaber*, and the thrid in the *Lewis*: To the quhilks Burghes, and inhabitants thereof, **OUR SOVERAINE LORDE**, And Estaites foresaidis, fall graunt, and be thir presentis grantis all Priviledges, quhilks his Hieneffe, or his Predecessoures hes granted to ony uthir Burghes, or inhabitants thereof, within this Realme. AND that it fall be leasum to **OUR SOVERAINE LORDE**, Be advife of the Lordes of his Majesties Checker, to rogive, graunte, and dispone, to everie anc of the saidis Burghes, sameikle lande and grounde, foorth of his Hieneffe annexed propertie, as may serve to bigge the saidis Townes upon the saidis, with sameikle lande and fishinges nixt adjacent thereto, in commonn gude to everie anc of the saidis three Townes, as may susteine the commonn charges thereof, to be halden in free Burgage of his Hieneffe, in sik forme and maner, as his Majesties maist Noble Progenitours of worthie memorie hes graunted of auld, to the erection of uthers Burghes of this Realme.

264. *Letters of horning, inhibitions, interdictions, executiones, and publications thereof, against persones dwelland within Bailleries, suld be registred in the Baillies buikes.*

OUR SOVERAINE LORDE, and Estaites of this present Parliament, statutis and ordainis, that all letters of Homing, relaxations, inhibitions, interdictions, and publications thereof, and uthers of the like sorte, thar fall at ony time hereafter bec raised, and execute against quhat-sum-ever person within this Realme, dwelland within the Baillaries or Stewardries, alsweill of Royaltie, as Regalitie, be execute at the mercat-croce of the head Burgh, or Toun of the saidis Baillaries and Stewardries, within the quhilks the saidis persones dwellis: And als that the saidis letters be registred in the saidis Stewart and Baillies buikes: Quhilk registration, fall be als lauchfull in all time cumming, as gif the saidis had bene registred in the Schireffes buikes. And that all executiones and registrations, thar fall happen hereafter to be uthervais execute and registred, fall be null, and of nane availe, with all thar followed thereupon: And ordainis, all the generall claufes and provisions insert and mentioned in the acts of Parliament, maid of before, anent registration of horninges, in the Schireffes buikes, to be halden as expressed and repeted in this present ordinance and constitution.

265. *Registrations of letters of horning, relaxations, inhibitions suld be maid judiciallie: Or before ane Notar, and foure witnesses: Of the Judge refusand the registration.*

IT Is statute and ordained, that all registrations of letters of horning, relaxations, inhibitions, interdictions, before quhat-sum-ever Schireffe, Steward, or Baillies, alsweill of royaltie, as regalitie, be either registred in time cumming judicially, or before ane Notar, and four famous witnesses, by and about the ordinar Clerke: And in-cas ony Schireffe, Baillie, or Steward, alsweill of Royaltie, as Regalitie, refusis to register the foresaidis letters of horning, relaxations, interdictions, and uthers of the like sorte:

That the partie quha presentis the famin letter to be registred: take instrumentes of the saide refusal, and present the famin letter thereafter to the nixt Schireffe, Stewarde, or Baillie, or to the Clerke of Register, and his deputes, to be depute be him: To the effect the famin may be registred in the buikes of Council: Quhilk registration, fall be als sufficient, as gif the famin letters were registred in the Schireffe, Stewarde, or Baillies buikes, quhair the saidis persones dwellis.

266. *It is not leasum to slay Deare, Raes, Flares, wilde-fowles, or Dowes.*

OUR SOVERAINE LORDE, and Estaites of this present Parliament, ratifies and apprievis, and confirmis the actes, lawes, and constitutions, maid be his Hieneffe, and his Predecessours of worthie memorie of before, against the schutting and slaying of Deare, Raes, Hares, wilde-fowles, and Dowes, with hagbuttes, hand-gunnes, Croce-bowes, and Pistolettes, and taking of them with gines and nettes: And ordainis the same to be put to dew execution in all tyme hereafter, with this addition, that it fall be leasum to everie Schireffe, Steward, Baillie, and Baronne, within his awin boundes, to slay all lying dogges, quhilkis the fowlers usis, for slauchter of the said wilde-fowles, and tak and apprehend the saidis Fowlers themselves, and put them in stockes, and deteine them therein, for the space of 48. houres, as oft als they be apprehended.

267. *Auld unlawses, ar valued and amplified.*

OUR SOVERAINE LORDE, and Estaites foresaidis: Considerand the great contempt done be the maist part of the Lieges of this Realm, quha ar charged to pas upon assises, or to do any uther thing upon small pecunial paines of un-lawes: Quhilkis paines be sa small, that they respect not the famin, bot disobeyis our Sovereain Lordis autoritie: Therefore it is statute and ordained, be our Sovereain Lord, and the three Estaites, that quhen-soever any person contraveinis ony Law, statute, or acte of Parliament, maid of before, containand ane special pecunial paine and unlay: That he fall pay for ilk twelve pennies of unlay of auld, ten shillings, of present current money of this Realme: And for ilk twentie shillings of auld, ten poundes of present money: And swa fourth proportionallie: And this ordinance to be understand of pecunial paines and unlaws, contained in the Lawes of this Realme, maid and constitute before the first day of March, in the zeir of God, 1542.

268. *Strang beggers, vagaboundes, and Egyptians suld be punished.*

OUR Sovereain Lorde, and Estaites of Parliament, ratifies and apprievis the actes of Parliament maid of before, against strang and idle beggers, vagaboundes, and *Egyptians*, with this addition, That strang beggers and their bairnes, bee employed in commoun warkes: And their service mentioned in the act of Parliament, in the zeir of GOD, ane thousand, five hundrith, seventie nine zeires, to bee prorogate; induring their life-times: And in place of severall commissions in Landward to be granted be the King, for execution of the said act, the power thereof to be granted to the particular Session of the Kirk.

269. *The paines of Law-burrowes suld be payed be him quha for his disobedience is denounced rebell: The cautioner may be persewed, or the principall.*

OUR SOVERAINE LORDE, and Estaites of Parliament, statuis and ordainis, that the paines of contravention, fall be payed be the principal partie, that is charged to finde Law-burrowes, as seit hee passe to the horne, and finde not caution: And gif he finde caution, that baith he as principal, and als his cautioner, fall be subject to the payment thereof, at the option of the persewer, as in all uther pecunial obligatiounes.

270. *The paine of the generall bande, is divided betuixt the King and the partie.*

OUR SOVERAINE LORDE, and Estaites of Parliament, statuis and ordainis, that the paines of contravention of the general bande, fall be divided betuixt the King and the partie, in all tyme cumming.

271. *The Schireffe Clerkes, suld bring their buikes to the Checker: They suld be marked.*

OUR SOVERAINE LORD, and Estaites of this present Parliament, finding that the securitie of all byeing and seiling of landes, and of all escheitres, depends upon the registration of inhibitiounes, interdictiounes, and horninges *respective*; the credite quhair of allanerlie perteinis to the Schireffe Clerkes, quha hes bene oftymes improven before the Session: Therefore statuis and ordainis, that their buikes be marked be the Clerk of Register, in sik forme and maner, as uther Notares buikes: And that the authentick copies be reported zeirlic, to remaine in the Kingis Register, quhair-anent they fall be answerable zeirlic in the Checker, under the paine of warding of their persones, or horning, as fall please the Lordes Auditoures of the Checker.

272. *Barronnes suld send to the Parliament Commissioners with sufficient commissions.*

OUR SOVERAINE LORD, And Estaites of Parliament, statutis and ordainis, that na Barronnes be received as Commissioners, for ony Schireffedome within this Reaime, at ony Parliament, to be holden hereafter: Except the saidis Barronnes bring and produce with them sufficient Commissions, granted to them in ane full convention of the hail Barronnes of the said Schireffedome: Quhilk Commission shall be authorized, with the subscription of ane great number of the Barronnes then present, togidder with the Clerke of the said convention, his subscription: And gif the said Commission be not past in dew forme, in maner foresaid, his Hiennesse and Estaites, dischargis the Clerk of Register, in all time hereafter, of ony receiving of their saidis Commissions.

273. *Prison-houfes suld be bigged within all Burrowes.*

OUR Sovereine Lorde, and Estaites of this present Parliament, understanding that for want of sufficient and sure prisonnes, jailles, and warde-houfes, findrie rebelles and transgressours of the Lawes, alsweill criminall, as civill, escapis unpunished, and Justices contentmed: For remeid quhairof, our Sovereine Lorde and Estaites, hes statute and ordained, that within the space of three zeires, in all Burghes within this Realme, there be sufficient and sure jailles and warde-houfes bigged, up-halden and maintained be the Provest, Baillies, Councill, and Communities of the saidis Burrowes, upon their awin commoun gude, or utherwayes upon the charges of the Burgh: And that for sure imprisoning, warding, keeping and detaining of all sik persones, transgressours of his Hiennesse Lawes, upon their awin expentes, alsweill criminall as civill, as fall be presented unto them, be the Schireffe of the Schire: Or Stewards and Baillies of Regalities, within the quhilk the saids Burghes ar situate, and speciallie quhair their judicatorie sittis: And alswa all uthers persones presented ather to warde, be vertew of their awin authoritie within Burghes, or utherwayes, upon letters of caption directed to them.

274. *Anent dimission of Benefices conteneing reservation of the life-rent of the resignant.*

FORSAMEIKLE As in the Parliament holden at *Edinburgh*, in the Moneth of August, the zeir of God, ane thousand, five hundreth, fourescore, foure zeires, All Succesouries and Provisiones to Abbacies, Commendatarics, Priories, and Nunries within this Realme, maid be the titulars thereof for the time, in favour of their Succesoures, nominate bee them, and giftes graunted to them there-upon, bee **OUR SOVERAINE LORDE**, conteneing reservations of the dimiteris life-rent of the same, in respect of the manifeste abuse and corruption thereof, are retreated, rescinded and declared to bee null in the selfe. **QUHILK ACTE** Of Parliament, is declared be ane uther Acte of Parliamente, maid in the Moneth of *Julij*, the zeir of God, ane thousand, five hundreth, fourescore threttene zeirs, to be extended to sik provisiones allanerly, as suld happen to be purchased, after the making of the said first Act: And nocht to sik provisiones as was dewlie and lauchfullie past, before the making of the said first Acte, quhairupon diverse persones hes taken occasion to purches and obtaine giftes and provisiones of the saidis Benefices, as Succesoures nominate thereto, bee their Predecessoures, And upon their dimission, with reservation of their life-rentes: And hes antedated the signatoures thereof, as gif the samin had bene past, before the making of the said first acte of Parliament: And zit hes nocht past the samin, throw the great feale, quhill lang after the making of the said last act of Parliament: quhilk declaris plainelie, the manifest fraude and falsed of the saidis provisiones. Quhilk provisiones, ar nocht onlie maist wrangeouslie and surreptitiouslie purchased, as said is: Bot alswa ar maist prejudicial to his Hiennes in his rente, and commoditie of the Temporal landes thereof: Quhilk perteinis to **OUR SOVERAINE LORDE**, bee the Acte of Annexation, as ane parte of the patrimonie of his Crowne: And therefore **OUR** said **SOVERAINE LORDE**, and Estaites foresaidis, considring the manifest fraud and falsed committed in the purchasing of the saidis pretended provisiones: **AND FOR OBTAINING** Of the samin, retreatis, rescindis, cassis and annullis all sik provisiones of Abbacies, Priories, and Nunries, and uthers benefices maid, or to bee maid, be quhat-sum-ever person or persons, past upon the dimission of their Predecessoures, and conteneing the reservation of their life-rentes, as said is: Quhilkis were nocht dewlie and lauchfullie past and exped, with all solemnities: And speciallie quhilkis were nocht paste and exped through his Hiennesse greate feale, before the making of the said first act of Parliament maid there-anent, quhilk was in the moneth of *August*, the zeir of God, ane thousand, five hundreth, auctie foure zeires: And before the act of annexation: Bee the quhilk, the Temporal Landes was aucted to his Majesties Crowne: And declaris the samin to have bene from the beginning, and to be null in all time cumming, of nane avails, force, nor effect, with all that hes followed, or may follow thereupon.

275. *Of persones dwelland within Burgh, subject to the helpe of the pair, to watching and warding.*

FOR fameikle as there is diverse in-habitanthes that dwellis and remainis within the free Burrowes, with their families, and ar of reasonable substance: As alsua hes rentes and livinges within the samin Burgh, zit refusis to contribute for the interteinement of the puire, watching and warding within Burgh, with the rest of the Nichtbours: or to beare their parte of sik uthet dewties, as concernis his Majesties service, thereby living at libertie, neither knawand the Magistrates in Kirk nor Policie: To the great hinderance of his Majesties service, and the haill Realme: For remeid quhairof, It is statute and ordained, be our SOVERAINE LORD, and the three Estaites of this present Parliament, That all sik as hes their residence and dwelling within the saidis Burrowes, be their families: And may spend ane hundreth poundes of zeirly rent within the same, or stented be the discreit Nichtbours, to be worth twa thousand markes in free guddes: fall be subject to be burdened with the rest of the inhabitants, for the advancement of the glorie of God, his Majesties service, and weill of the Burgh quhair they dwell: Providing alwaies that this act be nawaies extended to sik as ar exceded for his Majesties service, as ane of sik occupation for that cause: Neithet to ony person that ar members of the College of Justice, and admitted be the Lordes of the Session.

276. *All Burgeses suld be taxed and stented be their Magistrates, according to the rentes within Burgh.*

OUR Sovereain Lord, and the three Estaites of this present Parliament, understanding that at sik tymes, as taxatones and stentes, occuris within this lande: That the Provest and Baillies of Burrowes, and sik as they appoynt Stenters within the samin, without all gud ordour and discretion, stentis findrie of the Burgeses, inhabitants of the Burrowes, quha hes their special rents and livinges to Land-wart, out-with burgh, according to their abilitie, alsveill to Land-wart, as to Burgh, albeit reason and equitie wauld crave, that they suld be only stented, according to their rentes, and halding within Burgh: Because their tents and living lyand to Landwarte, ar stented, with the Barronnes, Gentle-men, and Free-holders within the Shires quhair they lye: It is therefore statute and ordained, that in all time cuming, it fall not be leasum to the Provest and Baillies of Burghes, nor na Stenters within the same, to stente ony persones therein, according to their livinges and rentes lyand out-with Burgh: Bos only according to their rents and halding within Burgh, as they do with vther persones, of their rancke and substance, that hes na rente nor living out-with Burgh, and na utherwayes.

277. *ANE TAXATION to be granted to the KING: The forme and maner of the up-taking thereof.*



THE Estaites of Parliament, presentlie convenied, considering how expediente it is that his Majestie, for findrie weichrie affaires, and of greate consequence, tending to the advancement of his Hiensse honour and Estait, and to the benefite of all the haill Lieges of this Realme: Sall direct diverse and findrie honorable Embassadoures, to findrie foreine Princes: And fore-seeing the great and excessive charges that man be maid be his Majestie, in furnishing, and reiking out of the saide Embassadoures: And his saidis Estaites being willing to helpe, further, and supplie the samin, and relieve his Majestie of ane parte thereof:

HES Therefore frechie and voluntarilie offered and granted to his Majestie ane taxation of twa hundreth thousand markes, to be uplifted and payed be the haill Lieges of this Realme, in forme as followis. That is to say: The summe of ane hundreth thousand markes, be the Spiritual estare: The summe of threescore, sex thousand, sex hundreth, threescore sex markes, acht shillings, ten pennies, be the Barronnes, & Free-holders: And the sume of threttie, three thousand, three hundreth, threttie three markes, fourre shillings, sex pennies, be the Burrowes of this Realme: And that to be payed betuix and the first day of *April*, nixt to-cum: The division of the taxation.

And for in-bringing of the Spiritual persones part of the said taxation:

IT IS Ordained, that letters be direct, charging all and findrie Bishoppes, Abbottes, Priors, and utheris beneficed persones, contained in the taxt roll, their Chatmerlanes, Factoures, and inromettours with their livinges, to make payment of that summe, that they and everie ane of them ar taxt, to *Marke*, Lord of *New-bottle*, Maister of requestes, his Hiensse Collectour general, appoynted for receiving of the saide haill taxation: or his deputes and officians in his name, havand his power to receive the samin: And that betuix and the fifteenth day of *March* nixt to-cum, under the paine of rebellion, and putting of them to the Horne: And gif they failzie, the said day being by-past, to denunce *Ec*. And that the Prelates and beneficed men for their relieve, have letters to charge their vassalles, sub-vassalles, Fewars, Tackef-men, Ladies of Terce, conjunct-feets, live-rentars, and pensioners, to make payment of their partes of the said taxation *pro rata*, within xx. dayes, nixt after they be charged thereto, under the paine of rebellion *Ec*. And gif they failzie, *Ec*. To denunce *Ec*. And gif neede beis, to poynd and distreinzie The clericis.

therefore, as they thinke maist meete and expedient, alwaies declaris that the production of sufficient hornings, against the said sewars and vassalles, shall be anc reliefe to the saidis Prelates: And shall exoner them *pro tanto*, fra the payment of the said taxation.

Fewares, tackef-men, Pensioners, life-renters, and vassalles AND Furder, that the saidis Prelates, and others benefited persones, may have their reliefe of their saidis vassalles, fewares, tackef-men, and pensioners, to their greater ease, and lesse trouble, to their saidis vassalles, and others foresaidis, And to the effect that everie man proportionally, may pay his part of the said taxation, according to the quantitie and avails of the free rente that he hes of his landes and teind scheaves, pertaining to him, alswell the Prelate himselfe, as the sewar or tackef-man: It is thoct expedient, statute and ordained, that the saidis Prelates, shall everie one of them severallie convene his hail fewares, vassalles, and tackef-men, at sik convenient place as hee thinkis meetest: And cause summound them personallie, or at their dwelling places, for that effect: And being convened, the saidis Prelates and benefited persones, shall schaw to their saidis vassalles, the quantitie of the taxation imposed upon them, and they with an consent, shall distribut the samin to be payed be everie man. Alswell be the Prelate, as be the vassall, sewar, tackef-man, and pensioner, according to the great or small quantitie of his free rents, that he hes either of his landes, teindes, or pension, with certification to ony of the saidis persones, fewares, vassalles, pensioners, and others foresaidis, that compeiris not at the day appoynted, to the effect foresaid, that sik as shall compeir with the said Prelate and benefited person, shall procede in the equal distribution of the said taxt, alswell among them that ar present, as the absentis quhilk shall be als lauchfull in all respects, as gif the hail number were convened. AND als it is thoct expedient, statute and ordained, that all erections

Prelacies erected to Lord-shipp.

of onie Prelacies in Temporal Lord-shippes, shall in the payment of this present taxation, pay to the Collectours of the said taxation, sa-meikle of this present taxation, *pro rata*, as gif they were nawaie erected, and as they were subject to do, before the erection of the samin, with special provision alwaies, that this shall be na preparative of the like hereafter. Bot that in all time cumming, their saidis erections, shall pay the taxations, to be hereafter imposed, as uther Temporal livings within this Realme: And this nawaies to prejudice or derogate in onie waies to their saidis erections.

Benefices dissolved.

AND Sik-like, it is statute and ordained, that all dissolved benefices within this Realme, shall be subject in payment of sameikle of the said taxation, *pro rata*, as they would have bene subject to give, swa the samin had not bene dissolved: And therefore, that letters be direct charging the present possessour of the saidis dissolved benefices, everie one of them for their awin partes, to pay proportionallie their parte of the said taxation, to the quantitie that the samin benefice would have bene taxt to, gif the samin benefice had not bene dissolved, as said is, within twentie daies nixt after they be charged thereto, under the paine of rebellion &c. And gif they failzie &c.

Benefices vaikand.

AND Sik-like, because that at this present, there ar findrie Prelacies vaikand, undissolved, to onie person or persones quhar-sum-ever: Therefore it is statute and ordained, that the said Collectour Generall, shall use the like forme be himselfe, or some uther sufficient qualified person in his name, with the fewares, vassalles, and tackef-men of the saidis vaikand benefices, that is prescribed and set downe before, to be done be the Prelates, and uthers benefited men, in the distributing of the said taxation, as said is: And the saidis Estaites authorizis the saide Collectour generall, of this present taxation, in the verie place of anc provided Prelate to the saidis vaikand benefices, for this effect allanely. AND for the Bar-ronnes and Free-holders part of the said taxation, that letters be direct, chargeing all and findrie Schitrefis, Stewards, Baillies, their deputies and Clerks, that they, and ilk one of them, within the boundes of their offices, raise and up-lift the summe of 40. shillings, of everie pound land of auld extent, lyand within the boundes of their jurisdiction and in-bring and deliver the same to the said Collectour generall, beuixt and the xv. day of *March*, quhilk is the terme of payment of the said taxation, under the paine of rebellion &c. And for their reliefe, that letters be direct, chargeing all and findrie Earles, Lotdes, Barronnes, and Free-holders, to make payment and deliverance to the saidis Schireffes, Stewards, Baillies, and their deputies and Clerks, ilk one of them for their awin partes, for the summe particularie abone written, of everie pound land of auld extent, pertaining to them, As for the said taxation, within xx. daies nixt after they be charged, under the paine of rebellion, &c. And gif they failzie &c. to denunce &c. and to escheit. Or else, that the saidis Schireffes, Stewards, Baillies and their deputies poynd and distreinzie therefore: As they fail thinke maist meete and expedient: And that the saidis Earles, Lordes, Barronnes, and Free-holders, have sik-like letters for their reliefe, against their vassalles, sub-vassalles, Ladies of Terce, conjunct-feares, and life-renters.

The Bar-ronnes and Free-holders.

AND Because there ar diverse and findrie Barronnies, within this Realme, dismembred, and the Bar-ronnes of the saidis Barronnies in time by-gane, hes had na reliefe *pro tanto*, of sa-meikle of the said Bar-ronnie, as wes dis-membred, against all reason, seeing that the Schitrefe, Steward, or Baillie, or their deputies, without onie regard, charged the present Bar-ronnie, of the saide Bar-ronnie, for the hail taxation of the samin, as gif na part thereof were dis-membred: Therefore it is statute and ordained, that all sik partes of onie Bar-ronnie, as ar dis-membred therefra, shall be retoured be the Schireffe of the Schire, quhair the samin lyes, to the avails and quantitie proportional, of the hail Bar-ronnie: And being retoured, the said Bar-ronnie shall have letters of reliefe, against the heretoures of the said dis-membred part of the Bar-ronnie for relieving of him, of sa-meikle of the said taxation, as the samin landes shall be retoured unto, be the Schireffe, within twentie dayes nixt after the charge, under the paine of rebellion &c. And gif they failzie &c. To denunce &c.

Barronnies dissolved or dis-membred.

AND Because there ar diverse and findrie Barronnies, within this Realme, dismembred, and the Bar-ronnes of the saidis Barronnies in time by-gane, hes had na reliefe *pro tanto*, of sa-meikle of the said Bar-ronnie, as wes dis-membred, against all reason, seeing that the Schitrefe, Steward, or Baillie, or their deputies, without onie regard, charged the present Bar-ronnie, of the saide Bar-ronnie, for the hail taxation of the samin, as gif na part thereof were dis-membred: Therefore it is statute and ordained, that all sik partes of onie Bar-ronnie, as ar dis-membred therefra, shall be retoured be the Schireffe of the Schire, quhair the samin lyes, to the avails and quantitie proportional, of the hail Bar-ronnie: And being retoured, the said Bar-ronnie shall have letters of reliefe, against the heretoures of the said dis-membred part of the Bar-ronnie for relieving of him, of sa-meikle of the said taxation, as the samin landes shall be retoured unto, be the Schireffe, within twentie dayes nixt after the charge, under the paine of rebellion &c. And gif they failzie &c. To denunce &c.

AND Furder, It is statute and ordained, that all the Stewardes and Baillies of onie part of his Hiennes propertie, fall with all convenient expedition, cause retour the hail landes of the famin, everie ane within his awin boundes and jurisdiction, and that to the famin availe, quantitie and proporrion, as onie urher landes lyand nixt adjacent to the same, halden of his Majestie, ar fet or retoured to: having neverthelesse ane speciall regard to the free-rent, that the sewars and rentallers hes of the same lands, beside their few-fermes and dewties payed be them, to our Sovereaine Lord: Quhilks landes being retoured, as said is: It is ordained that letters be direct be the said Collectour of this present taxation, charging the saidis Stewardes and Baillies, to raise and up-lift the summe of fourtie shillings of evcrie pound lande, that his said Hiennes propertie fall be retoured to, everie ane within his awin jurisdiction, and in-bring and deliver the same to the said Collectour, betwixt and the said fiftenth day of *March* nixt-to-cum, under the paine of rebellion, &c. And gif they failzie, &c. to denounce, &c. And for their reliefe, that letters be direct, charging all and sundrie sewars, rentallers, tennents, and tacke-men of his Hiennes propertie, to make payment and delivrance to the saids sewars, Baillies, their deputies and Clerkes, ilk ane of them for their awin partes, the summe particularlie abone written, for everie pound land, that their saidis landes fall be stented or retoured to, within xx. dayes, nixt after the charge, under the paine of rebellion &c. And gif they failzie, &c. To denounce &c. And gif need beis, that the saids Stewards and Baillies poynd and distreinzie therefore, as they fall think maist meete and expedient. And because his Majesties propertie hereof, hes nawayes bene in use and consuetude of payment of ony part of ony taxations granted heretofore, nether did they relieve the reste of the Lieges, of ony parte of the famin. His Hiennesse and Estaites foresaidis, thinkis it maist meete and expedient, that the said taxation to be up-lifted fra the saidis sewars, tennentes and tacke-men, of his Hiennesse propertie, fall be na-wayes accompted nor allowed in part of the said summe of twa hundredth thousand markes; bot the famin summe to be up-lifted, according to the division abone written: And the summes to be up-lifted of the landes of his Hiennesse propertie, to be maid compt of be the said Collectour, over and beside the summe of twa hundredth thousand markes, granted, as said is: Providing alwayes that the famin be na-wayes employed nor betowed to ony use quhat-sum-ever, except to the famin effect that the utter great summe abone written.

AND For in-bringing of the Burrowes part of the said taxation, that letters be direct, charging the Provest and Baillies of ilk Burgh, to make payment of the taxe and stent thereof, to the saidis Collectour generall, at the time abone specified, under the paine of rebellion &c. And gif they failzie &c. To denounce &c. And for their reliefe: That letters be direct, charging all and sundrie inhabitantes of ilk Burgh, to convene and elect certaine persones, to stent their nichtbours; And the said election being maid, to charge the persones elect, to accept the charge upon them, in setting of the saide stent upon the inhabitantes of ilk Burgh: And to convene and set the famin, and make ane stent roll there-upon, as escheirs, within twentie four houres, nixt after they be charged thereto, under the payne of rebellion &c. And gif they failzie, to denounce &c. And escheit &c. And sik-like, the saide stent-roll being maid and set, as said is, to charge the Burgessees, inhabitantes and nichtbours of ilk Burgh, to make payment of their partes of the said stent, to the saidis Provest and Baillies, conforme to the tax-roll, to be maid and given out there-upon, within three dayes, nixt after the charge, under the paine of rebellion &c. And gif neede beis, to denounce &c. And escheit &c. And gif neede beis, that the saids Provest and Baillies poynd and distreinzie therefore, as they think maist meete and expedient. IT IS ALWAIES Provided, that na person quhat-sum-ever be stented or taxt within Burgh, except according to the availe and quantitie of his rente, living, guddes, and geare that he hes within Burgh, nawayes respectand his landes and possessions, quhilks helies to Landwart, for the quhilks hee will be obliged to pay taxation to others officers. AT TOUN, THE Saidis Estaites considering the manifold abuse that hes bene used in all times by-gane, be sundrie of the Lieges, against all gude conscience, in causing their pur Fermorers and labourers of their ground, being removeable, quha was subject in payment of verie deare fermes, to relieve them of the hail burden of the saide taxation, quhilk hes bene the occasion of the im-powerrithing of ane great number of the saidis Fermorers, and bringing of them to utter wrack and ruin. Quhairas of reason, the saidis tennentes, suld be al togidder free from the payment of onie taxation: And the famin suld be payed be sik as hes free-rent, landes, and guddes of their awin: For remeid quhairof, It is statute and ordained, that na person quhat-sum-ever, exact or compell his tennentes and Fermorers removeable, quha payis him ferme for the landes occupied be them, to pay ony parte of this present taxation, or to sure reliefe for the famin, at their handes. And gif the famin beis found done be ony persones, that they fall be called and conveyed before his Hiennesse Justice and his deputies, as violent and maisterfull oppreffours of his Hiennesse subjectes, and punished therefore, according to Justice.

AND TO THE EFFECT That bee the negligence of Collectoures, appoynted for in-gadding of the saide taxation, in letting time over-slip, the silver be nocht in reddiense in dew time, to the effectuating of the purpose, quhairfore the same was appoynted: therefore it is ordained, that the saidis letters and charges be directed against the saidis Prelates, beneficed persones, Schireffes, Stewardes, Baillies, and Provestes, and Baillies of Burrowes, to bee in reddiense against the first day of *Januar* nixt-to-cum; At the quhilk time, the saidis Collectoures fall use all possible diligence, for the dewe execution of the famin.

Letters of
suspension.

ATTOUR, It is concluded, determined, and resolved, that na suspension of ony letters or charges to be direct for payment of the said taxation, shall be granted either be the Lordes of Councell and Session, or be the Lordes of secret Councell; bot dischargis them *simpliciter* of ony granting of the famin: Always as the equite of the cause requiris, his Majestie and Estaites hes given and granted speciall power and commission to *Alexander*, Lord *Fyvie*, President of the Colledge of Justice: *Walter*, Prior of *Blantyre* Thesaurar: Maister *John Lindsay*, of *Balcar-houffe*, Secretar: Maister *James Elphinstoun*, Person of *Edglishhame*: Maister *Iohn Skene*, Clerke of Register: And Maister *Thomas Hammiltoun*, of *Drumcarny*, his Hiennes Advocat. Giving them, at the least onie foure of them being alltogidder convened allanerlie, power and commission to grant the saidis suspensiones of the charges, direct for the said taxation, and to decide the saidis suspensiones, according to equirie and Justice. Discharging all uthers the Lordes of secret Councell and Session of ony melling therewith, and of their offices in that part: And als, our said SOVERAINE LORDE, and his Estaites, hes given power and Commission to the saidis perones abone mentioned, to decide the haill suspensiones restand un-decided of onie taxationes, granted heretofore, and ordainis them to ministrate Justice there-intill, according to reason.

Letters of
horning or
deforcement
produced be
Schireffes
suld nocht
be received.

AND Because his Majestie hes bene defrauded of ane great parte of his taxation granted heretofore, be reason that the Schireffes of ilk Schire, quha suld be in-gadderers of the said taxation, and ar men of that power and authoritie, within the saidis Schireffe-domes, that there ar nane within the famin, that either dare or will in ony wayes resist the saidis Schireffes, in poynding for this presente taxation: zit neverthelesse, findrie of the saidis Schireffes heretofore, having had na regarde to the dewifull obedience they aucht to his Majestie, and to the faithfull discharginge of their offices, hes thocht in time by-gane, ane sufficient exoneration of them, forsamcikle of the said taxation, as they produced letters of horning, execute against ony perones for the famin: quhair be the power of the famin letters, he nicht have lauchfully poynded the rediest guidde and gear of the saidis rebelles: or else be production of allaged deforcementes, done wilfullie to defraude his Majestie, quhen as in their awin particular, they wald na-wayes suffer the like, being men of that authoritie and power, as said is: That they ar able with strang hand, to poynd and distreinzie the saidis rebelles guidde, gif they pleased. For remeid quhair of in time cumming: It is statute and ordained, that the Collectours of the said taxation, neither the Auditours, to be appointed hereafter, for the hearing of the saidis Collectours compts, in ony wayes receive ony horning, or deforcement, for ane lauchfull exoneration to the saidis Schireffes, for the said taxation, *pro tanto*: Bot allanerly the payment of the summes, for the quhilks they ar charged for: Always the saidis Estaites remittis to his Majesties consideration, the condition of some Schireffes, quha are nor of that power and authoritie, within their Schireffedomes, that ar able with strang hand, to poynd sik rebelles guidde and gear, as fall be deunced to the horne, for this present taxation, of quhom his Majestie hes promised, as he findis convenient to receive horninges and deforcementes for their exoneration.

The Schi-
reffes and
Officers
suld up-lift
the taxati-
on without
any dewtie.

AND BECAUSE Heretofore, there hes bene ane great abuse used bec the Schireffes and their Officiars, in up-lifting and raising of uther taxationes heretofore, be forcing the subjects to pay in ane maner ane new taxation to them, for in-gaddinger the famin, alleageing it to pertaine to them as Schireffes: Albeit they be their offices, ar subject in in-gaddinger of the famin, and na-wayes the saidis subjects debetound in payment of ony dewtie to them: Therefore it is statute and ordained, that na Schireffe nor officiar quhat sum-ever, directlie nor indirectlie, upon ony kinde of pretext, charge, up-lift or raise fra ony of his Hiennes subjects, onie dewtie quhat sum-ever, except the summe of fourtie shillings, for everie pound lande contened in the letter, under the paine of deprivation of the said Schireffe of his Office, in-cas it be foundin that the same was in onie maner of way, done of his commande or allowance: And gif the faulte be committed be the Officiar himself, not only to be the deprivation of him *simpliciter* fra the Office, Bot als wa to be an crime of falsed, and he to be accused before the Justice and his depts, and punished to the death therewith with all rigour.

Perones
Privileged.

AND Forder, his Majestie and Estaites foresaidis, be thir presentis, annullis and dischargis all privileges and immunities quhat sum-ever, quhair by ony perones may thinke themselves free of payment of this present taxation (exceptand allanerly the privileges of the Lordes & members of the Colledge of Justice) Quhairunto his Hiennes and Estaites will na-wayes derogate in ony thing.

Precept
direct bec
the King.

FURTHER HIS Majestie and Estaites being acquainted with the great abuse that hes bene in times by-gane, be granting of precepts to findrie inoportune perones, for answering them of aine parte of findrie taxationes granted heretofore, quhairthrow his Majestie hes bene verie far circumveened, the same summes of money imposed upon the subjectes, being utherwayes bestowed, nor to that end, quhairfore they were destinat: For remeid quhair of, his Majestie and Estaites foresaidis, ordainis and commandis the said Collectour, that he on na-wayes answer, obey, and make payment of ony patte of the said taxation, to ony person or perones, upon pretext of onie precept or precepts to be direct or subscribed be his Hiennes, except the saidis preceptes be subscribed bec the Commissioners under-written, quhom his Majestie and Estaites hes appointed to be over-seers, that this presente taxation be na-wayes employed, bot to the furnishing of the saids Embassadours: They ar to say, *Peter*, Bishop of *Dunkeld*: *David*, Bilhoppe of *Aberdene*: *Iohn*, Commendatar of *Haly-rude-houffe*: *Edward*, Commendatar of *Kinlosse*: *William*, Earle of *Angus*: *George*, Earle *Marshall*: *Iohn*, Earle of *Marre*: *Alexander*, Lord *Levingstoun*:
Maister

Commis-
sioners.

Maister David Carnegie of Culluthy : Sir George Hume of Wedderburne Knight : John Towres of Innerleith, and Alexander Stratoun of Laureston : Henry Nisbet, Provest of Edinburgh : Sir William Sea-ton, Provest of Haddington : Nicoll Cornewell of Bonehard, Provest of Linlithgow, and Walter Cowane, Comissioner to this present Parliament, for the Burgh of Striviling : Or any aucht of them, there being alwayes twa of the Spirituall : staire : Twa Noble-men : Twa Barronnes, and twa Comissioners of Burrowes : Quhilke perones fall allanerly direct the saidis precepts to the said Collectour, for answering of any part of the said taxation, and that allanerly to the use abone written, for directing of the saidis Embassadours. And gif ony precepts upon ony uther effect, or to ony uther use, bee answered, then to the use abone written, in that case, alsweill the said Collectour, as a monie of the Comissioners abone written, as fall subscribe the saidis preceptes, fall be answerable to his Hiennesse and Estaites, for the summe debursed. And the same preceptes fall be na discharge and allowance to the said Collectour in his comptes. And gif at ony time appoynted for in-gathering of the said taxation, occasiones may interveene, that it fall not be necessar to direct away anie sik Embassadours, It is alwayes provided, that the said Collectour fall receive the said summe in his hands ay and quhill that the saidis Embassadours be direct : Or that be his Hiennesse Parliament and Estaites to be convened hereafter, The said summe fall be employed, with all their consentes, to sum uther gude warke, tending to his Hiennesse honour, advancement and weill of this Realme : Upon the quhilke declaration, Henry Nisbet, Provest of the Burgh of Edinburgh, in name of the haill Burrowes, asked instruments.

LIKE-WISE, It is provided that the said Collectour fall be na-ways urged nor subject, to receive, The Colle-
ctour fall
give forth
the mair now
bee re-
ceivus. nor answer ony assignation or precept, to the use abone written, exceeding his receipt or intromission, albeit the samin be orderly subscribed, as said is, bot that it fall be ane sufficient excuse to him in refusing the acceptation thereof, that he hes received na mair, nor hee hes debursed already, upon anterior precepts.

AND FURDER, His Majestie and Estaites, considdering that diverse and sundrie perones, dwelland within Regalities, hes without onie regard of his Majesties Lawes, past wilfullie to his Hiennesse horne, and remained thereat as rebelles, thinking themselves in suretie great anough, be reason that the Lordes of the saidis Regalities, having richt to their saidis escheitres, commounlie disposis the samin in favours of the saidis rebelles: Quhair throw his Majestie is defrauded of sa-meikle of the said taxation, as is to be payed be them: For remeid quhairof, his Majestie and Estaites, be their presentes, determinatis and conclusis, that in all time hereafter, quhen onie person, within onie Regalitie within this Realme, be denounced for none-payment of the said taxation, that the Lordes of the said Regalitie, fall either cause the said summe, quhairfore the said rebell is denounced, be payed to his Majesties Collectour, of this present taxation, betwixt and the said fiteenth daye of *March*, next-to-cum : Or then the said Lord of Regalitie, fall renunce and give over onie richt and title, that he may have or claime to the said rebelles escheir : And that in favour of his Hiennesse Thesaurer, quhom his Majestie and Estaites foresaidis, ordainis to intromer there-with, and to make compt of the samin, before the Lordes Auditours of his Hiennesse Checker : That be this preparative hereafter, his Hiennesse be not defrauded of onie part of the said taxation, be reason of the said rebelles voluntar passing to the horne, as said is.

AND LAST, Because the officiares, chargars for the said taxation, up-lifteres, and receivers of the samin, hes bene in use of allowing to themselves of great and extraordinar tees for their service, quhilke was ane great impairing of the former taxation, there being ane great parte thereof bestowed upon the charges, in in-gathering of the samin, albeit it might have bene in-gaddered upon farre lesse expences, gif swa the Collectours of before had used the greater fore-sight, in not suffering the saidis officiares, to continue in their alleged wounted allowance : Therefore his Majestie and Estaites, ordainis the said Collectour Generall, of the said taxation, to compose, transact, and agree with the saidis officiares, executours of the saidis charges, upon als reasonable condition as is possible, having na respect al-to-gidder, to anie auld consuetudes, that the saidis officiares may crave be onie allowance granted of before.

Collected, visied and extracted, fourth of the Bukes and Register of the Actes of Parliament, at his Majesties command: Be me Maister JOHN SKENE, Clerk of his Hiennesse Councell, Register and Rolles, under my signe and subscription manuell.

JOANNES SKENE

Clt. Register.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES and uthers, maid in the Parliament, balden at Edinburgh, the ninetenth day of December, the zeir of God, ane thousand, five hundredth, ninetic seven zeires, nocht imprinted.

ACTES IN FAVOURS

Of Lodovick, Duke of Lennox.
Sir Robert Mal-vill, *Knicht.*

The Bisshoppe of Brechin.

The Laird of Phillorth, anent the College of Frazer-burgh.

Maister Andrew Knox, Minister of Paislay.

The Burgh of Aberdene.

The Burgh of Perth.

The Burgh of Hadingtoun.

Of the Kingis Lieges, guba accompanied his Majestie & his Lieu-tenente, in the North partes of this Realme, Of William, Earle of Angus: George, Earle of Huntlic: And Frances, Earle of Erroll.

RATIFICATIONS

Of the Lordship of Dunfermelinc to the Queenes Majestie.

To Andrew, Lord Dingwell.

To the Bisshop of Aberdene.

To the Burgh of Narne.

To the Burgh of Jedburgh.

Of the Consistorie of Aberdene.

Of the new fundation of the College of auld Aberdene.

To Maister Edward Bruyse, Abbot of Kinloss.

To Maister William Mal-vill, Lord of Tungland.

To Sir Alexander Hume, of Snuick Knight.

To Eustathius Roch, anent the making of Salt.

Of the act of Copper cunzie.

For Locall stipendes of Ministers.

For ane Grammer to be univrsallie teachid.

For ordour and prioritie of place in Parliament.

For retouring of landes nocht retoured.

Anent the forme of proces against Witches.

Ane act anent certaine Kirkes of North-Berwick.

Ane act anent Christs-Kirk of Udny.

Anent the Kirk of Dummany.

Act for up-balding of the Brig of Don, and the calsey of the Month of Cowy.

Act for reparation of the Brig of Mussil-burgh.

Act for bigging of ane calsey upon Edmondstoun edge.

Exceptiones in favoures of Patrick, Lord of Lundoris.

Maister Peter Young of Seaton, Maister Almouffer.

Sir Thomas Erskin, of Gogar, Knight, and his Bretber.

Michael Elphinstoun, and Andrew Mal-vill, Maisters of houshold.

Sir James Mal-vill of Hal-hill Knight.

Sir Patrick Murray.

Patrick Hume zounger of Polwart.

William Elphinstoun.

Maister George Young, Arche-deane of Saint-Andrewes.

Maister Andrew Black-hall, Minister of Mussil-burgh.

And Bernard Lindefay.

Protestation containand the Kingis declaration, in favoures of Alexander, Lord of Spyny.

F I N I S.

THE

T H E S E X T E N T H
P A R L I A M E N T
O F
K I N G J A M E S T H E S E X T,

Halden at EDINBURH the XV. day of November the yeare of God 1600.

1. *The Fifth day of August is appointed for giving yearly solemne thanks to God.*



FORSAMEIKLE As the Estaites of this Realme, acknowledging that singular benefite, grace and favour of GOD, bestowed upon them by his miraculous and extraordinary preservation of their most gracious SOVERAIGNE from the horrible and detestable murder, and parricide attempted against his Majesties most Noble Person, by unwhyle *John Earle of Gowrie*, and unwhyle Maister *Alexander Ruthven* his Brother, upon the fifth day of August last by past. And that it becommeth them with most humble and thankfull hearts, to give unfained and daily praise to their mercifull GOD, for the saiftie of every one of themselves, and of the haill bodie of this Common-wealth, preserved from wrack and utter confusion by the miraculous and bountifull deliverance of his Majestie, from the said Treason in maner fore-said. Therefore OUR SOVERAIGNE LORD with advice and consent of the haill Estaites, Statutes and ordeins, that in all tymes and ages to come, the fifth day of August, shall yearly be appoynted and kept in all the Presbyteries and Parochins within this Realme, and bounds of his haill dominions, for publick preachings, prayers and solemne thank-giving to GOD for his great mercy and favour granted to this Realme, and every member thereof, by his Majesties gracious and miraculous preservation, as said is, upon the said day. As a perpetuall monument of their most humble, heartie and unfained thanks, to GOD for the same. And that all worke, labour, and other occupations, whilk may in any wise distract the people from the saids godlie exercises, and thank-giving yearly, upon the day foresaid, shall be forborne and abstained from. And that all Judges Civill and Ecclesiasticall, shall cause the same to be universallie observed, every one of them within the bounds of their owne jurisdiction; and see the contraveners thereof punished according to the qualitie of their transgression.

2. *Act of Annexation of the fore-said Lands, and others to the Crowne.*

FORSAMEIKLE As it is clearely understand by the Kings Majestie, and Estaites of this Realme, that the augmentation of the Patrimonie and revenwes of the Crown thereof, not onely serves for the forth-setting and maintenance of his Heighnes honour and Royall Estaite, but also releaves greatlie his subjects of divers charges and heave burdings.

Therefore OUR SAID SOVERAIGNE LORD, following the commendable examples of his most Noble Progenitors, with advice and consent of his Majesties Estaites, unites, annexes and incorporates to his Heighnes Crowne, there-with to remaine perpetuallie, and inseparable in all tyme coming, the Lands, Lordships, Baronies, Abbacie, and others under-written, which may nether be given in frank-tenement, fee, or otherwise to any person of whatsoever Estate or degree, without advice, decreit and deliverance of the haill Parliament; and for great, reasonable, profitable and seene causes concerning the wel-fair of the Realme; first to be advised and digestlie considered by the whole Estaites. And albeit it shall happen OUR SAID SOVERAIGNE LORD, that now is, or any of his Successours, Kings of SCOTLAND, to annaile or dispone the saids Lands, Lordships, Baronies, Abbacie, or others under-written, with their pertinents presentlie annexed to the Crowne, as said is, or any part thereof; that the saids alienations shall be null and of nane avail: and that it shall be leasefome to the King for the tyme or his Successours, to receive the saids Lands, livings, Abbacie, and others fore-said with the pertinents to their owne use when ever it shall please them, without any proccesse of Law, and the takers shall refund & pay all profites that they have taken up of the saids Lands, and others foresaid to the King, for all the time that they have had them, with such other restrictions as are conteneid in the Acts of Parliament, made by his Majestie and his most noble Progenitours Kings of SCOTLAND in their annexations to the Crown. Whilk haill former Acts of annexation, and all Kings and hundrie artickles, provissions and restrictions therein conteneid, are halden as repeated, and speciallie expressed and comprehended in this present Act. There are the names of the lands and others with the pertinents

presently annexed to the Crowne. All and hail the Lands, Lordshippe and Barronie of *Gowrie* and *Scone*. All and hail the Lands, Lordshippe and Barronie of *Ruthven*, *Ballerina*, *Newtown*, *Kowgaske*, *Strath-brane*, *Glenfchie* and *Trochrie*. All and hail the Lands, Lordships, Barronies, Tcinds, commodities and rents whilks pertained to the Abbacie and Monastrie of *Scone*, with all and fundrie the Lands, Lordships, Barronies, Tciments, Moulters, Schawes, Woods, Parks, Fishings, Townes, Villages, Burrowes of Regalitie or Barronie, Tciments, Annuelrents, Reverfions, Customes, Few-fermes, Places, Houses, Buildings, Castels, Towres, Maner-places, Outsets, Yards, Orchards, Kirks, Teynds, Advocation, Donation, and right of Patronage of Kirks, Hospitals, Chaplenies and Prebendaries, Tennents, Tennendries, and service of Free-tennents, profites, emolumentes, commodities and pertinentes what-som-ever of the famous Lordships, Barronies, Lands, Abbacie, Benefices, Patronages, Tcinds and others particularie above mentionat, or any parte thereof. All and hail the tenement and ludging in *Perth*, whilk pertained to umwhyle *Iobne* Earle of *Gowrie*, with the Yards and others pertinentes pertaining thereto, With all & sundry others Lands, Lordships, Barronies, Benefices, Rents and Possessions whilks pertained either to the said umwhyle *Iobne* sometime Earle of *Gowrie*, or to his Predecessors, to whom he was heire, or appearand heire, or to whilks any wyse he might have succeeded, or have had right to, or was possess by him by the space of five yeares, before the committing of the crimes of treason, for the whilks his memory and posterite are fore-faulted, and declared unhabile and incapable to bruike and possess lands, heritages, benefices, offices or others dignities or commodities within this Realme, and now pertaining to OUR SAID SOVERAIGNE LORD, and being in his Heighnes hands by reason foresaid. Attour, OUR SAID SOVERAIGNE LORD, with advife foresaid, suppresses and abolishes the Regalities and heritable offices pertaining to the said *Iobne* Earle of *Gowrie*, or his Predecessors, or whilks were annexed to any of the Lands, Lordships, and others foresaid, and unites, annexes, and incorporates the same to his Heighnes Royaltie, there-with inseparabile to remaine in all tyme coming. And ordeinis his Comptroller present and to come, to intromet with, up-lift, and dispone upon the haill rents, profites and commodities of all and fundrie the Lordships, Barronies, Lands, Teyndes, Rents, Revenwes, profites, commodities, and others, what-som-ever above specified, to his Heighnes propet use, and intertainment of his Heighnes house, and other honorable charges belonging to the said office in all tyme coming.

Regalitie.

Union.

Finallie OUR SAID SOVERAIGNE LORD, with advife and consent foresaid, unites all and fundrie the Lands, Lordships, Barronies, Benefices, and others particularie above mentioned, annexed to his Heighnes Crown, as said is, to the said Lordship of *Ruthven*, now and in all tyme coming, to be called the Lordship and Stewartrie of *Huntingtoun*, and the tenents, inhabitants and possessors thereof, to be answerable to his Heighnes Stewart of the said Lordship united, as said is, with sik freedomes, privileges and liberties as are any wyse competent to any Stewartry of his Heighnes propertie, or to the tenents and indwellers of any of his Heighnes proper lands within this Realme. Exceptand alwyse and reservand forth of this annexation, all and hail the thrid part of the Lands and Barronie of *Dirlton*, with the Towre, Forralice, Maner-place thereof, Brabrother-parke, Hiefeld, Mensles and Menslemore, the Toun & Lands of *Dirlton*, whilks were apprysed by umwhyle Maister *Adam Otterburne*, and redeemed by umwhyle Dame *Iean Halyburnton*, with mylnes, moulters, cunnings, cunnings, fishings als well in salt water as in the freshe, with the advocation and donation of the Provertrie of *Dirlton*, with the tenents, tennendries, and service of free-tennents, of all and hail the lands and Barronie of *Dirlton*, with all the pertinentes thereof. The thrid part of the lands & Barrony of *Bolton*, with mylnes, moulters, tenents, tennendries, & service of free-tennents, of all & hail the saids Lands & Barronie of *Bolton*, with the pertinentes. The thrid part of the lands & Barronie of *Hassenden* & *Halyburnton*, mylnes & moulters thereof, advocation and donation of the chaplenrie of *Halyburnton*, with all their pertinentes, with tenents, tennendries, and service of free-tennents. Of all and hail the Lands and Barronie of *Halyburnton* with all pertinentes. All and hail the superioritie and tennendries of the halfe lands & Barronie of *Ballegernoch*, with the pertinentes. All and hail the thrid part of the Lands and Barronie of *Abernytie*, with the mylnes, moulters, mylne-lands, wak-mylnes thereof, tenents, tennendries, and service of free-tennents of the samin. All and hail the thrid part of the half Lands of *Fergundery*, with the mylnes, moulters, mylne-lands, tenents, tennendries, and service of free-tennents of the saids halfe Lands and Barronie, advocation and donation of the chaplenry of *Fergundery* with the pertinentes. All and hail the thrid part of the Lands and Barronie of *Segie*, with mylnes, moulters, mylne-lands thereof, tenents, tennendries, and service of free-tennents. Of all and hail the saids Lands and Barronie of *Segie*, with all and sundry parts, pendicles and pertinentes, annexes and connexes, of all and sundry the saids lands and others respective above written. Whilks Lands, Barronies and others respective above specified are ordeined by his Majestie and Estaites, to be disponed heritable to his Heighnes familiar and domestique servitor, Sir *Thomas Erskine* of *Gogar* Knight, for great, seene and reasonable causes of the Realme, And ate declared no wyse to be comprehended under this present annexation, nor no claufe nor condition thereof. As likewyse exceptand and reservand forth and fra the said annexation, all and hail the Lands and Teyndes of *Cowstand*, with all and sundry their pertinentes: whilks Lands and Teyndes with their haill pertinentes, ar likewyse ordeined by his Majestie and Estaites to be disponed heritable, to his Majesties faithfull and trustie servitor Sir *Hew Heries* Knight for great, seene, profitable and necessare causes of the Realme, at lenth expressed in the said Sir *Hewes* infestment and securitie of the saids Lands and Teyndes granted to him in this present Parliament whilks are holden as speciallie expressed herein. And siklike, exceptand and reservand forth of this present annexation, the yearlie pension

of

of twentie chalders victuall, thereof ten chalders ten bolles beere; nyne chalders sex bolles meill, to be yearlie up-lifted and tane by the said Sir *Hew Heries*, his heires and assignayes, forth of the best and readiest payment of the haill frutes, rents, mailes, fermes, kaynes, customes and others dueties whatsover of the lands and Lordship of *Scoone* and *Gowrie*; ay and while the infestment of the lands and Baronie of *Cowsland* may take full effect, by possession in their persons, either by decease of Dame *Dorathie Stewart*, Countes of *Gowrie*, or by the eviction of the famin lands and Baronie of *Cowsland* from her by the Law. And how soone the said Sir *Hew Heries* or his foresaids shall happen to recover and to enjoy all and haill the saids lands and Baronie of *Cowsland* and teyndes thereof, that then the said letter of pension to remaine with his Heighnes Crowne for ever. As also, exceptand and reservand forth and from this present annexation, all and haill the lands of *Nether-leiff*, teyndes, few-fermes, arage, cariage, and all others dueties & service whatsover adebted to be payed forth of the famin of before, to the Earles of *Gowrie*, or to the Commendators and Convent of *Scoone*, or either of them. As als all and haill the town and lands of *Durday-Inglis*, alias, called *Nether-Durdie*, teyndes, few-fermes, arage, cariage, and all others dueties and service whatsover adebted to be payed forth of the famin of before to the saids Earles of *Gowrie*, or to the saids Commendators and convent of *Scoone*, or either of them. To the effect that his Majestie may gif and dispone the saids lands of *Nether-leiff*, teyndes, few-fermes, arage, cariage, and all others dueties of the famin to *George Hay* of *Nether-leiff*, his heires & assignayes whatsover heritable or otherwyse: and the foresaid town and lands of *Durday-Inglis*, alias, called *Nether-Durdie*, teyndes, few-fermes, arage, cariage, and all others dueties thereof, to Maister *Peter Hay* of *Durday*, his heires and assignayes whatsover, heritable or otherwyse, in fix forme and maner as best shall please his Majestie.

Artour his Majestie, with advise foresaid, declares and ordeines, that this present annexation of the Lordship and Abbacie of *Scoone* to the Crown, shall nowyse be hurtfull nor prejudiciall to the yearlie pension of ten chalders victuall, granted or to be granted by his Heighnes to Maister *Patrik Galloway* forth thereof, during all the dayes of his lyf tyme, conforme to his gift of pension, and speciall assignation thereof, made or to be made there-upon. Whilk his Heighnes, with advise and consent foresaid, Ratifies and approoves in all poynts, and ordeines, if need beis, that the famin gift be at lenth insert in the Bookes of Parliament, for the said Maister *Patrik* his better securitie, declaring that the said annexation shall not be effectuall but shall be suspended, induting the lyf tyme of the said Maister *Patrik*, in so far as concerns the saids teyndes, disposed or to be disposed, to him in maner foresaid allendarlie. And liklike exceptand and reservand forth of this present annexation of the Earledome and living of *Gowrie*, to his Heighnes Crown, all and haill the lands of *Craigtown*, with the teyndes thereof, and the teind-shawes of the lands and town of *Gowktoun*, *Rybnies*, *Sogiden*, *Piscindie*, nether *Kinfacones*, over *Kinfacones*, *Byn* and *Tullibow* with their pertinents lyand within the Parochin of *Kinfacones*, the teynd-fish of the fishing of *Craigtown*, *Incherrispleat*, *Stobriknodab*, the *Cruike* and all others teynd-fishings pertaining to the Abbay of *Scoone*, from the wood of *Kinnowal* to *Incherry*; to the effect that our said Sovereigne Lord may give and dispone the famin to *John Lindesay*, alias, *Charteris*, eldest sonne and appearand heire to *Hendrie Lindesay*, alias *Charteris*, seer of *Kinfacones*, his heires and assignayes; to be holden of his Heighnes, according to the condition & maner of halding, as the famin was holden of before; of the Earles of *Gowrie*, or Abbots of *Scoone*: and for the famin selfe duetic whilks the saids lands and teyndes was in use to pay to the Earles of *Gowrie*, or Abbots of *Scoone* before the making of this present act.

3. Act in favours of the Vassels of the Earledome of Gowrie.

OUR SOVERAIGNE LORD and haill Estaites of this present Parliament, remembreing the good and notable act, made in his Majesties Parliament halden at *Strivling* in the Moneth of August, the yeare of God 1571. yeares, in favours of his Heighnes true and faithfull subjects, for bruiking of their lands, heritages, annuallrents, lyfrents, pensions or possessions whatsover halden of any person, called and defaulted in the said Parliament, notwithstanding the foresaid act, and to grant the benefite and favour therein contained, to all his faithfull and true subjects who or their Predicessours to whom they are heires; at the least appearand heires, albeit as yet not entered, held lands, heritages, annuallrents, lyfrents, mylnes, woods, fishings, or other possessions whatsover, of umquhile *John* sometime Earle of *Gowrie*, or any of his Predicessours. Therefore Our said SOVERAIGNE LORD, with advise of the saids Estaites & whole bodie of this present Parliament, statutes, ordeines and declares, that all his Heighnes faithfull and true subjects, their heires and Successours, being nowyse culpable of the abhominable and horrible crymes of treason and lese-Majestie, attempted by the said umwhile *John* sometime Earle of *Gowrie*, against his Grace, most noble Person, shall bruike and possesse all their lands, heritages, woods, mylnes, fishings, annuallrents, lyfrents, tacks, reppalles and possessions whatsover halden by them, or their Predicessours of the said umwhile *John* sometime Earle of *Gowrie*, or his Predicessours, and hald the famin of Our said SOVERAIGNE LORD, his Heighnes Successours and others, their next immediat superiours, their heires and Successours, conforme to their investments, rights and securities thereof in all poynts. Siklike and als freelic in all respects as if the processe and doome of foresaid act had never bene led, deduced not and als notwith-pronounced against the said *John* sometime Earle of *Gowrie* in this present Parliament. And als notwithstanding the acte made in his Heighnes Parliament halden at *Edinburg* the aught day of *June* the yeare

of God 1594. yeares, annulling the Acts of Parliament, made in favours of vassels, of persons forfeaulted. To the whilk act, and all others acts, statutes, or constitutions; made at any time of before, and made or to be made, in this present Parliament, thir presents makes and shall make full derogation: and that allanerie in favours of the saids persons, who, or their Predicessours held lands, heritages, and others forefaids of the said unquhile *Johne Lomerine Earle of Gowrie*, or his Predicessours, as said is. The forefaids vassels, and every one of them payand to his Majestie, and his Successours, or any others their next immediat superiours, for ilk twentie shilling land, whilk they held of before of the said Earle of *Gowrie*, ten pounds money of this Realme betwix and Whitsonday next to come, for composition.

4. *Anent invading and persewing of Counsellors.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, understanding that diverse of the Lords of his Heighnes Secret Counsell and Session, and others of his Heighnes Officers, for the discharge of their bounden ducie in his Heighnes service, incurre the haitred, indignation, malice and feed of fundrie persons, who often tymes quarrels them, without any just cause. Therefore, Statutes and ordeines, that what-som-ever person in tyme comming, invades or persewes any of his Heighnes Sessions, Secret Counsell, or any his Heighnes Officers, it being verified and tryed, that any of the saids Counsellors, Sessioners and Officers, was persewed and invaded for doing of his Heighnes service, shall be punished to the death.

5. *Anent Purpursion in the Kings Commonities.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, considering that his Heighnes, and his Heighnes Predicessours, for the helpe and releef of his poore commonies, in diverse parts of this Realme, hes reserved great quantitie of Moores, and others common lands, nowyse disposed in propertie, to any particular person. Notwithstanding whereof diverse persons, hes riven out, parked, tilled, sawne, and laboured great portions of the famin commonities, without any right of propertie competent to them, to the prejudice of his Heighnes, and utter wrack of the poore tennents and commons of this Realme. Therefore, Statutes and ordeines that all persons, who hes tilled, laboured, sawne, parked, inclosed, or appropriat any part or portion of his Majesties common Moores, or others commonities, belonging to his Heighnes, within the memorie of man; the famin being tryed, either by way of molestation, or by the Lords of the Session, that they within yeare and day, after the said tryell, lay in the famin commonities againe: to the effect the famine may remaine unlaboured or parked in any time thereafter; but to remaine as commonitie, siklike and in the famine maner as it was before the riving out or parking thereof. And gif they failie to doe the famine, within the space foresaid, lawfull tryall being tane therein, as said is, they shall be decerned to have committed purpursion. And siklike, OUR said SOVERAIGNE LORD, and Estaites forefaids, statutes and ordeines, that wha-soever in tyme comming, shall till, labour, manure, saw, parke, inclose, or appropriat any part or portion of his Majesties common Moores, or others his Heighnes commonities. (The famine being sufficientlie tryed in maner foresaid) shall be also decerned to have committed purpursion, and punished therefore conforme to the Lawes, use and consuetude of this Realme, observed of auld in matters of purpursion.

6. *Anent Bearers and Schutters with Hagbuts and Pistolets.*

OUR SOVERAIGNE LORD, understanding that calling and persewing of bearers, wearers & Schutters with Hagbuts and Pistolets, and others ingynes of fire-wark before his Justice and his deputes, breeds sik trouble to parties and assifours, and sik difficultie in the tryell, that often tymes innocent persons, are thereby vexed, and sik as are gilty eschewes their due punishment, by declyning of the assifours, that best knowes the veritie of the fact, and other sik subterfuges and delays of lawfull tryell. For remeed whereof, his Heighnes with advise and consent of his Estaites of Parliament, Statutes and ordeines, that the Bearers and Wearers of Hagbuts and Pistolets, and others ingynes of fire-wark, who hath neither committed slaughter nor mutilation, nor other odious violence there-with, but onely borne and worne them upon their persons, or in their companies, contrair his Heighnes Lawes, and Acts of Parliament, may be either persewed criminallie before the Justice and his deputes, according to the Custome heretofore observed, or before his Heighnes, and the Lords of Secret Counsell, and lawfull probation of witnes, or eath of partie, at the option of his Heighnes Thesaurer or Advocat. Provying alwyse, that sik as shall be persewed before his Heighnes, and Lords of the Secret Counsell, and tryed by probation of witnesses, gilty of any of the saids crimes, shall not incur the corporall punishment prescryved by the former Acts, be amputation of the right hand, but onely to be punished by warding of their persons, escheit of their goods movable or payment of sik a pecuniall penaltie and summe of money, as his Heighnes and Lords of his Secret Councell shall decerne; but prejudice any wyse of the execution of the former Acts of Parliament, against sik as shall be criminallie persewed, convict and found gilty by a conding assise before his Heighnes and Justice generall, or his deputes forefaids, in case his Majestie like rather that they be persewed criminally before the Justice, nor before the Secret Counsell. And farther, his Heighnes and Estaites forefaids, annuls & discharges all licences

licences given by his Majestie, for bearing and wearing of Hagbutts, Pistolets and others ingynes of fire-wark. And statutes and ordaines, that no licences shall be granted in tyme coming to no persons for bearing and wearing of the same, except that the same licences be granted by his Heighnes, and Lords of secret Counsell sitting in Councell: And when the same licences are so granted, ordaines the same licences to pay composition to his Heighnes Thesaurer, and passe his Register, and to passe the Signet and haill seales; and decernes and declares all licences not granted in Councell, and whilk shall not pay composition and passe the Signet and haill seales, as said is, to be null and of nane avail. And notwithstanding thereof, the said persons to be accused, conforme to this present act, and acts of Parliament made of before.

7. *Explanation of the acts of Parliament anent Ocker and Usurie.*

OUR SOVERAIGNE LORD, With advyse and consent of the Estaites, ratifies and approves the acts of Parliament made against Usurie and taking of unlawfull annuel-rent or profite for silver in all poynts, according to the tenour of the same. And because the obscuritie of the act of his Majesties fifteenth Parliament, titulat, It is not lesome to take mair annuel-rent or profite nor ten for the hundred, anent the manner of tryell and probation of the said cryme by each of partie, and all other lawfull probation conjoynd there-with, competent of the Law, hes bred sic difficultie in peruse and decision of the saids causes, that Justice thereby hes bene greatlie frustrat. and the contraveiners of the said act altogether unpunished.

Therefore his Majestie with advyce and consent foresaid, statutes and ordaines that in all actions already intended, dependand, or hereafter to be intended against contraveiners of the saids acts, Liticontestation being made therein, by admitting of the summonds to probation, it shall be lesome to prove the saids summonds and contraveining of the saids acts, or any of them anent the taking of unlawfull and exhorbitant profite, for summes of money, by writte or each of partie, receiver of the said unlawfull profite, and be the witnesses insert in the said securitie, made for the saids summes, without receiving of the each of the partie, giver of the saids unlawfull profitess, for eschewing of all occasion of perjurie, whilk might be suspected to proceed there-upon.

8. *Anent dissolution of the Coal-heughes of the proprietie, and lands where demolished strengths and Castels were builded of auld.*

OUR SOVERAIGNE LORD, understanding that the ground & boundes where diverse Castels, Strengths and Forths pertaining to his Majesties most noble Progenitours, were of auld situat, is now altogether most deforme and unprofitable to his Majestie, the saids Castels and Forths being so demolished, that there remains no kynde of building therein, either for strength or dwelling to his Majestie. As lykewise, that his Heighnes Coal-heughes within the boundes of his annexed proprietie, being unhabile to be wrought, without advancement of great expences, are so neglected that his Majestie neither receavins furniture of coales to his Heighnes houle thereby, nor any other profite or commoditie of the same. For remeed whereof, OUR said SOVERAIGNE LORD, with advyse and consent of his Estaites of Parliament, statutes and ordaines that it shall be lesome to his Heighnes, to sett all and fundrie the lands and boundes with the pertinents, where-upon any of the saids auld demolished and unhabitable Castels and Forths were situated; together with the Medowes and Loches belanging thereto, and Coal-heughes being within the boundes of his annexed proprietie, in few-ferme heritable. So that it be not in diminution of his Heighnes Rentall, Gressum or others duties, but in augmentation thereof. And to that effect, with consent foresaid, makes present dissolution thereof. And that the lands, Medowes, Loches, Coal-heughes, and others set by his Majestie, by vertue of this Act in maner foresaid, shall stand perpetuallie, and after his decease, the annexations made before to retorne againe to the awne nature. So that his Succesours, after his decease, shall have na farther power to annalie nor wodset in few any of the saids lands, boundes, Loches, Medowes, Coal-heughes, and others foresaid, nor they had before the making of this present dissolution. And his Heighnes and Estaites of Parliament, declares that the foresaid dissolution shall nowise hurt nor prejudice *Alexander Lord Levingston* his rights, whilk he hath to the Coall of *Boniton* beside *Lithgow*, and to his right that he hath to the Castell of *Blacknes*, with the greines and pertinents belanging thereto.

Act anent Cunyie and Bullion.

OUR SOVERAIGNE LORD, and Estaites of Parliament, having at length reasoned anent the state of the Cunyie, as the same is presently current within this Realme declares, that in this present Parliament, they will on no wyse alter the fynnes nor pryces of the Cunyie, either of gould or silver; but that the same have free passage and course hereafter as it presently gives. And because his Majestie and Estaites understands that there is great scairstie of Cunyie for the tyme within this Realme. Therefore, hes given power and commission to the Lords of his Heighnes secret Counsell, for ordour taking anent the hame-bringing of Bulyeon for furnishing of the Cunyie-houle, and discharging the transporting and away taking of gould, silver and other forbidden gear, under the paine of punishing of their bodies and goods, according to the discretion of the saids Commissioners. Whereby the Countrie may be furnished with abundance of

Cunyc of sik fynnes and pryces as the famine presentlie gives, and hes passage within this Realme. And these presents to be published to all OUR SOVERAIGNE LORDS Lieges.

10. *Act anent the salting and transporting of herring.*

THE Kings Majestie with the advyce of the Estaites of this present Parliament, statutes and ordaines, that na person nor persons, alsweil strangers as native borne subjects of this Realme, take upon hand to buy, pack, peill, salt, barrell, or yet transport foorth of this Realme, any herring in small or great quantitie at any tyme before Michael-mes yearlie, but to suffer the famine to be brought to publick marcets, and there sauld to all his Heighnes Lieges, upon rasonable pryces, without attempting any thing in the contraire thereof, under the paine of confiscation of the famine herring, barrells, shippes and vessels; and of all the rest of the movable goods of the persons, contraveiners hereof in any poynnt, The thrid part of the famine to the apprehender, and the rest to his Majesties use, to be intrusted with by his Heighnes Comptroller, and sik as he shall give power and commission to for that effect. And statutes and ordaines, that no licennces be granted hereafter for packing, peilling, salting and transporting of herring before the tyme foresaid; except the famine licennces be granted with consent of the Counsell sitting in the Councell. And after the granting of the saids licennces, ordaines the famine to passe the Signet and haill seals, otherwyfe declares the famine licennces to be null and of nane avail.

11. *Slaying of Salmond in forbidden tyme, to be ane cryme of thift in tyme comming.*

OUR SOVERAIGNE LORD, and Estaites of Parliament, statutes and ordaines, that the slaying of Salmond in forbidden tyme, or of Kipper, Smolts, or sik black fishe at any tyme, shall be in all tyme comming, ane cryme of thift to the committer whatomever in all tyme comming; and shall be punished as thift in every qualitie, according to the committers rank and estate. Exceptand alwyfe forth of this present act, the Salmond, Kipper, Smolts, and all other fishes flane or tane within the rivers of *Amund* and *Tweed* allanerlic.

12. *Anent singular Combats.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, considdering the great libertie that sundrie persones takes in provoking of others to singular combats, upon suddaine and frivole quarrels whilk hes ingenerated great inconvenients within this Realme.

Therefore, statutes and ordaines, that no person in tyme comming, without his Heighnes licence fight any singular combat, under the paine of death, and his movable gearr escheat to his Heighnes use. And the provoker to be punished with a more ignominious death nor the defender, at the pleasure of his Majestie.

13. *Anent Hornings.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, considdering the great expenses and faltherie the Lieges of this Realme susteines, by seeking of a Notar and foure witnesses, to the registration of all letters of Horning, Relaxations, Inhibitions and Inredictions, in the Schireffes, Baillies or Stewarts bookes within this Realme. And als susteins great delay by seeking of the Clerks wha should registrat the famine.

Therefore OUR SOVERAIGNE LORD, and Estaites foresaids, discharges that part of the act of Parliament made in the Moneth of December 1597. yeares, anent the registration of the famine letters of Horning, Relaxation, Inhibition and Interdiction, before a Notar and witnesses. And decernes and declares the famine letters whilk are or shall be registrat in the saids Schireffes, Baillies or Stewarts bookes by the Clerk thereof. Or by the Clerk of Register and his deputes, in the bookes of Counsell, shall be valide and sufficient in the selfe, and shall make faith in judgment or out-with in all tyme comming.

14. *The negligence of the Kings Officiars may be supplied by their successors.*

OUR SOVERAIGNE LORD, and Estaites of Parliament, statutes and ordaines, that the sleuth and negligence of any of his Heighnes officiairs, in the persewing or defending of any of his actions or causes in any tyme by-gane or to come; shall nowyfe be prejudicial or hurtfull to his Heighnes, but that he and his officiairs, successors in that office, may without any ordour of reduction, and by way of exception or reply, use and propone all and sundrie exceptions, replies and defenses competent of the Law, whilk were willinglie or negligentlie omitted by their predicesours. And thereby supplie whatomever thing that hes bene neglected or amitted by the saids predicesours. To the effect, that his Heighnes and his Crown be no wyfe hurt, nor prejudged by negligent Officiars, and the benefite of his Lawes may be competent to him at all tymes when it shall please him and his officiairs to crave and use the famine.

15. *The paine of forbidden and uncustomed goodes.*

OUR SOVERAIGNE LORD, with consent of the Estaites of this present Parliament, statutes and ordaines that na person nor persons, take upon hand in tyme comming to transport forth of this Realme, or inbring within the famine any forbidden or uncustomed goodes under the payne of tynself of their movable goodes that shall happen to come in the contrare hereof. That is to say, the saids forbidden and uncustomed goods that shall happen to be taken and apprehended, to apperteine as escheat to OUR SOVERAIGNE LORD, and to be intronnetted with, and up-taken by his Heighnes Comptroller, and compt thereof to be made by him in the Checker, and the remanent of the movable goodes and geare pertaining to the contraveiners of this present act, to be escheat for their contemption by OUR SOVERAIGNE LORDS Thefaurer. For the whilk he fall be lykewyse obliged to make compt in all tyme comming. And discharges all licences alreadye granted to that effect, and that no licence passe hereafter, except the famine be past in Counsell, and passe the haill Seates, and pay composition to his Heighnes. And ordaines letters to be direct hereupon as escheirs.

16. *Ratification of the acts made of before in favours of the Kirk.*

OUR SOVERAIGNE LORD, With advyce of the Estaites of this present Parliament, ratifies, approves and confirms the libertie of the true and holy Kirk and Religion, presentlie professed within this Realme, and established by the Lawes of the famine; and all acts, constitutions and immunities made and graunted to the famine, als well in his Heighnes minoritie as since his perfitte age. And ordaines the famine to be put to execution in all poyntes, against all persons whatfomever in all tyme comming.

17. *Act anent non Communicants.*

OUR SOVERAIGNE LORD, with advyce of the Estaites of this present Parliament, Ratifies, approves and confirms the Act made in the convention of the Estaites at *Haly-rude-bouffe*, the day of October, the yeare of God 1598. anent non Communicants, whereof the tennour followes. FOR-SAMEIKLE as by diverse and fundrie lovable Actes of Parliament, made by his Heighnes, and his unwhyle Mother of good memory, since the reformation of the Religion. It is statute and ordained, that all his Heighnes subjects should embrace the Religion presently professed, als well by hearing of the word, as participation of the Sacraments. Notwithstanding whereof, fundrie persons of the Realme abstains from the receiving of the Communion and Lords Supper, pretending an excuse of rancour and malice that they have in their myndes, against some of their Neighbours, bearing them at deadly fead. Alledging so long as the famine rancour remains with them, and they nowyse reconciled with their saids Neighbours, that they can not worthelie receive the saids Sactaments, and can not justly be burdened by the Ministrie to doe the famine. Whilk pretended excuse is nothing but a coulour and clock to cover their Papistrie, whilk is the onely cause of their abstaining to communicat. And in so far as by the acts of general Assambleie, it is found that deadly fead can be no lawfull cause why any person should debar himselfe from the Seales and Sacraments of his Communion with Christ.

Therefore his Heighnes with advyce of the Estaites presentlie convened, hes statute and ordained, that all his Heighnes subjects shall communicat once every yeare; and shall no wyfe pretend any excuse of deadly feade, rancour or malice to appeare towards their neighbours. And when ever it shall happen any to absteyne or debar himselfe from the participation of the said Sacrament, upon the pretence of the said excuse, or any other cause whatfomever, they being first lawfully requyred by their Pastor or Presbyterie to doe the famine; that then they shall be astricted to pay the particular penalties under written, enjoyned to them, and that to his Heighnes Thefaurer. That is to say, every Earle fo oft as he shall contravene the premises, a thousand pounds. Every Lord, a thousand markes. Every Barron, five hundredth pounds. Every Freeholder, three hundredth markes. Every Yeoman, fourtie pounds. And every Burges according to the modification of the Kings Majestie and Lords of secret Counsell. Whilkes paines, the saids Estaites hes ordained OUR SOVERAIGNE LORDS Thefaurer, to execute with all extremite against the contraveiners hereof, and to intronnet there-with to his Heighnes use.

18. *Ratification of the act anent Jesuits, Preists, excommunicat and traffiking Papissts.*

OUR SOVERAIGNE LORD, with advyce and consent of the Estaites of this present Parliament, Ratifies, approves and confirms the act made in the secret Counsell at Sanct *Jobnston*, the first day of Apryle 1600. yeares. Anent the Jesuits, Seminarie Preists, excommunicat and traffiking Papissts, common enemies to all Christian Governement, whereof the tennour followes. For-sameikle, as by diverse Actes and Proclamations made and published heretofore, all Jesuits, Seminarie Preists, excommunicat and traffiking Papissts, common enemies to all Christian Governement, are specially commanded to depart and passe forth of this Realme, under certaine paines mentioned in the famine act. The not execution wheteof hes produced sik a contempt and mistegarde of the saids acts, that the resait and traffik of the saids Jesuites and

and Seminarie Preists, is very frequent in sundry parts of this Realme, where-throw great numbers of ignorant and simple people are seduced by them, to declayne from the true and Christian Religion, to the offence and displeasure of God.

For remed whereof, it is statute and ordained by his Majestic, and Lords of his Heighnes secret Council, that whatsover Jesuites, Seminarie Preists, excommunicat and trafficking Papists, presently being within this Realme; or that shall happen to be within the same, shall immediately after their delation to his Majestic, be taken and apprehended by ordinar Magistrats of the bounds where they resort, and committed to ward, ay and whill they be converted to the Religion, removed and put out of the Countrie, or else punished according to the tennour of the saids acts. So that alwyse the benefite of the act of Parliament, granting to other Papists the space of fourtie dayes to satisfie the Kirk, or to remove of the Countrie, shall be nowyse extended to them. And because the reset whilk they have founden in diverse parts of the Countrie, hes given them the boldnes so avowedlic to contemne his Majestic and his Lawes. That therefore six persons as shall be given up by the Presbyteries, or Session of the Kirk, to be the resetters and hurders of them, shall be charged under six pecunial paines, as shall be modified by his Majestic, and Lords of secret Council, not to reset them hereafter with this addition; that his Majestic and Estaites of Parliament declares that every Earle that shall happen to reset any, shall pay a thousand pounds. Every Lord, a thousand marks. Every Barron, five hundred pounds. Every Free-holder, three hundred marks. Every Yeoman, fourtie pounds. And every Burges according to the modification of the Kings Majestic and Lords of secret Council; the paine alwyse not exceedand the summe of an hundred pounds. Whilks paines the saids Estaites hes ordained OUR SOVERAIGNE LORDS Thefaurer to exact with all extremitie against the contraveiners hereof, and to intromet there-with to his Heighnes use.

19. *Ratification of the act anent strong and idle beggers.*

OUR SOVERAIGNE LORD, with advyce of the Estaites of this present Parliament, ratifies and confirms the act made by his Heighnes and Estaites convened at Perth the first day of Appryle last by past, against strong and idle beggers; whereof the tennour follows. The Kings Majestic and Lords of secret Council, remembering how there hes bene diverse gude and lovable acts of Parliament and secret Council, made and published heretofore, for punishment of strong and idle beggers, and relceff of the poore and impotent. And how the saids acts hes received litle or no effect, or execution by the oversight and negligence of the persons, who were nominat Justices and Commissioners, for putting of the saids acts to full and due execution. And that here was not a special penaltie, appoynted and enjoyed to them, who should be remisse and negligent therein. So that the strong and idle beggers being for the most part theeves, bairds and counterfite limmers, living most insolentlic and ungodly, without mariage or Baptisme of a great number of their children, are suffered to vaig and wander throughout the haill Countrie, and the poore and impotent persons are neglected, and no care had, nor provision made for their entertainment and sustentation. For remed whereof, and supplic of the saids acts, and namely of the act of Parliament made in the yeare of God 1597. Whereby the execution of the acts of Parliament, is committed to the particular Sessions of the Kirk. It is statute and ordained by the Kings Majestic, with advyce of the Lords of his secret Council, that the saids Sessions of the Kirk, where need is, shall be assisted by one or twa of the Presbyteries; and that they shall put the saids acts to full and due execution, conforme to the tennour thereof in all poynts, every an of them within their awne bounds, under the paine of twentie pounds to be exacted of them, so oft as they shall be found to be remisse or negligent herein. And that these presents shall beginne to take effect, and have execution upon the first day of June next to come. And to the effect his Majestic may be the better assured of the care and diligence of the saids Sessions of the Kirk, in due execution of the saids acts of Parliament, his Majestic commands the haill Presbyteries of this Realme, to take diligent tryd of the obedience of the Sessions hereanent, and to report their certificat and testimonial there-upon, to his Majesties Ministers, betwix and the first day of August next to come. Where-throw his Majestic may thereafter proceed against six as shall be negligent as accords: And that letters of publication be direct here-upon as effects; where-throw the said Sessions of the Kirk, nor no other pretend ignorance. And to command and charge the saids Sessions of the Kirk to put the saids acts of Parliament made against strong and idle beggers, whereof the execution is committed to them, by the said act of Parliament made in the forsaide yeare of God 1597. to due and full execution in all poynts, conforme to the tennour thereof, betwix and the said first day of June next to come, under the said paine of twentie pounds to be exacted of them, so oft as they shall be founden to be remisse after the said day. Certifying them that falsyes, that the said paine shall be uplifted of them with all rigour. And six-like to command and charge the saids Presbyteries to take tryell of the saids Sessions here-anent, and to report their testimonial there-upon betwix and the first day of August, as said is. As they will answer to his Majestic upon their obedience at their uttermost charge and perrell.

20. *Anent the Mariage of adulterous persons.*

OUR SOVERAIGNE LORD, with advyce of the Estaites of this present Parliament, decernes all mariages to be contracted here-after by any persons divorced for their awne cryme and fact of adulteris.

adulteric, from their lawfull spouses, with the persons with whom they are declared by sentence of the ordinar Judge to have committed the said cryme and fact of adulteric, to be in all tyme comming null, and unlawfull in themselves, and the succession to be gotten be sik unlawfull conjunctions, to be unhabile to succeed as heires to their saids parents.

21. *Registers of the Schireffe Clerks to be marked by the Clerk of Register and his deputies, and their extracttes to be marked by themselves.*

THAT all and whatsomever Schireffes Clerks in all tymes hereafter, shall present their Registers to the Clerke of Register to be marked by him and his deputies. And whatsomever registration to be subscribed hereafter by them, upon whadsoever letters together with whatsomever extractts shall be given forth thereof to any person, shall containe in all tyme comming, the lease wherein the same is registrat, and this ordour to beginne from the first day of March next; within the whilk, they and every one of them shall present their saids registers to be so marked. And that nane of them subscribe their registration upon any letter, or give forth any extractt subscribed with their hand after the foresaid day, unspecified the lease wherein the same is contened, within their Booke, marked as said is, under the paine of an hundredth markes, *toties, quoties*. But prejudice alwyse of the hornings whilks the saids Clerks omission, or neglect in this behalfe, shall nowyse make invalide.

22. *All ament removing and extinguishing of deadly fead.*

OUR SOVERAIGNE LORD, and haill Estaites of Parliament presentlie convened, for removing of the present feads that abounds within this Realme. Finds it meet and expedient that the parties be charged to compeir before his Heighnes and secrete Counsell, at sik dayes as shall be thought expedient, to submit to two or three friends on either side; or to subscribe ane submission, formed and sent by his Majestie to them to be subscribed. Whilks friends by their acceptation shall be bound either to decree within the space of threttie dayes, after they have accepted, or else to agree at their first meeting, on ane Over-man who shall decree within that space: whilk if they can not doe, they shall within the foresaid threttie dayes, report the ground and cause of their disagreement to his Majestie, and sik specials of his Counsell as his Heighnes shall finde least partial and suspect. (Whaes Majestie by the advyce of the Estaites here present, is declared to be Over-man in that matter.) And failing, that the friends arbitrators, either decree or report not within the foresaid space after their acceptation, every one of them by the authoritie of this present acte, to incur the paine of ane thousand pounds, to be employed to his Majesties use. And because all feads are ane of thir three natures, namely that there is either no slaughter upon neither side, or slaughter upon ane side only; or else slaughter upon both sides. The parties in the first may be commanded to agree, due satisfaction being offered, and performed at the sight of friends, and over-man in maner foresaid. Where there is slaughter upon both sides, his Majestie may by rigour and equalitie of Justice, compell them to agree, due satisfaction to be made on either side, according to the qualitie of the offence, and persons offended. Where the slaughter is onely on the ane side, the partie grieved can not refuse in reason to submit in maner foresaid, all quarrell he can beare to any person innocent, Justice being made patent to him against the gilty; speciallie he being ordained by this present acte to persew nane other but the gilty, and that by the Law. And the partie so persewed not to beare quarrell for it, but to defend in lawfull maner. And that all quarrels shall cease against sik as shall be lawfully persewed in this forme, either by their conviction, and execution by Law, or otherwyse by their clemency and agreement; that all persons being of perfite age, and within the Countrie, and having entres to persew any partie for crimes capitall, shall within fourtie dayes after the publication of this present acte at the head burgh of the Shyre where the persewer dwelles; raise, and cause execute their letters in the said matter. And insit in the perseute thereof, with certification to sik as failyes, that their action shall perish, exyre and be extinct; and the said persewer shall be compelled to submit his action, in maner above specified. Reserving alwyse to his Majestie his action, as accords of the Law. Provying, that if the said persewer satisfie the ordinance of this present acte, and be delayed either by ane continuation of the dyet by warrant of the Prince, or by the dilatour defenses proponed by the pannel, for eliding of the finally tryell of the perseute. In that case the prescription nowyse to runne against the persewer, having done his possible diligence in maner foresaid. And because the giltines of crimes consistes not onely in the person of the actual committers thereof, but also in the authors, causers and movers of the same to be committed, wha are airt, part and gilty of the said fact, whereof no publict knowledge nor certaine tryell is had, His Majestie and Estaites nowyse willing that neither the authors nor actour of sik hynous crimes eschape the due punishment, through obscuritie and laik of publict knowledge thereof. Declares that the parties offended, doing their diligence, as said is, against the actual and knowne committers of the saids crimes, and satisfying this acte anent their reconciliation with all others persons, shall nowyse be prejudged of their action, competent against sik persons of whaes gultines they shall hereafter get knowledge; provying, that they shall beare no fead against the saids suspect persons, whilk first after sufficient information obtained, they raise their letters for summondng the saids parties to underly the law, and either make them fugitive, or otherwyse obtene the perseute decided. And farther, that the

prescription of this present act shall nowyse militat against any partie, whaes actions are already submitted to ane langer day nor is preseryved in this act. Provyding, that the partie doe his diligence in maner above writtten, within fourtie dayes after the expyryng of the said submission. And to the intent that Justice be an occasion to breed farther trouble, every partie shall come to the town accompanied allanerlie with twentie foure persons, where both they and their companie shall keep their ludging to the houre of cause. At the whilk, first the one and then the other shall be broght out by the town in Armes accompanied from their ludging to the Bar with the number preseryved to their rank by act of Parliament. The contravincner wherof, if he be persewer, shall tyne his persute in tyme comming; and if he be defender, he shall be denounced rebell as presumed guiltie, and refusing lausfull tryell. And for staying of all deadly feads in tyme comming where there is no cause nor quarrell given as yet, it shall not be lawfull to the persewer to invade, persew, beare fead or quarrell against any friend of the offender, innocent and not accused and convict of the cryme, under the paine of tynfell of his action and persute against the guiltie, & to be compelled to submit with the offenders selfe. Reserving alwyse to his Majestie his action against him for the cryme. Lyke as the friends of the guiltie person being convict and fugitive from the Law, shall not beare quarrell for his persute be Law, neither maintein, supplie nor reset him, under the paines conteneid in the act against resetters of fugitives and rebels. And in case any of the friends of the guiltie persons reset him in contempt of this present act, and others his Heighnes Lawes, the partie grieved assisted with his Heighnes Advocat, shall onely persew the resetter by ordour of Law without convocation or fead, grudge or quarrell to be borne against him therefore othervyse; under the paine of tynfell of his said lawfull action in all tyme comming. And to this ordour before specified, the haill Nobilitie and Estaites here present, have given their approbation and consent, and sworne to conforme them thereto in all feads whilks shall fall out in tyme comming. And this present act nowyse to nullitat in sik case where the partie offender is denounced rebell, or shall happen hereafter to be fugitive and put to the horne, for slaughter or other odious capital crymes, during the tyme of their rebellion. And to the intent these present articles may have the better effect, and be the mair willingly embraced by his Majesties haill subjects, his Heighnes of his proper motive and gracious inclination to Justice, quietnes and well of his people, sollemnly declared and faithfully promitted in presence of the saids Estaites, that for slaughter and other odious crymes to be hereafter committed, his Heighnes shall graunt no respit, remission, pardon nor oversight at any tymes hereafter, Albeit the parties tranfact and agree amongst themselves, till the inveterat and damnable customes of the saids heynous crymes be rooted out and altogether suppressed. Whilks articles above writtten, in the haill heads and poynts of the fame, OUR SOVERAIGNE LORD and Estaites foresaids, presently convenied, ratifies, approves and confirms, and ordcines the same to have the strength, force and effect of ane law in all tyme comming. And thar letters of publication and executorials passe hereupon, for the better observacion hereof in this present Parliament.

23. *Act against slaughter of Wyld-fowles.*

FORSAMEIKLE as by common consuetude of all Countreys, special prohibition is made to all sorts of persons to slay wyld-foull, Hair or Vennison, except sik as by their revenewes may beare the charges and burdings of the Halkes, Hounds and Dogs, requisit in sik pastymes. In respect the fame as well hes bene created for the recreation of mankind, as for their sustentation. Lyke as it is of treuth that by diverse and sundry acts of Parliament others statutes and proclamacions made heretofore, all slaying of the said wyld-foull and beastes by any indirect meanes, sik as hagbut, girn, net and fowler dogg is speciallic forbidden, and diverse penalties conteneid in the fame act. Yet never heles, sik hes bene the slacknes of the execution of the fame, that diverse and sundrie persons having greater regarde of their gaine and commoditie, whilk they purches by the selling of the said wyld-foull, to sik persons wha prefers their awne inordinar appetite and gluttonie, either to the obedience of the saids Lawes, or to the recreation that may be had by the direct slaying of the fame. Hes used all the saids indirect meanes in slaying of the saids wyld-fowles and beastes, whereby this Countrie being so plentifullic furnished of before, is become altogether scarce of sik waites. For remeed whereof, and that the continuing of the said abuse may not procure worse inconvenients, feing in tyme of peace in all tyme bygane, the saids pastymes of hunting and halking were the onely meanes and instruments to keepe the haill Leiges bodies fra not becoming altogether effeminat. OUR SOVERAIGNE LORD and Estaites of Parliament, finding that the discharging of the selling of the saids wyld-foull and Vennison shall procure ane remeed of the abuse foresaid. Have therefore discharged, lyke as by these presents they discharge any persons whatsoever, within this Realme in any wyse to sell or buy any fastan reid or fallowe Deare, Daes, Raes, Hares, Partridges, Moote-fowles, Black-cokes, Aith-hennes, Termigants, wyld-Dukes, Teilles, Atteilles, Goldings, Mortyms, Schidderems, Skaildraik, Herron, Butter, or any sik kynde of fowles, commonly used to be chased with Halkes, under the paine of ane hundred pounds to be incurred alsweil by the buyer as the seller. And in case of the inhabilitie of any of the saids persons to pay the said summe, that the apprehender of them shall cause them be scourged thorow the Burgh or Town where they shall be apprehended. And als discharges any of the saids Leiges, in any wyse to slay any of the wyld-foull or beastes above specified, by girn, net or hagbut, under the paine above specified to be incurred by them. For execution whereof, OUR SOVERAIGNE LORD hes given and graunted power and commission to all Schireffes, Stewarts, Bailies, alsweil of Regalities as

Royalties, Provests and Baillies of Burrowes, and every Barron within his awne Barronnic, special Justices to that effect; giving them full, free and plene power to up-lift or execute the paines above specified against the transgressors of these presents; the one halfe of the saids pecunial paines to be intromitted wth by them, to appertaine to OUR SOVERAINE LORD, and to be payed to his Heighnes Thefaurer; and the other halfe to the delator and apprehender. And because one of the greatest occasions of the scarcitie of the saids Partridges and Moorc-fowles, is by reason of the great slaughter of their Pouts and yonganes: when as for youth neither are they habile to give pastyme, and for quantitie can no wyse be ane great refreshment.

Therefore OUR SOVERAINE LORD hes discharged all his Heighnes subjects whatsoever, in any wyse to slay or eat any of the saids Moore-pouts, or of any other kyndes before the thrid day of Julie; or Partridg-pout, before the aught day of September. Alwyse OUR SOVERAINE LORD and Estaites foresaids, declares that this present act, shall nowyse comprehend Cunnings, Wod-cock, Plevras nor wyld-Goose, but the samine to be flane with nets, and others-ingynes not forbidden by the Lawes of this Realme, and to be coft and fauld as lawfull Merchandice as of before.

24. *Anent the custuming of goods.*

FORSAMEIKLE as it is understand to the Kings Majestie and Estaites of this present Parliament, that be diverse Acts of Parliament, Lawes and constitutions heretofore observed, all maner of English goods broght within this Realme, are and have bene ever subject, and in use of payment to his Heighnes of ane certaine custome, and duetie properly pertaining to his Majestie, as ane-part of the Patrimonie of his Crown. Lyke as also other sorts of claith, silkes, stufes, and merchandice broght within this Realme from forraigne Nations, are by act of his Majesties Nobilitie, Councell and Estaites, of the date the thretein day of Majj, the yeare of God 1597. Ratified and approved in Parliament holden at *Edinburgh* in the Moneth of December, the samine yeare, subject to the payment of ane certaine custome to his Heighnes. And the Merchants inbringers of the saids goods, aught not to losse, breake bowk, or dispone there-upon, whill the samine bee first entered, then marked, and dewlie customed by the Custumer appoynted thereto. Notwithstanding the custome of the saids goods are very far over-sene, to the great hurt and discommoditie of his Majestie, in respect there is na seall appoynted to be hanging, to the saids goods, according to the use and custumetude observed in other Nations, whereby the goods customed, could nowyse be knowne by the uncustomed goods. And sa by their confusion the Merchants, awners and inbringers of the saids goods, immediately after the arryving and comming of the saids goods within this Realme, loies, breaks bouk, selles and conceales the samine; and never offers nor presents na part thereof to be customed, conforme to the ordour, to the great prejudice of his Heighnes: whilk being now considered by his Heighnes, his said Nobilitie, Councell and Estaites, and they finding that by the want of the said seall, his Majestie is, and hes bene greatly defrauded of his customes. Ordaines therefore the haill Custumers within this Realme, to cause make ane print, seall, and stamp of seall containing twa halves for every Burgh and sea-port within this Realme, where there are established custumers; the one halfe thereof containing JACOBUS REX, with his Heighnes Armes and Crown; and the other halfe the name of the Burgh where the samine shall remaine. Whilk seall & stamp shall be applyed to lead, & being so stricken and printed with the said stamp, shall be hanging to every wob, peece and steik of claith, silk and stuff of whatsoever Nation that here-after shall be broght within this Realme by sea or land, before the samine be presented to open markets, fauld or any wyse disposed upon. And the one halfe of the said seall to be kepted by the Custumer, and the other halfe by the Clerk of the Cocquet. The awners of the said claith, silkes and stufes pay and the custume thereof. And to the effect the claith, silkes and stufes presentlie being within this Realme, may be knowne and decerned from that whilk hereafter shall be broght within the samine. It is also decerned and ordained, that the Custumer of every Burgh and sea-port, shall repaire to the dwelling houes and buiths within every one of the saids Burghs and Ports where they are particularlie appoynted Custumers, and there receive the cates of the awners, of silk peeces, steiks and wobs of claith, silkes and stufes as are therein; whither the samine hes payed the custume thereof or not. And sik as hes not payed custume, that the samine be then instantlie payed, and the said seall in token thereof hanging thereto, and to all others peeces, steikes and wobs whilks shall be apprehended within the saids buithes and houes, whereof the custume hes bene payed of before, upon the expenses alwyse of the said Custumer. And that the awners of the said claith and stufes, requyre the Custumers within every Burgh and Port particularlie to repaire to the saids buiths and houes, to this effect, within fourtene dayes after the publication hereof: And farther, to doe and performe all other things whilks to every one of them is appoynted to be done in maner foresaid, under the paine of confiscation of all the peeces, wobs and steiks of claith and stuff, that shall be apprehended thereafter wanting the said seall. And that na maner of persons, inbringers of the saids claith, silk and stuff within this Realme in tyme comming, presume nor take upon hand, to sell nor dispone upon the samine, nor na part thereof, unto the tyme the samine be presented to the Custumers within the custume-houes, the custume thereof payed, and the said seall in token thereof, hanging to every particular peece of the samine, as said is, under the paine of escheating of the samine. Certifying them if they failyre that all and whatsoever wobs, steiks and peeces whilks shall be apprehended wanting the said seall, shall be confiscar and intromitted with to his Majesties use as escheat, with all rigour and extremite

in example of others. And that letters of publication be direct here-upon, where-throw nane pretend ignorance of the famine.

25. *All charges of Horning against persons dwelland be north the water of Die to be direct upon fiftene dayes at the least.*

OUR SOVERAIGNE LORD, and Estaites of Parliament, considering how that his Majesties subjects, inhabiting the North-part of this Realme, are oftymes drawn in great inconvenients by findrie charges, direct against them, some-tyme for finding of Law-borrowes, or compeiring before his Majestie, and his Councell upon simple charges of sex dayes; sa that be the shortnes of tyme, and impossibilitie to them to satisfie the saids charges within sex dayes, in respect of the far distance of the place of their residence from the Burgh of *Edinburgh*, they are oftymes put under the danger of horning; whereas if they had convenient tymes granted to them, there wald not be sik disobedience of sik great numbers of his Majesties subjects. For remeed whereof, it is statute and ordained, that na letters of horning shall be direct against any persons dwelling be North the water of *Die* upon ane shorter space nor fiftene dayes at any tyme hereafter. And the horning to be used against any of the saids persons upon ane shorter space nor fiftene dayes, shall be null and of nane avail.

26. *Act against persons wha persewes others within ane myle of the Kings Majesties residence.*

THE Kings Majestie and Estaites of Parliament, considering the manyfald indignities from tyme to tyme done to his Majestie, by ane number of undewtiful and unrevener subjects, wha to the contempt and dishonour of his Majestie, make frequent tulyies, and seekes the commoditie to revenge their particular quarrells within the Burgh of *Edinburgh* and *Cannogate*, and others places neere to the place of his Heighnes residence; not spairing sometime at his Majesties awne back, to use their privat revenge, to the hazard and perelling of his Heighnes most Noble Person. Lyke as diverse persons, under pretence of their awne defence, repairs and resorts within his Majesties Palaces, armed with Jacks, Secreets or Corlets, under their doublets or coats. Where-throw it is to be feared, that certaine evill disposed persons, under collour of their awne defence, may attempt some enterpryse against his Majestie or his domestiks.

For remeed whereof, and eschewing of the inconvenients that here-upon may ensue; It is statute and ordained, that whatsomever person of what estate, qualitie or degree he be of, shall presume to take upon hand at any tyme hereafter, to invade or persue any of his Majesties subjects, within any part of this Realme, within ane myle to the place of his Heighnes residence and remaining for the tyme; or wha shall resort and repair within his Majesties Palaces, or any part of his residence, armed with Jacks, Secreets, or Corlets under their coats, doublets or otherwyse; that the saids persons, makers of the saids tulyies and combats, after due tryall that they were the first offenders. As also, the saids persons, repairing armed within his Majesties houses, as said is, shall be taken apprehended and warded for yeare and day, and far, her, ay and whill they fyn with his Majestie for their libetty, according to his Heighnes good pleasure.

27. *Auent the Court place of the Schirefdome of the Meirnes.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, understanding the great prejudice sustained by the Leiges of this Realme, where the judgment-saits of Schireffes, and others Judges are not sa commodious, neither in building nor in situation, as the Schireff, others Judges and their deputies may conveniently sit, nor the parties may resort thereto. And speciallie that the Schireff of the *Meirnes*, alias, *Kincardin* and his deputies, hes bene in use these many yeares to sit at *Kincardin*, where there is neither ane Tolbuith, nor any house to parties to ludge into, for their interteinement; nor yet is the place in the middes of the Schite, whereby the Leiges within the said Schirefdome are greatlie damnified. For remeed whereof, it is statute and ordained, that the Schireff of the Schitefdome of *Kincardin* and his deputies, in all tyme coming, shall sit and hald their Courts at the *Stane-hyue*, as maist meet and convenient to them, & to the haill Leiges within the Shyre: & that precepts to be direct, shall be to warne all parties within their jurisdiction, to compeir, to persue & defend in their Courts at the *Stane-hyue* in all tyme hereafter.

28. *Auent the keeping of pledges.*

FORSAMEIKLE asin tymebygane, the onely meane for quyeting of the Borders was entering of pledges, and the keeping of them in surety that in case any enormitie or wrang were committed by any of the gang or surname, for the whilk they were entered pledges; then Justice should be execute against the saids pledges with all rigour. And because heretofore, ane great number of the Nobilitie and Barronnes, being burdened for keeping in suretie some of the saids pledges, hath made their excuse of the danger and inconvenient that might occur to them, in case of the escape of any of the saids pledges, delyvered to them in keeping; whilk being easie to be prevented be the maist imprisonment of them. OUR SOVERAIGNE LORD, and Estaites of Parliament, findes that nane of the Nobilitie and Barons, being burdened to receive any of the

saids pledges shall refuse to accept them, upon excuse of any inconvenient whatsoever that may ensue; but shall receive them, and keepe and detene them. ay and whill the saids pledges be suited to be deliuered by them; and shall be answerable for them, that they shall no wyfe escape, ilk pledge, under the paine of twa thousand pounds.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES and others, past in the xvj. Parliament, holden at Edinburgh, the fiftenth day of November, 1600. yeares not imprinted.

- 1 **T**He foresauntour of unwhyle John Earle of Gowrie and unwhyle Alexander Ruthven his Brother.
- 2 *Act anent the dishersing and inhabilitie of the brether and posteritie of the unwhyle Earle of Gowrie.*
- 3 *Act abolishing the surname of Ruthven.*
- 4 *Protestation for the Queenes Majestie.*
- 5 *Protestation for the Earle of Rorhes.*
- 6 *Act in favours of Sir Thomas Erskiu.*
- 7 *Ans other act in his favours.*
- 8 *Act in favours of Sir Hew Heries.*
- 9 *Act in favours of Sir John Ramsay, anent the Lands of East-barns.*
- 10 *Act in favours of Sir Hew Heries, anent the Lands of Cowsland.*
- 11 *Act in favours of James Lundie.*
- 12 *Anent the posteritie of Frances sometyme Earle Botbwell.*
- 13 *Protestation of the Burrowes anent the Bullion.*
- 14 *Ans other protestation made be them.*
- 15 *Act anent provision for Armour.*
- 16 *Act anent making of Redres.*
- 17 *Act in favours of Sir Patrik Murray anent the Abbacie of Fern.*
- 18 *Act in favours of Joine Marquis of Hammilton anent Arbroth.*
- 19 *Ratification of the Countes of Mar her infestment.*
- 20 *Discharge given to her anent the education of the Prince.*
- 21 *Act in favours of the Constable of Dondie, anent bearing of the Kings Bauer.*
- 22 *Act in favours of the Lord Hooime, anent the thriddes of Coldinghame.*
- 23 *Ratification to Maister Peter Young.*
- 24 *Act in favours of the Laird of Bogie and Maister John Moncreif.*
- 25 *Act in favours of the Duke of Lennox.*
- 26 *Ratification of the erection of the Burgh of Greinlaw.*
- 27 *Act in favour of Patrik Leslie anent the Abbacie of Lundores.*
- 28 *The decision of the Monkes portions of Arbroth, betwix the Marquis of Hammilton and the Laird of Auldbar, remitted to the next Parliament.*
- 29 *Ratification of the infestment of the Lewes.*
- 30 *Act in favours of the Fewers of the Kings lands within Fyfe.*
- 31 *Ratification of the Bishop of Glasgows restitution.*
- 32 *Protestations of the Earles of Erroll and Marshall.*
- 33 *Act in favours of the Duke of Lennox anent the assignation of the thriddes of the Pryorie of Saint-Androes.*
- 34 *Act anent Registration of Seatings in the Secretars Register.*
- 35 *Commission for ranking of the Noble-men in their places.*
- 36 *Commission anent the wooll.*

F I N I S.

T H E S E V E N T E N T H

P A R L I A M E N T

Of the

*Most Excellent and Michtie King and Monarch, JAMES By the grace of GOD,
King of GREAT BRITAIN, FRANCE and IRELAND, De-
fender of the Faith: &c. Halden at Perth the eleventh day of Julie, the Yeare of God
1604. Teares. By the Potent Earle and Lord, IOHNE Earle of Montrose,
Lord GRAHAM and MUGDOCK, his Majesties Commissi-
oner: and the Estates of this Reahne.*

I. *Commisson anent the Union of the two Kingdomes.*



ORSAMEIKLE As it hath pleased his most Excellent Majestie, acknow-
ledging the un-speakable favour, where-with the divine Providence of the most
Heigh hath blessed him by the oft-wished, but hardlie expected conjunction of
twa sa auncient and lang discordant Kingdomes, maist earnestlie to desire ane estab-
lished continuance of the famin; that as by lawfull succession they are ane in the
head, so in the body and every member thereof, they may be sa inseparabile con-
joynd, as all-after-comming ages should finde the sweetnesse of the peace, wealth
and felicitie, whilk by the perfite accomplishment thereof, may continue to the
wards end. And his most Excellent Majestie, although absent in person (from
his most auncient and native Kingdom) yet present by his princelie power, Fa-
therlie care, and prudent commandements, daily directed to his most humble and obedient subjects of the
Kingdome, having laid before them the great blessing that ane constant and friendlie conjunction with their
neighbour Countrie of *England*, now united by alledgeance and loyall subjection in his Majesties most Roy-
all Person, wald bring to them and their Posteritie, and there-with out of his maist loving and accustomed
princely regarde, to their ineflimable joy and comfort, voucha sing to assure them of his sincere disposition
and cleare meaning, no way by the foresaid union, to prejudge or hurt the fundamentall Lawes, auncient
priviledges, offices and liberties of this Kingdome. Whereby not onely the princely autoritie of his most
Royall discent, hath bene these many ages maintained, but also his peoples securitie of their lands and livings,
rights, liberties, offices and dignities preserved; whilks if they should be innovated, sik confusion should
enfesw, as it could no more be a free Monarchie; and his Majesties gracious intention in establishing the fore-
said union, is onely to alter and reforme sik indifferent and temporall statutes, particular Customes, or spe-
ciall ordinaunces; whereby the bygane remembrance may be extinguished, and the future growth prevented
of many particular debates and unhappie accidents, whilk might here-after disturbe that constant love and
perfite amitie, betwix both Nations, so tenderlie wished by his maist Excellent Majestie; and sik steadfast
and afald grounds of uniforme societicie, surrogat in their place; That as the present age is Ravished in admira-
tion with ane so fortunat beginning, sa that the posteritie may rejoyce in the fruition of sik ane effectual
union of twa sa famous and auncient Kingdomes, miraculussy accomplished in the Blude and Person of sa
Rare ane Monarch.

Therefore, and for the maist perfite accomplishing of the wark foresaid, the Estates Spirituall and tempo-
rall of this present Parliament, assembled be vertue of his Majesties Commission, under the great seale of *Scot-
land*, Declares, statutes and ordines, that the persons following they are ro say, *JOHNE Earle of
Montrose*, Lord Chancellor of *Scotland*. *FRANCES Earle of Erroll*, heigh Constable of *Scotland*.
GEORGE Earle Marshell, great Mairshell of *Scotland*. *JAMES Earle of Glenearne*. *ALEX-
ANDER Earle of Linlithgow*. *JOHNE Archbishop of Glasgow*. *DAVID Bishop of Ross*.
GEORGE Bishop of Caithnes. *WALTER Pryor of Blantyre*. *PATRIK Lord Glanes*. *A-
LEXANDER Lord Elphinstoun*. *ALEXANDER Lord Fyvie*, President of the Councell of *Scot-
land*. *ROBERT Lord Roxburgh*. *JAMES Lord Abercorne*. *JAMES Lord Bahmirinloch*
principall Secretar of *Scotland*. *DAVID Lord Scoone*. *Sir JAMES SCRYMGEOVR* of
Dundop Knight. *Sir JOHN COCKBURNE* of *Ormeiston* Knight. *Sir JOHNE HOME* of
Coldonknowes Knight. *Sir DAVID CARNAGIE* of *Kinard* Knight. *Sir ROBERT MEL-
VEILL* elder of *Murdocarvie* Knight. *Sir THOMAS HAMILTON* of *Binnie* Knight.
Sir JOHNE LEIRMONTH of *Balcomie* Knight. *Sir ALEXANDER STRATON* of
Laxewston Knight. *Sir JOHNE SKENE* of *Curribill* Knight. Maister *JOHNE SHARPE* of
Houston Lawer. Maister *THOMAS CRAIG* Lawer. *HENRY NEISBIT*. *GEORGE
BRUCE*. *ALEXANDER RUTHERFURD*. Maister *ALEXANDER WEDDER-
BURN*.

BURN, Merchants. Or any twentie of them, shall by vertue of this present Act, have full Power, Commission, Libertie and Authoritie, to assemble and conyene themselves, after the ending of this present Session of this Parliament; and before the next Session thereof, at sik tyme, and in sik place as it shall please his Majestie to appoint with certaine selected Commissioners, nominat and authorized by the Parliament of England, according to the renour of their Commission in that behalfe, to confer, treat, and consult upon ane perfite Union of the Realmes of Scotland and England, and concerning sik other matters, causes and things whatsomever, tending to his Majesties honour and contentment, and to the weall and tranquillitie of baith the Kingdomes, during his Majesties lyfe (whilk the ever-living God lang continew) and during his Royall Posteritie in blessed tranquillitie to the worlds end. As upon mature deliberation, the greatest part of the saids Commiissioners, assembled, as is foresaid, with the Commissioners authorized by the Parliament of England, shall in their wisdomes think maist expedient and necessar; not derogating any wyse to any fundamentall Lawes, auncient Priviledges, Offices, Rights, Dignities and Liberties of this Kingdome, as is before said: And that the Commissioners of baith the saids Realmes, according to the tenour of their Commission in that behalfe, set downe their proceedings in three severall wryttings, every ane of them to be subscribed and sealed by them; to the end that ane of them may be in all humilitie presented to his Majestie; the second to be presented to the consideration of the next Session of Parliament, for the Realme of Scotland; and the thrid to be offered to the consideration of the next Session of Parliament, for the Realme of England. That thereafter sik order may be taken therein, as baith the saids Parliaments shall think expedient for his Majesties satisfaction, and benefite of baith the saids Kingdomes.

F I N I S

A N E T A B L E

Of the

PARTICULAR ACTES and others, pass in the xvij. Parliament, holden at Perth, the eleveneth day of Julie, 1604. yeares, not imprinted.

- 1 **A**CT In favour of the liberties of the Kirk.
- 2 Forefaultour of William Borthwick of Sowtray.
- 3 Forefaultour of Thomas Kennedie Tutor of Bargany.
- 4 The Summons of Treason against Walter Moore of Cloncaird past fra by the Advocat.
- 5 Commission to the Lords of Session to decyde the action of Reduction of the forefaultour of James Wood appearand of Bonytoun.
- 6 Act anent the restitution of James Dowglas of Spot.
- 7 Protestation made be the Lord of Roxburgh.
- 8 Act anent the restitution of Maister Thomas Cranston.
- 9 Protestation made be the Earle of Angus anent his piace of Prioritie, and of the Duke of Lennox and Marquis of Huntlie in the contrare.
- 10 Protestation made be the Lord of Roxburgh.

F I N I S

T H E A U C H T E N T H
P A R L I A M E N T

Of the

Most Excellent and Mightie King and Monarch, JAMES by the Grace of GOD, King of great Britane, France and Ireland, defender of the Faith, &c. Halden at Perth the ninth day of Julie 1606. yeares, by the Potent Earle and Lord JOHNE Earle of Montrofe, Lord Grahame and Muggdock, his Majesties Commissioner, with advise of the Estates of this Realme.

1. *Act anent the Kings Majesties Royall Perogative.*



ORSAMEIKE As the Estaites and hail bodie of this present Parliament, considering that with the lawfull descent in the Person of Our most gracious Sovereigne, of the righteous inheritance of the famous and renowned Kingdomes of England, France and Ireland, whilk very farre surpasses the wealth, power and force of the Dominions of any of his Progenitours, Kings of Scotland. GOD hath also joynd ane wonderfull increffe of care and burding. For discharge whereof he hath endued his Majestie with sa many extraordinary graces, and maist rare and excellent vertues, as he is not onely knowne by daily and manifest experiences, in matters of greatest difficultie and consequence, to the unspeakable comfort of all his faithfull subjects, to be capable of the happie government of his saids Kingdomes. But by his most singular Judgement, fore-sight and princely wisdom, worthie to possesse, and habile to governe farre greater Dominions and numbers of people. And in respect thereof, the saids Estaites plainly perceiving that by this his Majesties exaltation, not onely in preeminence and power, but also in all Royall qualities requisit for the happy discharge thereof, GOD hes manifestlie expressed his heavenlie will to be, that his Majesties Imperiall power, whilk GOD hes sa gratiousslie enlarged, shall not by them in any sort be impaired, prejudged or diminished; but rather revered and augmented sa farre as possible they can. Therefore the saids Estaites, and hail bodie of this present Parliament, all in ane voluntar, humble, faithfull and united heart, minde and consent, truelie acknowledges his Majesties Sovereigne Authoritie, Princelie Power, Royall Prerogative, and Priviledge of his Crown over all Estaites, and causes whatsoever within his said Kingdome. And his Majestie with expresse advyce, consent and assent of the saids hail Estaites, Ratifies, approves, and perpetuallie confirms the samin; als absolutlie, ample and freelic in all respects and considerations, as ever his Majestie or any of his Royall Progenitours Kings of Scotland, in any tyme bygane possessed, used and exercised the samin. And lykewyse, with consent foresaid, casses, annuls, abrogats, retreats and rescinds all and whatsoever things attempted, enacted, done or hereafter to be done or intended to the violation, hurt, derogation, imparing or prejudic of his Heighnes Sovereigne Authoritie, Royall Prerogative and Priviledge of his Crown, or any point or part thereof, in any tyme bygane or to come. And the saids hail Estaites for them and their Successours, faithfullie promits, perpetuallie to acknowledge, obey, maintein, defend and advance the lyfe, honour, saistie, dignitie, Sovereigne Authoritie, and Prerogative Royall, of his sacred Majestie, his Heires and Successours, and Priviledge of his Heighnes Crown, with their lyves, lands and goods to the uttermost of their power, constantlie and faithfullie to withstand all and whatsoever, persons, powers or estaites, wha shall presume, preafe or intend any wyse to impugne, prejudice, hurt or impare the samin; and never to come in the contrare thereof, directlie nor indirectlie in any tyme comming.

2. *Act anent the Restitution of the estate of Bishops.*

OUR SOVERAIGNE LORD now in his absence forth of his Kingdome of Scotland earnestlie desiring sa to provyde for the just and politique government of that Estate, as his faithfull subjects there of may perctielie knaw, that absence breeds not in his Royall mynde oblivion of their good, but that he is daylie mair and mair cairfull of sik things as may tend maist to the honour, profite and perpetuall stabilitie and quyetnes of the said Kingdome; wherein understanding Religion and Justice to be sa necessar foundaments and pillers, as by them the authoritie of the Princes and quyetnesse of the people in all tymes by-past, hes cheeflie bene established and mainteined, whill of late in his Majesties yong yeares, and unsetled Estaitie, hes bene greatlie impaired, and almost subverted, spciallie by the indirect abolishing of the Estaitie of Bishops, by the act of annexation of the Temporalitie of benefices to the Crown, made in his Heighnes Parliam-

ment, halden at *Edinburgh* in the Moneth of *Julie*, the year of God ane thousand, five hundred, foure score seven years. Whereby albeit it was never meant by his Majesty, nor by his Estates, that the said Estate of Bishops consisting of Benefices of cure, and being ane necessare Estate of the Parliament, should on any wyse be suppressed; yet his Majesty by experience of the subsequent tyme, hath clearlie seene that the dismemb- ing and abstracting from them of their livings, hes broght them in sik contempt and povertie, that they are not habile to furnish necessaries to their privat families, meikle lesse to beare the charges of their wonted rank in Parliament and generall Counsaills, and alter the example of their Predecessours, to assit and supplie their Prince with their Counsell and goods, in tyme of peace and warre. The remeid whereof properlie pertains to his Majesty, whom the haill Estates of their bounden duetie, with maist heartlie and faithfull affection humble and truclic acknowledge to be Sovereaigne Monarck, absolute Prince, Judge and Governour over all persons, Estates and causes bath Spirituall and Temporall within his said Realme.

THEREFORE his Majesty, with expresse advyce and consent of the saids haill Estates of Parliament, being cairfull to repone, restore and re-integrat the said Estate of Bishops, to their auuncient and accustomed honour, dignities, prerogatives, priviledges, livings, lands, teyndes, rents, thriddes and estate, as the samne was in the Reformed Kirk, maist ample and fre at any tyme before the act of annexation foresaid. By the tenor hereof, retreats, rescinds, reduces, casses, abrogats and annulles the foresaid act of annexation of the temporalitie of benefices to the Crown, made in the year of God ane thousand five hundred four score seven yeares, as said is, in as far as the samne may in any wyse comprehend or be extended to the authority, dignity prerogative, priviledges, towers, castles, fortalices, lands, Kirks, teyndes, thriddes or rents of the saids Bishopricks, or any part thereof, with all others acts of Parliament, made in prejudice of the saids Bishops, in the premisses or any of them, with all that hes followed or may follow there-upon, and all acts of dismemb- ing of particular Kirks, or commoun Kirks of the saids Bishopricks, from the samne, or for separating the thriddes of the saids Bishopricks from the bodie, tytle and twa part of the samne. To the effect, the persons presentlie provyded to the Bishopricks of *Scotland*, or any of them, or that hereafter shall be provyded to the samne, may freely, quyetlie and peaceablie enjoy, bruike and possesse the honours, dignities, priviledges and prerogatives, competent to them or their Estate since the Reformation of Religion; and all Towers, Fortalices, Lands, Kirks, Teyndes, Rents, Twpарт, Thriddes, Patronages and rights whatsoever, belonging to the Bishopricks or any of them, to use and exercise the samne, and freelic dispone upon the haill twa-part and thrid, Temporalitie and Spiritualltie of their saids Bishopricks, and all the premisses belonging to the saids Bishopricks, as the saids Acts of annexation and remeaner Acts, made in any wyse to their prejudice in the premisses, and everie one of them, and all that followed there-upon, had never bene made nor done. They alwyse enterteyning the Ministers, serving at the cure of the Kirks of their saids Bishopricks, upon the readiest of their saids thriddes, according to the ordinar assignations made or reasonable to be made thereant.

ATTOUR, Because his Majesties intention is onely to restore the Bishopricks, whilk are benefices of cure, and nowyse to alter any thing done in other benefices, whilk are not of cure. And for the better satisfaction of his Majesties subjects and faithfull servants, whom his Majesty in his princelie liberalitie, for diverse good respects and causes mooving him, hath benefited, rewarded and advanced with erections, feses, Patronages, Teyndes, and others infestments, confirmations of lands, rents, Teyndes, Patronages and others rights of Abbacies, Pryories and others Benefices, not being Bishopricks.

And to the effect they be not prejudged, nor put in mistrust by this act, of their saids securities in the premisses, His Heighnes with the advyce of the haill Estates of Parliament, Ratifies and approves, and for him and his Successours perpetuallie confirms, the haill erections, infestments, confirmations, Patronages, tacks and others securities of Lands, Teyndes, Patronages, rights and rents whatsoever, of the saids haill Benefices foresaid, or any part thereof (not being Bishopricks) given, disposed or confirmed by his Majesty, during the tyme of the said Parliament, halden in the Moneth of *Julie*, ane thousand, five hundred, foure score seven yeares of before or sensyne, made agreeable to the Lawes and Acts of the said Parliament ane thousand five hundred, foure score seven, and others Lawes and Acts made sensyne. And faithfullie promits *in verbo Principis*, never to quarrell nor impugne the samne, directlie nor indirectlie in any tyme coming. As also for the well and securitie of the tenants of the Lands and Teyndes of the saids Bishopricks, wha since the Act of annexation, have debursed diverse summes of money to his Heighnes the saurer, for making and confirming to them of their infestments, tacks and securities of the saids Lands, Teyndes and rents of the Bishopricks posselt by them. And to the effect the annulling of the said Act of annexation, bereave them not altogether of the saids Lands, Teyndes and Rents of Bishopricks, acyured be them upon their large charges and expenses, according to the Law then standing. And that upon the other part, the saids Bishopricks be not altogether made unprofitable, by the unlawfull Dilapidation of the rents thereof, and hurtfull conversion of the victuall, caines, custumes, and others commodities of the samne, for unequall and unworthie pryces.

THEREFORE his Majesty with advyce of his Estates foresaid, Ordeins the saids persons possel- sours of the Lands or Teyndes of Bishopricks by vertue of Infestments, Confirmations or Tacks of the samne granted or sett since the said Act of annexation, and conforme to the samne, and Lawes of the Re- gaine, at the tyme of the making thereof, shall have the securities, confirmations, tacks and rights

of the saids lands and teynds of the Bishoppicks foresaid, renewed and granted to them in sufficient, valeid and perfit forme by the Bishops, possessours of the saids benefices. The saids Fewers, Tackfmen and Tenants, paying to the saids Bishops, for gressum, entresse and composition, for renewing of their saids fewes of all Lands, and others belonging to the saids Bishoppicks; and als ratification of their saids tacks of all teyndes pertaining thereto; Of the whilks at the day and date hereof, there are ten yeares crops of the famine to runne; The double of the yearlie silver duetie, contained in their saids fewes and tacks; and the single of the victual duetie, and of all others dueties expressed therein, And that by and attour the yearlie duetie expressed in their saids fewes and racks: The whilks dueties, for gressum, entresse and composition, the hail Estaites of Parliament, declares, shall be payed by the saids Fewers, Tackfmen and Tenants, within yeare and day, after they be lawfullie cired to that effect, and for that famine cause; or after that intimation of the famine be made to them, by the Bishops in their awne Courts.

And in case of not thankfull payment, of the double of the said silver duetie, and of the single of the said victual, and others dueties to be payed within yeare and day, after the said citation and intimation, as said is, THE saids Estaites of Parliament, findes and declares, that the saids Fewers and Tackfmen shall be astricted to pay after the expyring of the said yeare and day, thankfull payment not being made within that space of the foresaid gressum, entresse and composition, extending to the quantie above written; the quadruple of the silver duetie, and the double of the said victual, and others dueties foresaid, to be payed to the saids Bishops, by and attour the yearlie dueties contained in the saids fewes and racks, as is before said. And the saids Estaites, ordeines and declares, that if there be not ten yeares compleit to runne of the saids tacks of teyndes, pertaining to the Kirks of the saids Bishoppicks, after the day and date hereof; in that case, the Tackfmen on nawyse shall be astricted to pay any gressum, entresse or composition for the famine, to the saids Bishops, but they to be free thereof.

ATTOR, the saids Estaites declares, that the said act and ordinance of Parliament, shall nowyse be extended, comprehend nor prudge any fewes of Bishoppicks, lawfullie sett and confirmed before the said act of annexation, whilk was in the said Moieith of Julie, ane thousand, five hundred, fourescore seven yeares. Excepting and reserving alwyse forth of this present act, all dispositions made of whatsomever patronages of Kirks pertaining to the saids Bishoppicks, disposed by lawfull Titulares, and the Kings Majestie, and ratified in Parliament, in favours of whatsomever person or persons, and nane others. And findes and declares all dispositions whatsomever, made of the foresaid patronages of all Kirks pertaining to the Bishoppicks disposed by the lawfull Titulares, and his Majestie, and not confirmed in Parliament to be of nane availl, although the famine patronages be graunted and disposed by the Kings Majestie and Titulares thereof. And lykwyse, excepting and reserving all common Kirks, pertaining of auld to the saids Bishoppes, and their chapter in communtie, whilks are disposed by his Majestie, to whatsomever person at any tyme preceeding this present act. And the saids Estaites declares, that if there be any common Kirks, pertaining to the saids Bishoppicks, and to their chapters of auld, that now perteines and fallies to them be vertew of this present act. That thereby the Ministers, wha are lawfullie provyded to the saids common Kirks by presentation, collation and admission, and serving thereat, shall nowyse be prejudged during their lystymes; but that the saids provisions shall be sufficient right and warrant to the saids Ministers, to bruke, joyce and possesse their common Kirks foresaid, according as they are provyded thereto, for all the dayes of their lystymes. Notwithstanding whatsomever clause contained in this present act, or any other act of Parliament, that might make any derogation to the saids provisions. Excepting alwyse, and reserving the Castell of *Sant-Androes*, and Castell yardes of the famine, disposed to *George Earle of Dunbar*, upon the resignation of *George Archbishoppe of Sant-Androes*, dissolved and dismembred from the said Archbishoprick, by OUR SAID SOVERAIGNE LORD, and Estaites, with expresse consent and assent of the said Archbishop, personallie compareand in Parliament. Whom to OUR SAID SOVERAIGNE LORD in place and recompence of the said Castell, hes given and disposed the Provostrie of *Kirkbill*, Vicarage and Arch-Deinrie of *Sant-Androes*, to remaine with the said Arch-bishop and his Successours, by and attour ane yearlie pension of three hundred markes, given to the said Archbishop, so that the said Castell and Castell yardes, shall nowyse be comprehended in this present act, nor yet shall be compted nor esteemed in any tyme hereafter, any part or portion of the patrimonie of the said Archbishoprick, but shall remaine with the said *George Earle of Dunbar*, his Heires and Successours, as their proper heritage lawfullie disposed to them, and dissolved from the said Archbishoprick. And in lyke maner, the saids Estaites declares that the foresaid Act, graunted in favours of the saids Bishops, shall not be extended nor be prejudiciall to the infestments, rights and tytles made to *Sir Robert Melveill of Murdocarrie* Knight, his Heires and Successours mentioned therein of the lands of *Monymaill*, and *Lethame*, with the Maner-place, yardes and bigging of *Monymaill* and Patronage of the Kirk of *Monymaill* pertaining of auld to the Archbishoppe of *Sant-Androes*. And declaris the famine infestments to stand in the awne strength, notwithstanding this present Act. Provyding alwyse, that the said *Sir Robert Melveill* and his heires, sustaine and entertaine the Ministers, serving at the said Kirk, upon the frues of the famine Kirk. And notwithstanding this present act and hail clauses therein contained, OUR SAID SOVERAIGNE LORD, with advyce foresaid, having considered the Fewers of the Barronie of *Glasgow*, to be many in number and the povertie of the maist part of them, to be sik as they are not hablie to furnilhe

furnishe the ordinarie charges for renewing their infeftments, have dispensed, and by this present Act dispenses anent the foresaid clause of renewing of fiewes, with sa many of the saids Fiewers as have taken their fiewes, without diminution of the rental, and conversion of vidual, and other duties in silver. And wha shal obtaine ane ratification from *Johne* now Archbishop of *Glasgow* of the saids fiewes and rights, before the tcast of *Alballowmes* next to come. And declares the fiewes lawfullie fer, as said is, to the saids persons, valide and effectual, their heires, successours and assignayes, alwyse entering by the said Archbishoppe, as their immediat superior; and by his successours to their saids lands, rowmes and possessions, by Brieves raised out of mediat superior; and the said Archbishops Chancellarie, precepts of *clare constat*, resignations and confirmations, as use is, and the said Archbishops in all tyme hereafter; but prejudice to the letters of gift, and pension granted to the Duke of *Lennox*, *Sir George*, *Sir James* and *Archibald Erskines* pensions, (orth of the frutes of the said Archbishopsrick of *Glasgow*, to be bruike by the said Lord Duke during his lyf tyme allanerlie.

3. Act anent the dilapidation of Bishopricks.

OUR SOVERAIGNE LORD, and Estaites of Parliament, having consideration of the act made in the tenth Parliament, halden by his Heighnes in the yeare of God, ane thousand, five hundred, fourscore five yeates, and in the eleveneth Act of the said Parliament, containing diverse cautions and provisions, tending to restraine beneficed persons, from away putting of any part of their benefice, whereby the saids benefices may be left in worse estate nor the fame was at their entrie thereto; as the said Act doeth at main length contain. Hes ratified and approven the said act in all the articles, heads and circumstances thereof; declairing the same to remaine in full strength, and to have the effect and force of ane perpetual Law and statute of Parliament in all tyme comming, with thir additions. They are to say, that it shal no wyse be leasome to any person provyded or to be provyded to ane Bishoptik within this Realme; to dispone or give in pension any part of the patrimonie of the said Bishoptik, whilk shall indure and last langer space nor the giver of the said pension shall bruike the said Bishoptik. And if it shall happen the saids persons provyded to the saids Bishopricks now, or in any tyme to come, to dismember any part of their saids benefices or patrimonie thereof. OUR SOVERAIGNE LORD, and Estaites of Parliament, decernes and declares all sik facts and deeds to fall under the compasse, perrell and danger of dilapidation of benefices, and to be ane expresse spece and kynde of dilapidation. And be reason it hes ever bene found necessar in all tymes past, that the sewing of lands, setting of tackes, and doing of sik other lawful deeds, be whatsover Bishope and Prelat within this Realme, of any part of the patrimonie of their saids benefices, shoud have the consent of the maist part of their Chapter, without whais consent, had and obteneid to the saids deeds, in haill, or the maist part thereof, was no wyse leasome to the saids Prelats to doe any of the saids deeds. Therefore, the saids Estaites, according to the written Lawes made there-anent, and custome perpuentualie observed in sik cases of before; finds and declares, that na Bishop within this Realme, may set in fiew, tack, or other wyse, nor doe any other deed in the disposing of any part of the patrimonie of their saids Bishopricks, without the advyce, consent and assent of their chapters, or the greatest number of them, duelicly procured and obteneid thereto. In the purchasung of whais consent, it shal no wyse be requirit to have their saids chapters chapterlicly convened (but the saids deeds being otherwyse lawfullie done, and subscribed by the maist part of the said chapter) the not meeting and conveying chapterlicly at the tyme of the making of the said rights, and subscribing thereof, shall furnishe na ground where-upon the saids facts and deeds may be quarrelled, or the saids rights and tydes impugned or annulled, throw the cause or occasion foresaid. Whilk chapters decernes and declares, to remaine now and in all tyme comming, according to the foundation of the saids Bishopricks, and as hes bene in tymes bygane, without any kynde of alteration to be made therein. Excepting alwyse, the chapter of the Archbishoprik of *Sant-Androes*, the alteration whereof (whilk is made in manet under-written) necessarlie proceeded in that the same consisting of before of the Pryorie of *Sant-Androes*, is suppressed by the new erection of the said Pryorie, whereby the said chapter ceaseth. And therefore, the saids Estaites hes declared and declares that the said chapter of *Sant-Androes*, hereafter shall consist of the number of the persons following, *Viz.* of seven persons of the Ministrie, dwelling and having their charge within his Diocic of *Sant-Androes*, to be elected and nominat by the said Archbishop himselfe, their charge within his Diocic of *Sant-Androes*, to be elected and nominat by the said Archbishop himselfe, and after the decesse to be the perpetual convent, and chapter of the said Archbishoprik in all tyme comming; and after the decesse or removing of any one or maa of them, from their present places and function within the said Diocic, the Intraunt succeeding in that place and charge, to succeed also in the same roume of the chapter and convent. Reserving alwyse to the said Archbishop and his successours their auncient privileges, that the common seal of the said chapter to be made of new by their awne advyce, shall serve for their consents without their subscriptions.

FARTHER, the saids Estaites findes and decernes, that the present common seal of the said chapter, being appended to the evidents or rights whatsoever, alreddie made and graunted by the said Archbishoppe, hes bene and shal be in all tyme comming, ane sufficient and perfite content of the chapter, and als effectual for securing of the vassals and tenants, receivers of the saids rights, as the same hes bene in any tymes of before; and sa to indure in force hereafter, for consent of the said chapter, ay and whill the election of the said new chapter, and making of the said new common seal.

Attour, OUR SAID SOVERAIGNE LORD, and Estaites of Parliament, findes and declares, that it is and shall belesome to the saids Archbishops, Bishops, and their Successours, to set als many tacks of the frutes and duties pertaining to their saids benefices, either short or lang tacks, as they please; and for als many yeates as they shall thinke meet and expedient, whilk may subsist of the Law. In doing whereof the saids Estaites will make na restraint or limitation of any tyme to the saids Bishops. And be reason that the dutie of the saids tacks to be set be the persons provyded to the saids Bishopricks, are to be applyed, and converted for satisfaction, and entreteining the Ministers serving the cure of the Kirks of the saids Bishopricks, and for supplie of anc part of their stipends to be given to them. Therefore the Estaites ordeins the saids Bishopes to have anc cairfull regarde that the saids tacks be set for anc competent dutie, whilk may in some reasonable proportion answering to thar whilk is sett in tack, bee mair meet to supplie anc part of the saids Ministers stipends, whilks duties of the saids tacks and als the stipends whilks shall be provyded to the Ministers, serving at the Kirks of every Bishoprick, shall be in all tyme comming reput as anc part of the rental of the saids Bishopricks: whilk rental shall nowyse be hurt, vicat or diminished by the titulare of the said Bishoprick in any tyme to come. And to the effect that the Ministers of the saids Kirks may be the mair certainlie provyded, and the rental of the Bishopricks may be made (whilk shall nor be altered, as said is) Ordeins all Archbishops and Bishops, wha are already provyded, or shall be provyded in tyme to come, to make anc sufficient rental of the patrimonie of ilk Bishoprick, and to give in the same to the Clerk of Register and his deputies, to remaine in his Register, *ad futuram rei memoriam*; and that within the space of anc yeare, after the date of this present act, under the paine of anc thousand markes, to be payed be the person wha shall failye in giving of the said rental within the space foresaid, to OUR SOVERAIGNE LORDS Collector generall. Of the whilk summe, the said Collector shall be halden to make compt and reckning to the auditours of his Heighnes Checker. Lyke as it is provyded, that it shall nowyse belesome to the saids Archbishops or Bishops, to hurt or diminishe any point or part of the said rental, to be given in be them, as said is, whilk will consist cheeflie of the quantie of victuall and silver, whilk fall be provided to the saids Ministers for their steipends for serving the cures of the Kirks of the saids Bishopricks. as said is, but the said rental shall remaine in the awnc integritie in all tyme comming. To the effect that the saids Ministers and their Successours serving the Kirks of the saids Bishopricks, as said is, may be assured of certaine local steipends, for their said service; not to be subject to the many changes and alterations, whereby frequentlie they have bene troubled in tymes preceeding. And last of all, because that the rental to be given in of the saids Bishopricks, will consist and be made up, partie of the duties of the saids tacks to be set, as said is, and that the certaintie of the saids local steipends stands in the up-giving of the saids rentals, whilk OUR SAID SOVERAIGNE LORD and Estaites, ordeins to be done with all goodlie diligence within the tyme prescryved thereto; that the Ministers serving the Kirks be not frustrat or disapoynted of due satisfaction and recompence for their travels tane in the service foresaid: And that they may be put in certaintie thereof in tyme to come, wherein the evident well and profite of the Kirk does appeare, and manifest the selfe. And for that cause order is given and forme prescryved for setting of tacks, as the preceeding Articles of this act reports. Where-throw whatsover acts and constitutions made by any, either Civill or Ecclesiastik Judge, tending to the prohibition and restraint of setting of lawfull tacks by any beneficed person, ought to be annulled; feing the saids acts and constitutions, whilks wer made upon any preconceived feare of any laik or want of maintenance for entreteining of the Kirk, Or upon any other ground, are now clearly satisfied, by the cairfull regarde whilk his Majestie, and Estaites of this Parliament hes always had, to the advancement of the Kirk, and to the certain provision of the Ministrie thereof, with constant steipends. Anc worke very necessaire, and to be forthered and expd by the present Bishops, and to whais cares and travels, OUR SAID SOVERAIGNE LORD and Estaites, hes recommended and commits to give over in the certaine provision of the Ministrie, serving at the Kirks of their Bishopricks, with competent and reasonable stipends, answerable and agreeable for their travels and sustentation. And therefore OUR SOVERAIGNE LORD, and Estaites foresaid, Statutes, decernes and declares, all and whatsover actes, lawes, Statutes, ordinances and constitutions Ecclesiastical or Civill, whilks are already made in tyme bygane, or shall happen to be made in tyme to come, whereby any beneficed person within this Realme, are prohibit and discharged to set any tacks of reyns, (whilks tacks may subsist of the law, and whilks acts and ordinances may directlie or indirectlie seime to infringe and annull the saids tacks lawfullie set, as said is, or to inflict any paine or punishment upon the setters thereof) to be altogether null and of nane avall, and to have na strength, force nor effect now and in all tyme comming, sik-lyke as if the same had never bene made; whilks all and others acts, ordinances and constitutions to be made anent the premises, and whilk may tend to the lyke end in any tyme to come, OUR SOVERAIGNE LORD and Estaites simpliciter discharges for now and ever.

4. *Anent forsaulted persons and their restitution be way of Grace.*

OUR SOVERAIGNE LORD persetlie understanding that the due punishment inflicted ou traitours and rebels, and the rewardes rightlie distributed to faithfull and well deserving subjects, encourages the better sort in well doing, and is anc terrour to the evill disposed to give widgate to their inclination. In consideration thereof, with advyce and consent of the Estaites of his Heighnes Parliament, Ratifies,

Ratifies, approves and perpetuallie confirms the processe, sentences and domes of forfaitours, led. deduced and pronounced against *Frances* sometyme Earle of *Bothwell*, umwhile *John* sometyme Earle of *Gowrie*, and umwhile Maister *Alexander Raibven* his brother their memorie; together with the acts made anent the inhabilitie of the posteritie of the saids traitours. And decernes, declares, statutes and ordeinis, that the gracious restitution to be given by his Majestie, or any of his successours, to any person or persons already forfaitured since his Majesties persite age; or wha in any tyme comming shall happen lawfullie to be forfaitured by his Majestie, or any of his successours, or to their heires or their successours, shall nowyse hurt or prejudice any of his Heighnes subjects in the right and securitie obtained or to be obtained by them or any of them, of the lands, possessions, tacks, rights, goods or geare pertaining to the saids forfaitured persons rebels and fallen to OUR SAID SOVERAIGNE LORD, or his successours by their rebellion and forfaitour: but that the same lands, possessions, tacks, rights, goods and geare whatsoever, fallen to his Majestie in maner foresaid, and lawfullie disposed by his Heighnes, or hereafter to be disposed by him, or his successours, to any of his or their lawfull subjects, shall perpetuallie remaine with, and appertein to the receivers of the securitie and disposition thereof. Notwithstanding the said gracious restitution, to be obtained by the saids forfaitured persons or their heires or successours, whilk shall be na farther extended; nor have na farther force nor effect, but for the rehabilitation of their persons alianealie; and nowyse to be extended to the lands, possessions, tacks, rights, goods or geare pertaining to them before their forfaitour, and lawfullie disposed to any of his Heighnes obedient subjects, at sik tyme as the undoubted right thereof stude in his Heighnes person, fallen and becommen in his Majesties hands, be vertue of the said forfaitour. And because the persons forfaitured, their children and friends, in prejudice of his Heighnes donatours, and others his Majesties obedient and duerifull subjects, abstracts and absents the evidents, tacks and securities of the lands, rowmes and possessions of the saids forfaitured persons. IT is therefore statute and ordeined, that notwithstanding the abstracting and absenting by any persons of the evidents, tacks and securities of the lands and possessions whilk perteined to any forfaitured persons, and whereof the rights being either disposed or confirmed by his Majestie, the saids dispositions or confirmations are extant in his Heighnes Register; that the extract thereof forth of the Register shall be als goode, and sufficient tytle and right to his Majesties donatours, and others his obedient and duerifull subjects, having right thereto; for bruiking and joyning of the saids lands and possessions, as if the principal and original evidents, tacks and securities were yet extant. And that the saids evidents and securities shall not be decerned to make na faith or to be improven, for not production of the original and principal, the saids extracts or confirmations being produced by his Majestie, or his donatours and others foresaids. And they being content to abyde at the veritie of the deed, and tryel not onely of the truth of the confirmation, but also at the trueth of the writ whilk is insert in the confirmation, whereof the principal is abstracted.

5. *Act anent the rivers of Tweid and Annand.*

OUR SOVERAIGNE LORD, and Estaites of Parliament, understanding that in the act made in his Heighnes Parliament, in the year of God, ane thousand, sex hundreth yeares, whereby the slaying of Salmond fishe in forbidden tyme, or of Kipper, Smolts or black fishe, at any tyme was declared to be thift; and the committers thereof were ordeined to be punished for the same as for thift. The Rivers of *Tweed* and *Annand* were then excepted, because the saids Rivers at that tyme devyded at many parts, the bounds of *Scotland* and *England* adjacent to them, whereby the forbearance upon the Scots part of the slaughter of Salmond, in forbidden tyme. and of Kipper, Smolts and black fishe, at all tymes: wald not have made Salmond any mair to abound in these waters, if the lyke order had not bene then observed upon the English side. Whilk impediment, through the infinite mercy of GOD, being now removed, by the most happie uniting of both the Kingdomes in ane Empyre, in the Royal person of his most excellent Majestie, undoubted and righteous Monarch of the same. Whereby the Inhabitants of this haille Isle, are equallie subject to his sacred Person and Lawes; and the remeed of their harmes, and the redresse of their abuses; punishment of their transgressions, and establishment of their universal well belongs to his charge.

Therefore OUR SOVERAIGNE LORD and Estaites of his Heighnes Parliament, clearlie understanding that the cause of the said exception is now removed, Ratifies and approves the said act of Parliament, anent the forbidding the slaughter of Salmond, Kipper, Smolts and black fish, in maner above written, and paines of thift and death, decerned against the contraveiners thereof. And retreats, perpetuallie annulles and abrogats the said exception of the saids waters of *Tweed* or *Annand*. And decernes and declares, that in all tyme comming, the contraveiners of the said act, or any part thereof, in the waters of *Tweed* or *Annand*, or any part of the same, shall underly the paines foresaids of thift and death, according to the qualitie, rank and estate of the committers thereof, and as if the first act had bene general, and the said exception had never bene contained therein.

6. *Anent the custumes betwene Scotland and England.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, statutes and ordeines that the Feumers of the custumes in *Scotland* doe keepe ane original buike of all the goods that are entred

entred and shipped for *England*, the ships name, place and maisters name, and to what port the ship is bound, and to keepe the entreffe of every port by themselves. And also ane other original buike of the goods brought from *England*, the ships name, maisters name, of what port, and from what port the ship comes, to keepe the entreffe of every port by themselves; and every half yeare the Fermers of *Scotland*, to send ane true copie of the samine buikes to the Fermers of *England*; and the Fermers of *England* to doe the lyke to the Fermers of *Scotland*: and anes yearlie, lykwyfe to send the ane to the other, all the returnes, whilk come from either Kingdome, for discharge of their bands, to examine if they be not falsified, whilk being examined, shall be returned back againe.

SIKLYKE, It is statute and ordeined, that the Cocquet doe passe in the names of the principall awners of the goods laiden in every ship, and not in poore mens names, scarce kname in *England*.

ITEM, That order may be taken that na geare nor marchandice be suffered to passe by land from *Scotland* into *England*, nor from *England* into *Scotland* by the waste grounds and wastes.

IT Is statute and ordeined, that goods caried by land from *Scotland* to *England*, or broght from *England* to *Scotland*, may passe onely by the wayes of *Berwick* and *Carleill*, and by no other way to prevent all fraud. And that all Merchants doe bring ane certificat from the Fermers deputies of *Edinburgh* to the Fermers deputies of *Berwick* and *Carleill*; and also the Fermers deputies of *Berwick* and *Carleill*, to give the lyke certificat for all goods passing these wayes, for *Edinburgh* or any other Cittie or Towne in *Scotland*, and to keepe original buikes thereof, under the paine of warding of the persons of them wha shall contravein this present act, or any poynt thereof, and escheating and confiscation of the haill goodes, geare and merchandice, whilk any person or persons shall transport betwixt *Scotland* and *England* orherwyfe nor is preseryed in this present act.

7. *Anent Gleibs in Pasturage and sowmes grasse.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, understanding that be act of Parliament, anent the designation of Manfles and Gleibs to Ministers. It is ordeined, that there shall be foure aikers of land designed to ilk Minister for his Gleib next adjacent to the Kirk. And seeing that by the iniquitic of tyme and disorder of the Borders and Hielands of this Realme in tyme bygane. There are fundrie Kirks within the samine whilk hes na arable land adjacent thereto, but onely pasturage; sa that by the foresaid act of Parliament, made anent the designation of foure aikers of land onely for the Gleib of ilk Minister, and na farther. The Ministers serving the cure at sik Kirks as hes na arable lands adjacent thereto, but onely pasturage, are greatlie hurt and defrauded. For remeid whereof, It is statute and ordeined that in all tyme comming, there be designed to the Minister serving at the cure of sik Kirks where there is na arable land adjacent thereto, foure sowmes grasse for ilk aiker of the saids foure aiker of Gleib land, extending in the haill to sextene sowmes, for the saids foure aikers, and that of the maist commodious and best pasturage of ony Kirk lands, lyand next adjacent and maist nearest to the saids Kirks. And ordains letters to be direct against the possessours thereof for removing therefra, in the samine forme, as is appoynted by the foresaid act of Parliament, made anent designation of Manfles and Gleibs of before.

8. *Anent teynding of cornes.*

IT Is statute and ordeined by **OUR SOVERAIGNE LORD**, and Estaites in Parliament, that in tyme comming in all teynding of cornes, that the samine be teynded at three severall tymes every yeare, if the awners of the cornes shall thinke it expedient: To wit, the croft in field corne at ane tyme, the beere at ane other tyme, and the out-field corne at the thrid tyme. And declares that fiftene dayes after the compleit shearing of ilk sort of cornes being out run, that it shall be leasome to the awners at the said fiftene dayes end, to make requisition upon seven dayes to make them thankfull teynding; and if the awners get not thankfull teynding at the expyring of the saids seven dayes, the saids Estaites declares, that it shall be lawfull to the awners of the saids cornes, to teynd and stack the samine themselves, conforme to the act of Parliament made of before, anent the teynding of corns in all poynts, and shall incurre na danger therethrow.

9. *Anent auld decreits of ejection and spailie in the Borders.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, being cairfull that the seld and peaceable estare, happelie begun in these parts of this Countrie, whilk were the late Borders, fore-anent *England*, may be sa mainteined, as all occasions of disturbances thereof may be providentlie foresene, and convenientlie remeided. And understanding, that na thing is mair habile to bring diverse of auld decreits, obtained against them or their predicesours, twentie yeares before his Majesties happie succession to his Crown of *England*, speciallie where the saids decreits of their awne nature, may bring the danger of the yeatlie violent profits upon the persons against whom the saids decreits were obtained; and thereby surmounting often-tymes their haill valiant, if they be put to extreame execution, will give the partie occasion of sik dispare, as may induce them to attempt sa dangerous remedies, as may disturbe the general

general quietnesse, to renew and beginne hot and bloudie feeds amongst parties. For remed whereof, and to the effect sik auld decreits of ejection or removing, as were obtained twentie yeares before his Majesties comming to the Crowne of *England*, and na execution fought nor obtained there-upon, during the said space of twentie yeares preceeding his Majesties obtaining of the Crown of *England*, may not urge and dryve them to dispare and miserie, sik as have three yeares bygane contained themselves in all ductifull obedience to his Majesties authoritie and Lawes.

THEREFORE His Majestie and Estaites foresaids, statute and ordaine, that all sik decreits of ejection and removing, and all effect and execution that any way may follow there-upon, shall cease, and in all tyme comming be voyd. Except for obtaining of possession, to the parties in whais favours the saids decreits were pronounced, of the lands therein contained; and payment to them of the ordinarie profites, whilks the saids lands have payed, to the persons against whom the saids decreits were given, of the yeares since his Majesties going into *England* allanerie, and of na others yeares preceeding the famine. With special provision, that in case the persons against whom the foresaids decreits of removing or ejection were given, shall happen hereafter to be lawfullie denounced rebels, and put to the horne, for not obediee of the foresaids decreits; they being first charged after the day and date hereof, by all the charges contained in the letters raised or to be raised upon the saids decreits to obey the famine. In that case, the saids Estaites of Parliament, declares that the persons obteiners of the foresaids decreits, shall have sufficient action against the persons defenders, specified in the saids decreits for the violent profites of the lands mentioned therein, continuallie since the obtaining of the foresaids decreits, as accords of the law, notwithstanding of this present act.

10. *Act anent directing letters of Horning on Schirefs, Stewarts and Baillies decreits.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, ordeins for the greater and unecessar charges, whilks they sustein by poynding on decreits, obtained before Schirefs, Stewarts and Baillies, alsweil of Royaltie as Regalitie, that the lyke letters and execution of Horning be direct and graunted by the Lords of Session, upon all acts, decreits and sentences of Schirefs, Stewarts and Baillies alsweil of Royaltie as Regalitie, as are graunted and direct upon decreits, acts and sentences of Proveys and Baillies within Burgh, conforme to the act of Parliament made there-anent, and after the forme and tennour of the famine in all poynts.

11. *Anent Coalyers and Salters.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, statutes and ordeins, that na person within this Realme hereafter shall hyre or conduce any Salters, Coalyers or Coal-bearers, without ane sufficient testimonial of their Maister whom they last served, subscryved with his hand, or at least sufficient attestation of ane reasonable cause of their removing, made in presence of ane Baillie, or ane Magistrat of the part where they came fra. And in case any receave, fee, hyre, supplie or intertaine any of the saids Coalyers, Salters or Coal-bearers, without ane sufficient testimonie, as said is. The maisters whom fra they came, challenging their servants within yeare and day, that the partie whom fra they are challenged, shall delyver them back againe within twentie foure houres, under the paine of ane hundred pounds, to be payed to the persons whom fra they passed, and that for ilk person; and ilk tyme that they or any of them shall happen to be challenged, and not delyvered, as said is. And the saids Coalyers, Coal-bearers and Salters, to be esteemed, reput and halden as thieves, and punished in their bodies, *Viz.* Sa many of them as shall receive forwayges and fees. And the saids Estaites of this present Parliament, gives power and commission to all maisters and awnets of Coal-heughs and Pannes, to apprehend all vagabouds and sturdie beggers to be put to labour.

12. *Act anent setting of Fewes be subvassels of ward lands.*

OUR SOVERAIGNE LORD, and Estaites of Parliament, having consideration of the act and statute, made by his Heighnes predicessour, King **JAMES** the Second of worthie memorie, in the fourtene Parliament, halden by his Majestie, and threcore twelve chaptour of the said Parliament, anent the setting of lands in Few-serme, as the act it selfe at lenth conteines. Under the pretext and callour, whereof divers persons halden their lands of others Superiours, for service of warde and releif, have set the saids lands halden by them, as said is, in Few-serme, to others their subvassels, for payment of ane Few-serme ductie; whereby they doe manifest prejudice to their saids Superiours, in altering of the said first halding, expresse repugnant to the meaning of the said first act. Whereas the said halding can nawyse be altered by the vassels, without some direct deed done by their superiours, tending to approve the said disposition, and whilk may alter the nature and condition of the said first halding. For remed whereof **OUR SOVERAIGNE LORD**, and Estaites of Parliament presentlie conceined, lies statute and ordained, and by

the

the tennour of this present, statutes and ordeins in all tyme comming, that it shall nawyfe be leaseome to the vassals of any Earle, Lord, Prelat, Barron, or any other Free-halder within this Realme wha holds their lands of their faids Superiours, by service of warde and releif, to set their faids lands whilks are holden by them, as said is, to any other person in few, for payment of ane Fev-ferme duetic, in prejudice of their faids Over-lords, whom of they hold the faids lands, by service of warde and releif, as said is, without the special advyce and consent of their faids Superiours, had and obteneid to the setting of the faids lands in Fev-ferme, or purchasing of the faids Superiours confirmation to the said disposition, if any shall happen to be made, as said is. And in case any sik alienation shall happen to be made in any tyme to come, without consent of the faids Superiours, or their confirmation obteneid to the same, OUR said SOVERAIGNE LORD, and Estaites of Parliament, finds, decernes and declares, all sik dispositions to be null and of nane avail, force nor effect, either by way of action or exception.

13. *Act laying of Lint in Lochs.*

OUR SOVERAIGNE LORD, and Estaites of Parliament, finding that the laying of Lint in Lochs and burnes, is not onely hurtfull to all fishes bred within the same, and bestial that drinks thereof; but also the haill waters of the faids Lochs and burnes, thereby being infected, is made altogether unprofitable for the use of man, and very noysome to all the people dwelling there-about. Therefore statutes and ordeins, that na person nor persons in tyme comming, lay in Lochs and running burnes, any grein Lint, under the paine of fourtie shillings, *roties quoties*, for ilk tyme they shall contravein; and als confiscation of the Lint to be applied to the poore of the Parochin, within the whilks the faids Lochs and burnes lyes. And by the tennour hereof, gives power to the Session of the Kirk of ilk Parochin, to try, cognosce, and put this present act to execution, and to uplift the unlawes, and confiscat and dispoone upon the said Lint, to the weall of the poore of the Parochin, as said is.

14. *Act in favours of his Majesties Vassals for payment of their blench duties.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, remembreing the great favour shawne and borne by his Heighnes and his predicesours, to the Noble-men, Barrons, and others subjects of this Realme, and their predicesours, for their notable and memorabile facts and services done to his Majestie and his predicesours, in defence and wealfair of the Realme; in making and granting to them of heritable infestments of their Lands, Barronnies, Lordships, Castels, Towres, Fortalices, Woods, Mynes, Salmond, Fishings, offices and others therein contained, holden of OUR said SOVERAIGNE LORD, and his predicesours, in free blench-ferme, for payment of certaine blench-ferme duties, expressed in their infestments; not as any burding or yearlie duetic, but by way of acknowledgement & recognofcence, if the same duties shall be requyred allanerlic. And that notwithstanding thereof, within thir late and few yeares, the faids Noble-men, Barrons, and others OUR SOVERAIGNE LORDS Leiges and subjects, wha holds their lands and others foresaids of OUR said SOVERAIGNE LORD in free blench, are yearlic without any just cause burdened, urged and compelled by charges to make payment in his Heighnes Checker of certaine summes of money, as for the pryces and valour of the faids blench duties; there being na sik summes of money nor pryces contained in their faids infestments. For tenceid whereof, OUR SOVERAIGNE LORD, with advyce of the faids Estaites, findes, decernes and declares, that the Noble-men, Barrons, and others Leiges and subjects, wha holds their lands and others foresaids of his Majestie in blench-ferme, are onely justlie aderted in payment of the blench duties expressed and fet downe in their infestments, if the same be required allanerlic. And that they aught nowyfe to be burdened, troubled or charged for summes of money, as pryces for the faids blench duties. And that notwithstanding whatfomever act or ordinance made by the Lords of his Heighnes Checker, or others acts or ordinances whatfomever, of whatfomever yeares bygane or to come, to the whilks this present act shall make and makes full derogation. And therefore Sir Thomas Hamilton of Monkland Knight, Advocat to OUR SOVERAIGNE LORD, in presence of the faids Estaites, protested in his Heighnes Name, that the blench duties and species thereof contained in the foresaids infestments, be conforme to the Kings Majestie and his Succesours, Estate and dignitie. And there-upon the said Lotd Advocat asked instrumens.

15. *Act anent seafings to be given on precepts of the Chancellarie.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, ratifies and approves the act made of before by King JAMES the Fifth of good memorie, whereby it was statute and ordeined, that all Seafings given by vertue of any precepts direct forth of the Chancellarie, should be given by the Schireffes of the Schyre, Baillies or Stewarts, where the lands lyes, their deputies and Clerk, as in the said act of the date the tenth day of December the yeare of God, ane thousand, five hundredth, and fourtie years at mair length is contained, in all and fundrie poynts, heads, articles, clauses and conditions of the same, sa farre as the same extends or may be extended to Seafings past upon precepts direct forth of the Chan-

Chancellorie upon Retours allanerlie. And the saids Estaites of Parliament, decernes and declares the same act made by King JAMES the Fifth of the date above written, to have bene onely made for sik Seafin gasa re given by vertue of precepts, that passes upon Retours, and to nane others Seafings direct upon any other precept, direct forth of the Chancellorie.

16. *Act in favours of the Burrows Regal.*

OUR SOVERAIGNE LORD, and Estaites of Parliament, Ratifies, approves and confirms all acts of Parliament and Lawes, with all Freedomes, Priviledges, Immunities and Liberties, granted to the Burghs Regall within this Realme by OUR SOVERAIGNE LORD or any of his Heighnes predecessours, at any tyme of before. And decernis and declares the saids Burrows, and every one of them to have good right to bruike their saids priviledges and liberties, as they were wont to do before.

17. *Act for staying of unlawfull conventions within Burgh, and for assisting of the Magistrats in execution of their offices.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, ratifies and approves all and whatsoever acts made heretofore by his Majestie, and his Heighnes progenitours, and the Estaites of the Realme, for staying of all tumults, and unlawfull meetings and conventions within Burgh. And ordains the same to have effect, and to be put to due execution against the contraveiners thereof in all poynts. With this addition, That na person nor persons within Burgh, of whatsoever rank, qualitie or condition they be of, presume nor take upon hand from this forth, under whatsoever collour or pretext, to convocat or assemble themselves together at any occasion, except they make due intimation of the lawfull causes of their meetings to the Proveit and Baillies of that Burgh, and obreine their liccnce thereto; and that na thing be done nor attempted by them in their saids meetings, whilk may tend to the derogation or violation of the acts of Parliament, lawes and constitutions made for the well and quyetnesse of the saids Burghs. Declaring by thir presents, the saids unlawfull meetings, and the persons present therat to be factious and seditious, and all proceedings therein to be null and of nane avail. And the saids persons to be punished in their bodies, goods and geare, with all rigour, conforme to the Lawes of this Realme.

AND to the effect the saids unlawfull meetings with all others tumults, and turbulances and pleycs that shall happen to fall out within the saids Burrows, may be substantiallie suppressed, Ordeins the haill inhabitants of the saids Burrowes, at all occasions to readilie assist and coneur with the Magistrats and Officers thereof, for setting of the saids tumults and turbulances, and punishing of the saids authors and movers thereof. And sik as shall not concur and assist with the saids Magistrats readilie, or their Officers, for redding and setting of the saids tumults and turbulances, as said is, shall be reput and halden as fosteters and maintainers of the saids tumults, and punished therefore in their persons, and unlawed in their goods at the arbitrement of the Magistrats and Councell of the said burgh, and ordains publication to be made hereof at the market Crosses of the saids Burrowes, that nane pretend ignorance therof.

18. *Dissolution of Huntingtoun and Stratbbrane.*

OUR SOVERAIGNE LORD, and Estaites of Parliament presentlie convened, considering that the setting of the lands of the annexed proprietie in Few-ferme, for payment of the auld rental, with augmentation, is greatlie to his Majesties benefite and profite, his Heighnes rental thereby, being made sure, unchangable, unalterable, and nowyse hable to be disposed and annalied. Hes therefore dissolved, and by the tenor of this present act of Parliament, dissolves from the act of annexation of the lands of the Earledome of *Gowrie*, and Lordship of *Huntingtoun*, alias, *Ruthven*, the haill lands pertaining or belonging to the said Earledome of *Gowrie* and Lordship of *Ruthven*, and inspecial the Lands and Lordship of *Huntingtoun*, and the lands of *Stratbbrane*; and that to the effect that the same haill lands (except sik as are hereafter particularlie enumerated) may be in Few-ferme taken and heritable disposed, for payment of the auld ducty with augmentation of the rental. And that the said act be extended in ample forme with all clauses needfull.

IT is alwyse declared, that the lands underwritten, they are to say, The lands of *Cow-gask*, with the reynd-sheives thereof, with mylnes, moulters, fiddings, pairts, pendickies and pertinents of the same. The lands of *Peill*, *Lethame*, *Easter-Heichame*, *Gudliburne*, hoill of *Huntingtoun*, the lands of *Haieland*, few and *Wester-Heichame*, with the pertinents of the same, being all of the said Lordship of *Huntingtoun*, shall be dissolved. To the effect the same may be set in blanch-ferme (for payment of a penny) to *John Earle of Montrose*, &c. And that for many great, reasonable and soene causes, mentioned in a particuler warrant made for dissolution of the saids lands.

19. *Act of dissolution of the Loxmonds.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, convened and halden within his Majesties Realme of *Scotland*. Understanding that it is necessarye that the haill lands lyand

waffe of his Majestie proprietie, whereof his Majestie receaves na yearlie profite, be set in Few-ferme heritable, to sik persons as will give maist therefore; for the augmentation of his Majesties proper rent within this Realme. Hes with ane advyce and consent by their decret in Parliament, dissolved, and by the tenor of this present act dissolved from his Majesties Crown and Patrimony of the famine, all and hailt the hilles of the *Lowmonds* and Moores of *Falkland*, with the proper parts and pertinents thereof, annexed of before to his Heighnes Crown and patrimonie thereof, now and in all tyme hereafter, to remaine separate and dissolved from all former annexations thereof. To the effect the famine may be set in Few-ferme heritable, in hailt or in part, to sik person or persons as will give maist therefore, in augmentation of his Majesties proper rent.

20. *Act anent Salvo Jure Cujuslibet.*

FORSAMEIKLE as in this present Session of Parliament, there are many Ratifications past, where-
in divers and new clauses are insert, whilk may be prejudicial to particular parties rights and derogative to many and divers lawes, lawfullie made and established of before. Albeit the meaning of the Estaites be at this tyme as it was ever in all præceding Parliaments, that by na act of Ratification any other partie should be hurt or prejudged. For remeid whereof, It is statute and ordeined, that na Ratification past in this Session of Parliament, shall be prejudiciall to any privat parties right, but that the saids Ratifications be alwyfe understude whither the famine be general or special, to be *Salvo Jure cujuslibet.*

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTS and others, past in the xviii. Parliament, holden at Perth, the ninth day of Julie, 1606. not imprinted.

- 1 **A** NENT the keeping of the Kings houses.
- 2 *Act anent the Taxation and collecting thereof.*
- 3 *Act anent the granting of the Taxation.*
- 4 *Ratification to the Earle of Dumbax of the Earledome of Dumbax and other lands.*
- 5 *An acquittance and discharge to the Earle of Dumbax of the Kings Jewels and garderob.*
- 6 *Act anent the Chappel-Royall, and exceptions therefra.*
- 7 *Commission anent the erections.*
- 8 *Act in favours of the Tenants of Casche.*
- 9 *Act in favours of the Archbishop of Sanct-Androes in satisfaction for Monimail.*
- 10 *Act anent the erection of the Kirk of Leith be north the bridge in a Paroch Kirk.*
- 11 *Act anent the dismembring of certaine Towns from the Kirk of Ellem, and incorporating the same to the Kirk of Slanes.*
- 12 *Erection of the Kirk of Preston.*
- 13 *Erection of the Kirk of Portincraig.*
- 14 *Act in favour of the Burgh of Edinburgh.*
- 15 *Act in favour of the Burgh of Perth.*
- 16 *Act in favour of the Burgh of Dondie.*
- 17 *Act in favour of the Burgh of Aberdein.*
- 18 *Ane other in favour thereof.*
- 19 *Act in favour of the Burgh of Irving.*
- 20 *Act in favour of the Burgh of Bamf.*
- 21 *Ratification of the Kirk of Nether-Airlie to Sir Thomas Lyon of Auldbar K.*
- 22 *Act in favour of Williame Commendator of Tunglund.*
- 23 *Act in favour of Maister John Preston of Pennicuke, Collector generall.*
- 24 *Act in favour of James Hay of Fingask.*
- 25 *Act in favour of Patrik Kinnard of that Ilk.*
- 26 *Act in favour of M. Alexander Hay anent the lands of Dron, &c.*
- 27 *Act in favour of Marjorie Marjoribanks the Relict of John Durie Minister.*
- 28 *Ratification in favour of the Marquis of Hammilton and Marquis of Huntlic of their dignities.*

- 29 Ratification to the Earle of Angus and his sonne of their infestment.
 30 Act in favour of the Earle of Caithnes.
 31 Ratification in favour of the Lord Lyndesay.
 32 Act in favour of Sir John Moncreif.
 33 Ratification in favour of William Learmonth of the Hill.
 34 Act in favour of the Bishop and Town of Dunkeld.
 35 Ratification of the Schoole of Dunkeld.
 36 Act in favour of the Captaine and keepers of the Castell of Dumbartane.
 37 Act in favour of George and Maister Peter Hayes.
 38 Ratification to the young Laird of Calderwod of ane tack of teyndis.
 39 Ratification to Bernard Lyndesay of the Kings wark in Leith.
 40 Ratification to Sir Alexander Straton of Lowtenston of his pension.
 41 Ratification in favours of the Laird of Balmaghie.
 42 Act in favour of the Laird of Burlic.
 43 Act in favour of the Earle of Erroll anent Blanks.
 44 Act in favour of the Maister of Murray of Tullibardin.
 45 Ratification in favour of Sir John Arnot anent certaine tunnes of Wyne.
 46 Ratification to the said Sir John of his infestment of the lands of Orknay.
 47 Ratification to the Laird of Moncreif of his pension.
 48 Ratification to Maister John Drummond of his office of Clerkship.
 49 Certaine and drivers acts anent the erections.
 50 Act in favours of Maister Archibald Moncreif of his pension.
 51 Forfaltour of Grahame of Reidkirk.
 52 Annexation of the parsonage of Glasgow to the Bishoprick thereof.
 53 Ratification to the Bishop of Galloway of the Pryorie of Whithorne.
 54 Dissolution of Elcho.
 55 Ratification of the Kirk of Borthwick.
 56 Ratification to the Earle of Linlithgow.
 57 Ratification of the Barrennie of Segie to the Lord of Scoone.
 58 Ratification to the Lord of Abercome.
 59 Ratification to the Lord Ochiltrie.
 60 Ratification to the Lord Chancellor.
 61 Ratification to the Lord Secretar.
 62 Ratification to the Lord Roxburgh.
 63 Ratification to the Lairds of Balvaird and Creich.
 64 Ratification to James Maxwell and Robert Dowglas.
 65 Ratification to Karnagie of Kynard.
 66 Ratification in favours of the Laird of Balnagoun.
 67 Ratification in favours of the Laird of Barganie.
 68 Ratification to George Bruce of Carnock.
 69 Ratification of the Lord of Scoone his pension.
 70 Ratification of the Laird of Kilsyth.
 71 Act anent the deserting of Sir David Woods summons.

F I N I S.

THE N E I N T E N T H
P A R L I A M E N T

Of the

Most Excellent and Mightie King and Monarch, JAMES by the Grace of GOD, King of great Britane, France and Ireland, defender of the Faith, &c. Halden at Edinburgh, the eleventh day of August, 1607. by LODOVICK Duke of Lennox, &c. by vertue of his Majesties Commission granted to him, under the great Seale of this Realme at Theobalds, the thrid day of Julie 1607. with the ad- vryce of the Estates of this Realme.

1. *Anent Sayers and wilfull bearers of Messes.*



OUR SOVERAIGNE LORD, and Estates of this present Parliament, Ratifies, approves and confirms the two acts of Parliament made by his Highnes, with consent of the Estates of this Realme. The one thereof made in his Highnes twelfth Parliament 120. Act, against the sayers of Messe, Jesuites, Seminarie Priests, trafficking Papiists and refetters of any of them. And the other act made in his Highnes fourtene Parliament in the 193. Act, against wilfull hearers of Messe, in the hail heads, articles and clauses thereof. And decretes and ordains the samine two acts to have effect, and to be put to execution against the contraveiners thereof in all tyme comming; with this addition, that all wilfull refetters of excommunicat Papiists, and wha are at the Horne for that samine cause, after that publication be made by the Minister, the tyme of the preaching or prayers at the Paroch Kirk, where the refetters of the saids Papiists shall dwell for the tyme. Shall pay to OUR said SOVERAIGNE LORD, and to his Highnes Thesourer, the penalties contained in the act of Parliament, made anent non communicants. That is to say, Every Earle as he shall contravein the premisses, one thousand pounds. Every Lord, one thousand markes. Every Barron, five hundred pounds. Every Free-halder, three hundred markes. Every Yeoman, fourtie pounds. And to every Burges according to the modification of the Kings Majestie and Lords of Secrer Councell. Whilks paines, ordains OUR SOVERAIGNE LORDS Thesourer to intromet there-with, and exact the samine to his Highnes use.

2. *Anent weghts and measures.*

OUR SOVERAIGNE LORD, and Estates of this present Parliament, having consideration of the great hurt and skairh that his Highnes Leiges hes susteinced and daily susteins, by the great diversitie and disconformitic of the weghts, metts and measures within this Realme. Norwithstanding of divers and fundrie acts of Parliament made in the contrare, by his Highnes most worthie Progenitours, and by his Majesties selfe, in the Parliament halden at *Edinburgh* the 29 day of Julie, one thousand, five hundred, fourefcore seven. And that the negligence of the putting of the acts of Parliament to due execution, is greatest occasion thereof.

IT Is therefore statute and ordained, that all Schirefs, Stewarts of Royalties and Regalities, Proveff, Baillies and Aldermen of Burrowes, ilk one of them within their awne bounds and jurisdiction, put the saids acts of Parliament anent weghts, metts and measures to due execution, betwix the date hereof and the first day of Januar next to come, under all heighest paine. Where-throw that there may be ane univerfall conformitic of weghts, metts and measures throughout the hail Realme. With power also to the foresaid Judges to take tryel of falsse metts, weghts and measures. And the users of the saids falsse weghts and measures to amit and tyme their hail goods and gear, and the samine to be intrometted with to OUR SOVERAIGNE LORDS use.

3. *Anent destroyers of Parks, Woods, Plantings, Dowcats, Bees, Lochs and Stankes.*

OUR SOVERAIGNE LORD, and Estates of this present Parliament, considdering how Woods, Parks and all sort of Planting and haning decays within this Realme; and how Dowcats are broken, Bees stollen, mens proper Lochs and Stankes herried, to the great hurt and prejudice of the Countre and decay of Policie. Therefore, Ratifies and approves all acts of Parliament made of before, for conservation of planting and policie; and against breakers of Dowcats, stealing of Bees, and of filthes forth of mens Stankes and

and proper Lochs, in the hall poynts, articles and clauses thereof. And ordeins the fame to be put to execution against the contraveiners thereof. And farther, the Estaites forefaids, statutes and ordeines, that whatsoever shall be found hereafter to break down his neighbours woods and park-dykes, fences, stankes or closours, to pastour within the saids fences, cut trees, broome, or sheare grasfe within the fame, or yet breaks Dowcats, steals Bees and Fishes in proper stankes and lochs, shall be in the fame, or yet breaks Dowcats, steals Bees and Fishes in proper stankes and lochs, shall be conveyed and called therefore as ane breaker of the Law; either before the privie Councell, or any other ordinarie Magistrat within this Realme, at the option of the partie compleiner; and the penaltie to be imposed and taken of the contraveiners, before the saids ordinarie inferiour Judges, not to exceed the summe of fourtie punds money of this Realme. And the Secret Councell to impose sik penalties against the contraveiners of this present act, as after tryell taken in the cause, they shall finde the offence to merite and deserve. But prejudice alwyse of putting of all former Acts of Parliament made thereanent to execution, after the tennour thereof in all poynts; to the whilk this present act shall make na derogation.

4. *Auent Crafts-men.*

OUR SOVERAIGNE LORD, and Estaites of this Parliament, Ratifies, approves and confirms the Act of Parliament made by King JAMES the Fifth of worthie memorie, Intituled, Act anent the conduction of Crafts-men, whilk is the hundreth and eleventh Act, in the hall poynts, Articles and Clauses thereof. And ordeins the same to have effect, and be put to execution in tyme comming after the tennour thereof. Notwithstanding whatsoever act or statute made in the contrare thereof senfyne.

5. *Ratification in favours of the Burrowes.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, Ratifies, approves and confirms all and whatsoever acts of Parliament and Lawes, made in favours of the free Burrowes of this Realme, at any tyme of before; with all auncient liberties, priviledges and immunities granted to them by OUR SAID SOVERAIGNE LORD, or by any of his Heighnes Predecessours at any tyme by-gane.

6. *Act against unfreemen.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, Ratifies, approves and confirms all Acts, Lawes, Decrets and Priviledges granted or given in favours of his Heighnes free Royall Burrows. And considering the great hurt and skaith, daily sustained by the Burgeses inhabitants of his Majesties Royall Burrows, wha underlyes and beares all burdings imposed upon the Estait of Burrowes, in all his Majesties services, throw the continuall enteresse of unfree traffickers, dwelling in divers parts of this Realme, not being Burgeses of the saids Royall Burrows. And neverthelese, keepes and holds open buirhs, buyes and selles Marchandice, and otherwyse uses the liberties and priviledges of free Burgeses, as if they were Burgeses and actuall residents within the saids Royall Burrows, in manifest defraud of OUR SOVERAIGNE LORDS Customes, and to the prejudice of the liberties of the saids free Royall Burrows. And therefore, statutes and ordeins, that all unfree persons not being actuall Burgeses of the saids free Royall Burrows, wha beares not burding and payes not taxt and stent to his Majestie, shall desist and cease from using of any Trade of Matchandice, or of the Liberties and Priviledges forefaids of the saids free Royall Burrows, under the paines contained in the Acts of Parliament, made anent unfree traffickers of before. And that letters of horning be direct hereupon charging whatsoever unfreemen, and usurpers of the Priviledge of the saids Burrows, to finde sufficient caution for obedience of this Act. And als that letters of Horning be direct upon all Acts and Decrets of Burrows, given at their conventions bewix Burgh and Burgh, and Burgeses of free-Burrows, upon ane simple charge of ten dayes without calling of the partie.

7. *Auent the Stain-beven within the Meirnes.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, Ratifies and approves the Act made of before in his Heighnes Parliament holden at *Edinburgh*, the xv. day of November, 1600. yeares, whereof the tennour followes. OUR SOVERAIGNE LORD, and Estaites of this present Parliament, understanding the great prejudice sustained by the Leiges of this Realme, where the Judgment feare of Schirefs and others Judges are not so commodious, neither in building nor situation, as the Schiref, other Judges and their deputes may convenientlie sit, nor the parties may resort thereto. And speciallie that the Schiref of the *Meirnes*, alias, *Kincardin*, and his deputes have bene in use thir many yeares to sit at *Kincardin*, where there is neither ane Tolbuith nor any house to parties to ludge into for their entertainment. Nor yer is the place in the midst of the Shyre, whereby the Leiges of the said Schirefdome are greatlie damnified. For remeid whereof, IT Is statute and ordeined, that the Schiref of the Schirefdome

dome of *Kincardin* in all tyme to come, shall sit and hold their Courts at *Stain-byve*, as place maist meet and convenient to them and to the haill Leiges within the said Shyre. And that all precepts to be direct shall be to warne all the parties within their jurisdiction, to compeir to persew and defend in their Courts at the said Burgh of *Stain-byve* in all tyme hereafter.

AND Farther, his Majestie and Estaites foresaids, decernes, statutes and ordeins the said Burgh of *Stain-byve*, and market crosse thereof, to be in all tyme comming the head Burgh of the said Schirefdome of *Kincardin*, and the marker crosse thereof to be the place at the whilk all citations, charges, denunciations of hornings and others whatsoever, comprysings, by vertue of whatsoever decreits, publications of inhibitions, interdictions, and of all other charges and executions whatsoever whilkis properlie belangs and appertains to be done, used and execute at the market Crosse of the head Burghs of any Schirefdomes within this Realme, to be used and done within the said Schirefdome of the *Meirnes*, alias, *Kincardin*, shall be used and execute in all tyme comming. And declares all citations, denunciations, publications, comprysings, and others excutions of the lyke nature, to be used at any other place within the said Schirefdome of the *Meirnes*, nor at the said market Crosse of *Stain-byve*, to be null and of nane avayll, force nor effect in all tyme comming.

8. Act anent the Chapter of Sanct-Androes.

FORSAMEIKLE As the conventuall Brethren and Channons of the Monastrie of *Sanct-Androes* were the auncient Chapter and Counsaill of the Arch-bishop thereof, wha now are decaying, and few of them being on lyve. Lyke as the Pryorie and frutes thereof are to be erected in ane Temporall Lordship, and necessare it is that the said Arch-bishop shall have ane constant Chapter, according to the auncient Policie of the Kirk, and Foundamentall Lawes of this Kingdome. Therefore OUR SOVERAIGNE LORD, with the advyce of the Estaites of this present Parliament, Gives, grants and commits full power and commission to *George* Arch-bishop of *Sanct-Androes*, to elect and nominar seven qualified persons of the Clergie at the least, dwelling and having charge and administration within his Diocie, to be the perpetuall convent, Counsaill and Chapter of the said Arch-bishoprick in all tyme comming; and after the decease or removing of any one or moe of them from their present place, the intrant succeeding to the said charge or place, to succeed also in that rowme of the Chapter or convent, and yet nevertheles reserves to the said Arch-bishop and his Successours their auncient Priviledge. To witt, that the common Seall of the said Chapter to be made of new by their awn advyce, shall serve for their consents without their subscriptions. Attour, it is founden and decerned, that the present common Seall of the said Chapter being appended to the evidents and rights already made and granted by the said Arch-bishop, hes bene and shall be in all tyme comming ane sufficient and persite consent of the Chapter, and als effectuall for securing of the Vassals and Teneuts receivers of the saids rights, as the samine hes bene in any tyme of before; and sa to indure in force for consent of the said Chapter, ay and whill the election of the said Chapter, and making of the said new common Seall.

9. Act Salvo Jure Cujuslibet.

THE Kings Majestie and Estaites of this present Parliament, decernes and declares, that the Ratification of any particular Rights, Infeftments, Tacks, Pensons or others writs and evidents, granted to whatsoever Persons in this present Parliament, shall navyse prejudice, hurt, nor derogate to the particular Rights of other parties, notwithstanding they be not ratified nor confirmed at this tyme by his Heighnes and his saids Estaites.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES and others, past in the xix. Parliament, holden at
Edinburgh, the eleventh day of August, 1607. not imprinted.

- 1 ACT Of ratification of the Queenes infestment of Dumiermling.
- 2 Act anent the Union of the twa Realmes.
- 3 Act anent the Ministers stipends, and the Kings Blanches in Erections.
- 4 Act anent the Chapter of Sanct-Androes.
- 5 Act of the annexation of the Kirk of Megle to the Bishoprick of Dunkeld.
- 6 Act anent the Bridge of Crawmond.
- 7 Commission anent Grammer Schooles.
- 8 Act in favours of the Earle of Murray.
- 9 Act in favours of the Earle of Argyle for xx. chal. forth of Kintyre.
- 10 Act anent the erection of Kelfo in favours of the Lord of Roxburgh.
- 11 Act in favour of the Earle of Erroll.
- 12 Ratification in favours of the Lord Salton.
- 13 Ratification in favour of Sir William Seyton and his Sonnes.
- 14 Ratification of the Lord Advocats infestment of Binning.
- 15 Ratification to the Laird of Ormeston Justice Clerk to his infestment.
- 16 Erection of Bewlic in favours of James Hay.
- 17 Ratification to the Laird of Balvaire and his infestment.
- 18 Act in favour of John Murray of the Kirk of Annand.
- 19 Ratification to the Laird of Balcarhouse of his infestment.
- 20 Ratification to the Constable of Dondie of his infestment.
- 21 Act in favour of Maister James Durhame of ane bie-gate.
- 22 Act in favour of Maister Alexander Craig of his pension.
- 23 Act in favour of John Strang of his infestment of Kilrinnie.
- 24 Act in favour of Thomas Person of his infestment in Aibroth.
- 25 Act in favour of the Laird of Ruthvens.
- 26 Act in favour of the Earle of Orknay.
- 27 Act in favour of the Universitie of Sanct-Androes.
- 28 Act in favour of Maister George Young and James Primrose of their pensions.
- 29 Act in favour of James Hammilton Servitor to the Advocat.
- 30 Act in favour of Adam Cowper of his infestment of Gogat.
- 31 Act in favour of the Clerk of Register for imprinting of the Lawes of Regiam Majestatem and
others Lawes.
- 32 Act in favour of the Towne of Dumbartane.
- 33 Act in favour of the Towne of Craill anent their market.
- 34 Ratification of the Priviledge of the Lords of Counsaill and Session.

F I N I S.

T H E X X.

P A R L I A M E N T

Of the

Most Excellent and Mightie King and Monarch, JAMES By the grace of GOD, King of Great Britane, France and Ireland, Defender of the Faith, &c. Halden at Edinburgh, the twentieth fourth day of June, 1609. By ane Potent Lord, GEORGE Earle Marfchell, Lord Keith and Altrie, &c. Be vertue of his Majesties Commission granted to him, under the great Seale of this Realme, with advyce of the Estaites of this Kingdome.

1. *Act anent Chusing of Pedagogues to Children passing forth of Scotland to Schooles.*

ORSAMEIKLE AS OUR SOVERAIGNE LORD and Estaites of this present Parliament, Considering that ane of the great causes whilk hes procured the growth and increase of Papists within this Kingdome, hes proceeded from the small care and regarde that hes bene had of the education and upbringing of the youth, wha being sent forth of the Realme to places of contrarie profession, and not being first well grounded in Religion, and accompanied with Pedagogues scarce well affected to Religion, they doe oft returne back so possess with superstition and hereticall errors, as they may be justlie suspected for dangerous subjects in the Estaite. For preventing of whilk growth and increase of defection from the true faith by the occasion foresaid, OUR SAID SOVERAIGNE LORD and Estaites foresaid, Ordeines that all sik Noble-men and others wha hereafter shall direct any Pedagogues with their Sones out of the Countrie, shall be halden by vertue of this present Act, to have ane sufficient Testimoniall of the Bishop of the Diocie where the said Pedagogue for the maist part latelie before made his residence: Testifying and approving the said Pedagogue to be godlie and of good Religion, learned and instructed in the same. And if any Noble-man or other shall happen to send any Pedagogue with their Sones out of the Countrie without the Testimoniall and approbation of the Bishop in manner above-written. In that case OUR SAID SOVERAIGNE LORD and Estaites foresaid, declares, statutes and ordines that every sik Noble-man and others according to their severall degrees and rankes shall incur the paines particularie under-written. *Viz.* Every Earle, five thousand pounds. Every Lord, five thousand markes. Every Barron, three thousand markes; whilks summes shall be intromitted with and uplifted of them by his Majesties Thesaurer and his Depute to his Heighnes use. Provyding in-case it shall happen the Bishop of that Diocie to refuse to grant Testimoniall to the Pedagogue upon the premises, the said Bishop thereafter being Lawfullie summoned to compare before the Lords of his Heighnes Secrete Councell to answer to that complaint, and shaw not a reasonable cause of that his refusall. Then in that case, it shall be lawfull to the Lords of Secrete Councell to give their Testimoniall to the foresaid Pedagogue to the effect above-written.

2. *Act against Children that becomes Papists when they are out of Scotland.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, Ordeines the Noblemen, Barrons and others to have a speciall care, and to give ordour and direction that the remaining of their Sones forth of the Countrie; shall be in places where Religion is professed, or at the least where there is na restraint of the same by the crueltie of Inquisition: and that during the tyme of their absence they shall not haunt any Idolatrous exercise of Religion. And that sik persons as hes not the moyen to intertaine with their Sones ane Pedagogue, shall send them to sik places where Religion is professed. And in-case their Sones after their departure out of the Countrie shall haunt the exercises of contrarie Religion, OUR SAID SOVERAIGNE LORD and Estaites foresaid, ordeins that their parents, or sik others as hes the charge of them shall be straited to finde caution, acted in the buikes of Secrete Councell, under sik paines as shall be modified, that they shall not supplie, intertaine nor furnishe them with any thing necessary or comfortable unto them after that it be knawn that their Sones are become Papists and haunts Idolatrie, contrarie to the Religion presentlie professed within *Scotland*, except their reasonable expenses in recalling and bringing them to this Realme of *Scotland*.

3. *Act anent excommunicat Persons not to enjoy their lands, rowmes and possessions.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, considering that whereas there is divers persons wha are Excommunicat for not conforming themselves to the true Religion presentlie professed, and doe notwithstanding still enjoy the possessions of their lands, rents and livings, either directlie in their awne persons, or covertlie in the persons of their friends and wel-willers to their use and behove, to the encouraging of them to persist in their pernicious and erroneous opinions, and to the frustrating of the execution of the acts and constitutions made against excommunicars heretofore. Therefore OUR SAID SOVERAIGNE LORD, and Estaites foresaids, declares, statutes and ordeins, that na persons whatsoever, wha are alreadie or hereafter shall happen to be Excommunicat for not conforming themselves to the Religion presentlie professed within this Kingdome, shall be suffered either directlie in their awne persons, or covertlie and indirectlie by any others in their names and to their behove, to enjoy the possession of their lands, rents and revenues; but that the same shall be medled with, intrometted with and uplifted to his Majesties use.

4. *Act giving command to Bishops to send the names of excommunicat persons to the T he-
saurer and to the Director of the Chancellarie.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, considdering that to the effect every mans affection and disposition in his Religion may be clearlie and sufficientlie knowne. Therefore OUR SAID SOVERAIGNE LORD, and Estaites foresaids, statutes and ordeins that every Archbishop and Bishop within the bounds of his awne Diocie shall anes everie yeare give up to the Thesaurer, Comptroller, Collector and their deputies, and to the Director of OUR SOVERAIGNE LORDS Chancellarie, ane Roll subscribed with his hand containing the names of all sik persons within his Diocie wha are excommunicat for Religion. And ordeins the said Thesaurer and his deputies, that they receive na resignations, nor grant confirmations nor intestments to nor in favours of any of the persons whais names shall be contained in the said Roll. And that the Director of the Chancellarie & his deputies give out na Brieves, receive na Retours, nor direct na precept upon retours, nor upon comprisings in favours of any of the saids persons whais names shall be insert in the said Roll at na tyme thereafter, whill the said person or persons produce unto the said Thesaurer, Comptroller, Director of the Chancellarie and their deputies a sufficient Testimoniall subscribed by the said Archbishop or Bishop, testifying their relaxation from the said excommunication & their obedience and satisfaction to the Kirk, as the said Thesaurer, Director of the Chancellarie and their deputies will be answerable to his Majestie upon the duetie of their office. And lykwyse OUR SAID SOVERAIGNE LORD, and Estaites foresaids, declares that it shall be lawfull to all Lords of Regalities, and to all Superiours whatsoever within this Kingdome, to refuse Breives and precepts of *Clare constat* in favours of any person or persons, whais names shall be insert in the said Roll. As also to refuse the entrie of Tenants upon comprysing, whais names are insert in the samin Roll.

5. *Act against Jesuites, Seminarie Preists, sayers or bearers of Messe, Papists, and refetters of them.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, considering the impunitie of Jesuites, Seminarie Preists and others Papists, adversaries to the true Religion proessed in this Realme, and their refetters in tymes bygane, hes bene the cause as well of their increase as of their insolence in all the parts of this Realme. And that the same hes proceeded partlie upon the negligent execution of the Actes of Parliament made against the saids Papists, Jesuites, and Seminarie Preists and their refetters, and partlie upon some obscuritie of words in the saids Acts. Therefore, OUR SAID SOVERAIGNE LORD, and Estaites foresaids maist willing to have the saids Acts put to due execution in all poynts, and Papistrie and superstition uttelie suppressed according to the intention of the same, hes ratified, approved and confirmed, and by the tennour of this present Act Ratifies, approves and confirms all and whatsoever Acts of Parliament, either made in his Heighnes minoritie and lesse age, or else since his acceptation of the government in his awne person, against Jesuites, Seminarie Preists, Papists, sayers and hearers of Messe, and refetters of the saids persons or any of them; And decernes and ordeins the samine to have full strength, force and effect, and to be put to due execution in all tyme coming, with these explanations after following. That the saids acts made against hearers and sayets of Messe shall be put to due execution, and be extended to all hearers and sayers of Messe, without any exception or restriction. As likewise that all acts made of before against the refetters of the saids persons have their full force, strength and effect, and be put to due execution against the saids refetters; after lawfull intimation and denunciation be made of the saids persons. Whilk denunciation and intimation his Heighnes and the Estaites foresaids declares to be sufficient to cause the saids refetters of the saids Papists, Jesuits, Seminarie Preists, and others contained in the saids acts, incur the paines therein conteneid, if the same be made at the head burgh of the shyre where the saids persons remaines, and at the market crosse of *Edinburgh*, without any farther intimation to be made there-anent. After the whilk

denunciation and intimation to be made, as said is, OUR said SOVERAIGNE LORD, and Estates foresaid, declares that whatsoever thereafter shall wittinglie and willinglie reset any of the saids persons, either privatlie or publicklie, that the saids resetters shall incurre the paines contened in the saids Acts, they being lawfullie convict thereof. And that the act made in his Heighnes first Parliament, bearing that none that professe not the true Religion presentlie professed within this Realme may be Judge, Procurator or member of court, be extended to all and whatsoever offices, without any exception or restriction in all time coming. And for the better execution of the saids acts, OUR said SOVERAIGNE LORD, and Estates foresaid, commands and ordeins all Archbishops, Bishops & Presbyteries to call before them the saids Papists, Jesuites, Seminarie Priests and their resetters, every one within their awn bounds; and to take tryell and cognition if they have contravened the saids acts or any part thereof. And according as they finde after due tryell and probation, that they report the same to his Heighnes Advocat and Secret Councell; to the effect they may be called and conveyed before them, and punished according to the saids acts in all poynts.

6. Act of the Commissariates and jurisdiction given to Archbishops and Bishops.

OUR SOVERAIGNE LORD, Understanding that in all well governed Republicks, the jurisdiction Civill and Ecclesiastick are severall, distinct and divers jurisdictions, whilk ought to be administrat by the persons to whom the same proprie belangs; and according to his Heighnes most loving and princelie affection borne alwyse to the Christian Reformed Kirk within this Realme, being maist willing that the said Kirk should bruike and joyse their liberties, priviledges, fredome and jurisdiction granted to them by his Majestie (from whom onely their temporall jurisdiction doth flow) and in that regard belonging to them as being one of the Estates of Parliament maist necessare to be maintained for giving of their advyce, Counsell and assistance in all his Majesties great and waightie affaires, hes with expresse advyce and consent of the Estates of Parliament, restored and redintegrate the Archbishops and Bishops of this Realme to their former authoritie, dignitic, prerogative, priviledges and jurisdictions lawfullie pertaining, and shall be knowne to pertaine to them (alwyse flowing from his Majestie, als well as any other ordinarie jurisdiction doth) and speciallie to the jurisdiction of Commissariates, and administration of Justice by their commissioners and deputies in all Spirituall and Ecclesiastick causes contravered betwene any persons dwelling within the bounds and diocies of their prelacies and Bishopricks; With full power to the saids Archbishops, Bishops and their Successours in all tyme hereafter, to nominat and create sufficient, wise, discrete and learned men, best acquainted with the Law and practick of this Realme, to serve and administrat Justice in the saids places of Judicatorie, to constitute Clerks and all other under officers sa oft as the same shall vaik by dimission, decease, deprivation or otherwyse, and to provide others in their places, with as great fredome and libertie as any Archbishops or Bishops in this Realme formerlie hes done. Whilk Commissaires to be nominat and create by them, shall Judge and decyde in all causes belonging to their judicatorie. And wherein the Commissaires presentlie in office are in use to decyde, keeping the same style and forme whilk is presentlie observed, and that manner of proceeding whilk shall be preseryved and injoynd to them by speciall injunctions without any alteration of the present Lawes, or introduction of new and uncouth practicks upon the subjects and leiges, and shall have power of confirmation of Testaments every one of them within their awn bounds. The Quotes thereof to be payed to the Archbishops, Bishops, their Chamberlanes, Factors and under-receavers appointed by them. For the better effectuating whereof, his Majestie and Estates of Parliament, ordeins letters of Horning to be given and granted by the Lords of Session in that same very sort that the Commissaires present hes it, for execution of all their sentences and decreits whilk shall happen to be pronounced by them, and compelling of persons to enter and confirme the Testaments of their defuncts in the very same maner that formerlie hes bene done. And for maintaining all things in better order, and the restraining of unlawful Divorcements, over frequentlie practised within this Realme, to the heigh dishonour of God and slander of true Religion. His Majestie with advyce and consent foresaid hes statute and ordeined, that in the Burgh of *Edinburgh* there shall be resident alwyse foure Commissaires, twa to be nominat and appointed by the Archbishop of *Sanct Androes*, and twa by the Archbishop of *Glasgow*, wha shall have the onely power to decide in all causes of divorcement. As lykwyse shall have power of reduction of all decreits pronounced by any other Commissaires, to the hurt and prejudice of any of the leiges; before whom it shall be onely lawfull to intend and persew reductions of inferior Commissaires their sentences and decreits in *prima instantia*. And in case the saids Commissaires to be appointed by the Archbishops of *Sanct Androes* and *Glasgow*, as said is, performe not their ductie, the Lords of Session shall have power to try, cognosce and determine in the same; and shall Judge upon all decreits and sentences alledged to be wrangoullie pronounced by them. And that because they are his Majesties great Consistorie, to whom his Heighnes with advyce of the saids Estates, gives and grants ane heigh supreme Commission for all sik causes, to Judge and determine of them in sik causes. And declares that it shall be lawfull to the saids Lords of Councell and Session, to Advocat causes to themselves from any of the Commissaires, upon just and lawfull complaints made to them by any of the subjects, and not otherwyse. Provyding alwyse, that the said Session shall ever be readie to give ane accompt to his Majestie, that their Advocations have bene grounded upon probable and lawfull grounds for the well of the subjects. And that this foresaid Act may be put in present effect, his Majestie with advyce foresaid, declares all former erections of Commissariates to be suppressed and extinct from this forth and for ever, all constitutions

All Judges members of Court and Officers whosoever should professe the Religion.

Deputies or Commissaires.

Clerks and Officers.

Confirmation of Testaments.

Quotes of Testaments. Letters of Horning.

Divorcement.

Commissaires in Edinburgh.

Reduction of decreits.

Advocation of Affairs.

Discharge of former Commissaires.

that

that have bene in former tyme of the same in whatsoever part of the Realme the same hath bene erected, and by whatsoever manner the same hes proceeded, Act of Parliament, Secreet Councell, and others made there-ancient. And in lyke manner, discharges and annulles all presentations, gifts or dispositions made by his Highnes to the Commiffaires present, or to any other concerning the said Commiffariates, and all rights acquired by them by decease, dimission, or howsoever the same hes vaicked, and all gifts and dispositions made in favours of their Clerks and members of Court, by whatsoever manner of order the same hes proceeded. With this provision alwyse, that the Commiffaires present in office, their Clerks and others members of Court, who shall be authorized with testimoniall from the Lords of Session of their sufficiency & qualification to their severall places and offices, shall bruike and joyfe the same, they alwyse receaving new presentation and gift of their offices from the Archbishops and Bishops of their Diocies where they serve, betwene and the first day of December next to come. Otherwise, if in case the saids Commiffaires and others members of Court do not produce the foresaid Testimoniall from the Lords of Session, as said is, it shall be lawfull to the Archbishops and Bishops to provide other sufficient persons to the saids places. The restitution of the said jurisdiction alwyse to be with expresse reservation of his Highnes and his Successours their prerogatives and supremacie in all causes Ecclesiasticall and Civill within this Realme. Provyding alwyse that this present act shall not be hurtfull nor prejudiciall to the heritable right of the Commiffariate within the bounds of *Argyle*, pertaining to *Archbold* now Earle of *Argyle*, but the same to stand in the same force, strength and effect as it was before this present act, and notwithstanding thereof or any clause therein conteyned *Prout de jure*.

Testimonials to be given.

The Kings prerogative.

Commiffaire of Argyle.

7. *Act anent the Commissioners and Justices of Peace.*

FORSAMEIKLE As among the infinite monuments and testimonies of his Majesties true pietie, singulare wisdom, sincere zeale to Justice and fatherlie care of his people, the Estaites of this Kingdome have not found any bringing mair deserved commendation and permanent renoune to his Majestie, or greater profite, quyetnesse and comfort to his subjects, nor his constant perseverance in his maist Religious and prudent resolution to extirpat the ungodlie, Barbarous and brutall custome of deadlie feads, which by the inveterate abuse of many bypast ages was become so frequent in this Realme, as the subjects of greatest ranke and qualitie upon every naughtie occasion of base and unworthie contraverfies of neighbourhed, for turves, fold-dykes, fures or marches of lands, foolish words or drunken discords betwene their meanest servants and dependers, and any other in the Countrey, did so readilie embrace the protection of their unjust and unnecessary quarrels, as did many tymes involve themselves and their haill friendship in maist bloodie and mortall troubles, whilk they did prosecute with sik malice and crueltie, as to the extreame perrell of their faules, in fame of their memoriall, and overthrow of their awne and their adversaries houses, did distract the Kingdome in opposite factions, and many tymes furnished matter of maist pernicious, seditious and Civill warres. The inconveniences whereof being manifestlie sene and sensible felt, baith by the Princes & people of this Realme in many bypast ages and earnestlie foght to have bene removed, yet the corruption was so universall, that the greatest part prevailing against the best, that cruell Barbaritie hath both continuance and daily increase, untill his Majestie bending the excellent wisdom and rare graces of his Royall minde (where-with God hes endewed him mair abundantlie then any King that ever did raigne in this lland) against that godlies, unnatural and beastlie Custome, did devise and establish a maist godlie, just and prudent Law and Ordinance for the course to be observed, for removing upon equitable and just conditions the deadlie feads, whilk then stude in great number betwene the maist powerfull subjects in this Kingdome and their kinsmen, assisters and partakers: In the execution whereof, God having miracoulouslie assisted his Majesties maist haille and just intention after exceeding great care and paines taine by his Majestie in tryall of the originall causes of the saids discords, the true circumstances of the injuries and losses sustained by either partie, and in prescryving due satisfaction to be indifferently made for redres of all by past harmes and wrangs. His Majesties admirable constancie hes so overcome all difficulties, that the haill knowne feads within the Kingdome being now removed by perfite reconciliation, and just contentment of all parties having interest therein, his Majesties haill subjects finds sik joy and happines in the sweet frutes of his wisdom and providence exprest in that case; that they earnestlie wish that his Majestie who hes so cairfullie exterminate that abhominable pest of deadlie feads, may in his singulare wisdom finde meanes for ever to prevent the reviving of that monster. Wherein his Majestie considering that nothing gave so great growth and strength to that by past Barbaritie, as the slouth of Magistrates in not suppressing the first seeds of these dissentions, whilk being small and weak in the beginning, for Peets, Turves, Devits, Fold-dykes, poynding, neighbourlie marches, injurious words or light brawles were then easilie to be settled, if diligence and authoritie had bene joyned for repressing thereof, whilk being neglected by these to whom it appertained; these light jarres and insolences did very oft kindle sik flames of disorder, dissention, rankor and feed, as in many yeares with great streames of blood, desolation and ruine of great and ancient houses and races could hardlie be quenched. For remeed whereof his Majestie and Estates foresaids, Ratifies and approves the former Act made by his Highnes, for abolishing deadlie feodes in every head, clause and Article theteof. And farther, statutes and ordaines, that in every Schyre within this Kingdome there shall be yearlie appointed by his Majestie some godlie, wyse and vertuous Gentlemen of good qualitie, moyen and report, making residence within the same, in sik number as the bounds of the Schyre shall requyre, to be Commissioners for keeping his Majesties peace, to whom his

Majestie with advyce of the Lords of his privie Councell shall give power and commission to oversee, try and prevent all sik occasions as may breed trouble and violence amongst his Majesties subjects, or forceable contempt of his Majesties authoritie and breach of his peace. And to command all persons in whom they shall see manifest intention to make trouble or disorder, either by gathering together of ydle and disorderly persons, or by publick bearing or wearing of Pistoles or other forbidden weapons, and sik other ryotous and swaggering behaviour; to binde themselves and finde caution under competent paines to observe his Majesties peace, and for their compareance before his Majesties Justice or Lords of his privie Councell, to underly sik order as shall be found convenient for punishing their transgressions or staying of troubles and enormities. And if need shall be, to requyre the duetifull and obedient subjects of the Shyre to concurre with them in preventing all sik contempts and violences, or for taking or waording of the wilfull and disobedient authors, committers and fosterers of these crymes and disorders under sik competent arbitrarie paines as his Majestie and Lords of his privie Councell shall appoynt for the offenders, and sik of the Countrie as being requyred shall not give their readie and asfald concurrence to his Majesties Commissioners in the premises, whereby the ordinarie Magistrats and Officiars within the Shyres, may be the better assisted, and their absence, imployments or other impediments mair commodiousely supplied, without derogation of their jurisdiction or want of readie comfort and Justice to the obedient subjects within the bounds the reof. Ordaining also the saids Commissioners to give true advertisement and information to the Lords of his Majesties privie Councell, Justice generall and his deputies, his Majesties Thesaurer and other Magistrats and officers whom it effeirs, or the names of sik faithfull and unsuspect witnesses and assysers to be summoned in all crymes and disorders whilk shall happen or fall forth within the saids Shyres, as shall be known to be maist meet and able for tryell and probation of the same, and for eschewing that sik as are either aged, feiklie or unable to travell, or ignorant of the facts to be tried, be not unjustlie vexed or unneecessarie drawne from their awne houses and affaires, for matters wherein they are not able to give any light.

8. *Act of the apparel of Judges, Magistrats and Kirk-men.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, finding by daylie experience that the greatnes of his Majesties Emphyre, magnificence of his Court, fame of his Wisdome and Justice, and of the civilitie of his subjects, hes already begun to allure divers foraine Princes, and other strangers of all Estaites to make mair frequent repair to this Countrie, nor ever they did in any preceeding age. Whilk resort of strangers will by all appearance baith continue, and daylie mair and mair increase; and by them na doubt, report will go through all the world of the Estait and government of the Kingdome, according to the order whilk they shall see observed within the same. Whereof the rules and good example flowing from the Estaites of Parliament and Magistrats, to the haill remanent subjects of the Realme, it is maist necessary that sik gravitie and comelines be used by the Lords and Commissioners of Parliament, and others Magistrats in their apparell and behaviour, as may best deserve the good report and true commendation of all Princes, Noble-men and others strangers, wha shall have occasion to see and relate the same. The respect whereof, having induced his Majestic to preserve to the Nobilitie apparell for the Parliament becoming their honourable Estait. And understanding that the remanent members of that heigh Court have nor reformed themselves to the like convenience, neither yet that the course intended by his Majestic for discharging Noblemen and Gentle-men to be elected Provosts and Magistrats of Burrowes (whereof nane should be capable but Burgesse, actual traffickers and inhabitants of the said burrowes) hes tane sik effect as is maist necessary for preservation of the liberties and good estate of the saids Burrowes, and hindering the dissipation of their common good and perverting of their privileges. For remed whereof, his Majestic with advyse of the Estaites of his Heighnes Parliament, statuts and ordains that na man shall in any time comming be capable of Provell or other Magistracie within any Burgh of this Realme, nor to be elected to any of the saids offices within a Burgh, but Marchants and actual traffickers inhabiting within the saids Burghs allanerlie, and na others. And that the saids Magistrats of Burrowes to be hereafter elected, and their Commissioners of Parliament, shall have and weare at Parliament, Conventions and other solemne tymes and meetings when the dignitie shall requyre it, sik comlie and decent apparell as his Majestic shall preservey convenient for their rank and estate, whereby they may be discerned from other common Burgesse, and be mair reverenced by the people subject to their charge. And because a comelie, decent and orderlie habite and apparell in the Judges of the land, is not onely ane ornament to themselves (being a badge and marke for distinguishing them from the vulgar sort) but the same also breads in common people that reverence and regarde that is due and proper for men in these places. And this being a custome universallie observed almost through all Europe, the want whereof is greatic censured by strangers resorting in these parts. The saids Estaites therefore upon infinite proves they have of his Majesties maist singulare wisdome in all his directions, & of his gracious love & affection to this his native Kingdome, have in all humilitie referred to his Heighnes awne appoyntment the assigning of any sik severall sort of habite and vestiment as shall be in his Majesties Judgment maist meet and proper, as well for Lords of Session being the supreme Judges in Civill actions, as for all other inferior Judges of thelyke causes. As also for the Criminall & Ecelesiasticall Judges, & for Advocats, Lawyers & all others living by Law and practise thereof; that fa every one of these people may be known and dignoiced in their place, calling and function, & may be accordinglie regarded and respected. Attour, his Majestic & Estaites forsaids, considering what

The Estates
in Parli-
ament.

Magistrats
within Bur-
rowes.

Their ap-
parell.

Apparell of
Judges is
referred to
the King.
Lords of
the Session.
Inferior
Judges.
Lawyers.

what slander and contempt hes arisen to the Ecclesiastical Estate of this Kingdome by the occasion of the light and undecent apparell used by some of that profession, and cheeflie these having vote in Parliament. It is therefore statute that every Preacher of Gods word shall hereafter weare black, grave and comelie apparell ^{Ministers.} befitting men of their estate and profession. As lykwyse that all Priors, Abbots and Prelats having vot in Parliament, and speciallie Bishops, shall weare grave and decent apparell agreeable to their function, and as appertaines to men of their rank, dignitie and place. And because the haill Estaites humble and thankfullie acknowledges that GOD of his great mercy hes made the people and subjects of this Countrie so happie as to have a King raigne over us, wha is maist godlie, wyse and religious; hating all erroneous and yaine superstition, just in government, and of lang experience therein, knowing better then any King living what appertains and is convenient for every estate in their behaviour and duetic. Therefore it is agreed and consented to by the saids Estaites, that what order sa ever his Majestie in his great wysdome shall thinke meet to prescribe for the apparell of Kirk-men agreeable to their estate and moeyen; the same being sent in writ by his Majestie to his Clerik of Register, shall be a sufficient warrant to him for inserting thereof in the Buikes of Parliament to have the strength and effect of ane act thereof, with executorialis of horning to be direct there-upon, against sik persons as within the space of fourtie daies after the publication or intimation to them of the said act or charges used against them there-upon, shall not provyde themselves of the apparell to be appointed by his Majestie for men of their vocation and estate, to be used and worne by them and their successors at the tymes, and in maner to be expressed in the said act to be made by his Heighnes there-anent.

9. *Act against skandalous speeches and lybels.*

OUR SOVERAIGNE LORD foreseeing that there is nothing so necessary for the perpetual well and quyetnesse of all his subjects of this Monarchie as the furtherance and accomplishment of the union of his two famous and maist auncient Kingdomes of *Scotland* and *England*, wherof his Majestie out of his fatherlie care of the peace and happines of his good and faithfull people, having maist infantlike and earnestlie sollicit the perfection, and by the assistance of the worthiest members of both Kingdomes, so effectually advanced the same, as he hopes (God willing) in his Reigne to see the wished end of that great work, whilk in his royal person hes received so miraculous and happy a beginning: And nevertheles finding therein sik malicious lets, as the devill and his supposts do usually suggestt, to the hindrance of all just and godlie interpreses, specially by the false and calumnious brutes, speeches and writs, crasellie uttered and dispersed by some lawles and faulces people of this Realme, aswell in privat conferences as in their meetings at tavernes, all-houses and playes, and by their pasquils, lybels, rymes, cockalans, comedies and siklyke occasions whereby they slander, maligne and revile the people, estate and countrie of *England*, and divers his Majesties honorable Counsellors, Magistrats and wortheie subjects of that his Majesties Kingdome. The continuance wherof being able to incense the people of *England* to just grief and discontentment, may not only hinder the intended union of all the good subjects of this Monarchie, but stir up in them sik irreconciliable evill will, as with time might bring forth maist dangerous and harmful effects. For remedie and preventing wherof, his Majestie remembring how strait and severe punishment lies by the Lawes and acts of his maist Royall Progenitors Kings of this Realme heretofore bene ordained to be inflicted upon sik as should devise or utter false and slanderous speeches and writtes to make dissensions betwene the Prince and his subjects, or raise sedition in the Realme; and considering that all sik purposes and writtes as may breed disliking betwene the inhabitants of the saids Kingdomes of *Scotland* and *England*, being now all become his Majesties Leige-people, equallie subject and equallie beloved of his Heighnes; tends to maist dangerous dissention and sedition amangs his subjects. Therefore his Majestie with advyce and consent of the haill Estaites of this Parliament, statutes and ordeins, that whatsoever shall hereafter by word or write, devise, utter or publish any false, slanderous or reprochfull speeches or writtes of the Estate, People or Countrie of *England*, or of any Counsellor thereof, tending to the remembrance of the auncient grudges borne in tyme of by-past troubles, (the occasion wherof is now happilie abolished by the blessed conjunction of the saids Kingdomes under his Majesties Sovereignitie and obedience) or to the hindrance of the wished accomplishment of the perfect union of the saids Kingdomes, or to the slander or reproch of the Estate, people or Countrie of *England*, or dishonour or prejudice of any Counsellor of the said Kingdome, whereby hatred may be softed and intertained, or misliking raised betwene his Majesties faithfull subjects of this Isle. The authors of sik seditious, slanderous and injurious speeches or writtes, or dispersers thereof, after tryell taken of their offence, either before his Majesties Justice, or the Lords of his Heighnes privie Council, shall be severelie punished in their persons and goods, by imprisonment, banishment, fynyng or mair rigorous corporall paine, as the qualitie of the offence shall be found to merite at his Majesties pleasure. And all sik as hearing or getting knowledge of any sik speeches or writtes, shall conceale the same, and nor reveale them to his Majesties ordinarie officers, Magistrats or Counsellors, whereby the authors and dispersers thereof may be punished, shall underly the lyke tryell and paine.

10. *Act anent fugitive persons of the Borders to the in-Countrie.*

FORSAMEIKLE As the Kings Majestie is resolved to purge the middle-Myres of this Isle, heretofore called the Borders of *Scotland* and *England* of that barbarous crueltie, wickednes and incivillie

whilk be inveterat custome was almaiſt become naturall to many of the inhabitants thereof, and to reduce them to the knowledge, love and feare of God, reverence of his Majesties authoritie, obedience of his lawes and ductie to their Neighbors; for accomplishing of that maiſt Royal designe, made chuse of one to be Commissioner in these bounds, whom by many assured prufes in former employments of greatest consequence, his Majestie knew to be indued with all qualities necessarie for ſa weigite a charge; wha following preceellie the rules of his Majesties maiſt prudent directions, and using all possible diligence and dexterie in prosecution thereof, made ſa happe progresse in that good course, as justlie punishing the maiſt perverſed and rebellious ring-leaders (whais amendment was desperate) and transporting others of them forth of this Isle, the rest were brought to very settled quyernes and obedience of his Majesties lawes, a very few number of out-lawes onely excepted, wha being ſa earnestlie ſearched and perſued in these bounds, as all hope of eſcaping and langer impunitie was taken from them; they have by maiſt ſubtle and craftie means by changing their names, and diſſembling the place of their nativitie, convoyed themselves in the in-countries of this Realme, and insinuated themselves in service with Noble-men and others of good qualitie, not only therby eſchewing their deſerved punishment, but also abusing and harming his Majesties good ſubjects by their darned stoutis geir forth thereof and out of the bounds of these middle-shyres, and outting and selling the same in the in-countries. Besides that, others of the ſaids out-lawes have bene allured and had reſet and oversight in the in-countries by some men of rank and power to be instruments and exccutors of ſik revenge and miſchief againſt these to whom they beare malice, grudge or quarrell; whilk for feare of his Majesties lawes and authority they durſt not attempt by themselves. For remeed whereof, his Majestie with advyce and consent of the Estaites of Parliament, ſtatutes and ordains that na man ſhall hereafter either receive or retain any man borne or lang habituate in the late Borders in his service or company, or upon his lands unleſſe he have certaine knowledge or a true and authentick testimonial of his Majesties great Commissioner of the late Borders or his deputies, of the ſaid Border-mans true name and ſurname, place of his nativitie and report of his truth and lawtie, and that he is no knowne malefactor, but reput a duetifull and obedient ſubject, under the paine to incur the danger, and to be made answerable civilie and eriminalie to his Majestie and all his lawfull ſubjects for all actions and crimes whilk might be any wyſe laid to the charge of the ſaids broken-men, for any cause or occasion either preceding or during the tyme of their receiving or retaining them in their service, companie or upon their lands, as if the reſetter had committed the ſaids faults himselfe. As lykwyſe, because some wha are not known to have committed any haynous offence in their awne person obtaining testimonial of their name, birth and good report, may give the same to broken-men to be used by them in places where they are not known. It is ſtatute and ordained that whaſoever ſhall either give his testimonial to any man, whereby it may be abused by another nor him to whom it was truelie granted; or wha ſhall falſlie use another mans testimonial, or wha ſhall fordge to himselfe or use a falſe testimonial in the premisses, shall be punished to the death. And to the effect his Majesties faithfull and obedient ſubjects may have the better knowledge of the ſaids fugitives and broken men, and that ſik as reſet them may want all pretext and excuſe of ignorance, It is ſtatute and ordained that a Roll shall be made by his Majesties great Commissioner of the middle shyres, containing the names of the ſaids rebels, fugitives, out-lawes and broken men, with the maiſt notor and evident marks and deſcription of their age, ſtature, colour and other tokens whereby they may be maiſt eaſily and readily known. And being imprinted ſhall be ſent to the Schirefs and Magiſtrates of the in-countries, and proclaimed at the market Croſſes of the head Burrowes of the shyres, and other places needfull. And thereafter be publickly affixed upon the ſaids Croſſes or Tolbuths of the ſaids Burrowes. After whilk publication, It is ſtatute that the contraveiners of this Act or any head or artickle of the same shall be rigorouſly punished in their persons and goods in maner foreſaid.

*Testimo-
nials used
falſlie.*

*Ane Roll
of fugiti-
ves.*

II. *Act in favours of the Lords of Session of ten thousand pounds to be given to them yearly.*

OUR SOVERAIGNE LORD, and Estaites of Parliament, having for just and necessary respects concerning the preservation of this Estate and cheefe members thereof, restored the Bishops, being now the onely remanent of the Kirk Estate having vote in Parliament, to their livings, jurisdictions and place. And finding by experience that they will be altogether unhablie wothelie to discharge their duties in that honourable ranke, unleſſe they be provided of sufficient maintenance, not onely for bearing the privat charges of their families, but also to ſuſteine the great burdings of their weightie employments at Parliaments, conventions, and other publick affairs concerning his Majesties service and general weall of the Countrie; hes earnestlie delt with the Lords of his Majesties Councell and Session, to consent that the Quotes of the hall Testaments within this Kingdome, whilks did justlie pertain to the ſaids Session be lawfull gifts and dispositions thereof, granted to them by his Majestie and his predeceſſours, and ratified in Parliament, might be diſponed to the ſaids Bishops, every one of them within their awne Dioecies, and be possessed by them in tyme coming. Wherein the ſaids Lords of Session preferring their affection and zeale every way to grant ſatisfaction to his Majestie, to their awne profite and present ſuretie, hes maiſt humble yielded. And his Majestie being alwyſe of minde and intention to remunerat his ſaids faithfull, trustie and obedient Councellers and their ſuccesseſſours for their willing obedience to this his Majesties desire, in dimiſſion and renouciation of the

ſaid

said Quore silver, they being the onely ordinarie supreme Judges of this Realme, for administration of Justice, and interteinement of policie and peace within the same, whilk necessarie requyrs their dayly and continual presence and attendance, preferring the publick good and weall of the Realme, in the administration of Justice indifferently to his Majesties Leiges, to their awne privat and domestical affaires; and in the meane tyme are forced to spend their awne patrimonie and rent in the said publick weall of the Realme. And his Majestic having now by special instructions proponed to the saids Estaites of Parliament, the saids great and faithfull services done to his Heighnes, and for the common weall of the Realme of *Scotland* in particulare, by his saids right trustie and familiare Counsellers, the saids Lords and Senators of his Heighnes Colledge of Justice, in yeelding and granting to his Heighnes special desire, to surrander and over give from them the said Quore silver of the Testaments, being the maist and best part of their patrimonie, to and in favours of the saids Archbishops and Bishops of this Realme, for the helpe and supplie of their Estate, as is before said. And the saids Estaites of this present Parliament having there-upon, taken full tryell and verification, they have found, tryed, censured and judged; lyke as they presentlie finde, censure and judges the same to be, and to have bene great, seene, reasonable and profitable causes for the weall of his Majestic, and of the said Realme of *Scotland*. As also, his Heighnes and Estaites foresaid, findes, decernes and declares, that his Majestic with their advyce and consent may for the saids seene, profitable and reasonable causes, whilks they have knowne and tryed to be for the seene weall of his Majestic and Realme, as said is, give, assigne or dispone any part of the patrimonie of his Majesties annexed proprietie of the Crowne to the saids ordinarie Lords and Senators of the Colledge of Justice and their Successors, Senators of the Colledge of Justice in recompence to them of the saids Quores of testaments, surrandered by them and over-given at his Majesties desire and command; to and in favours of the saids Estaites of Bishops, and that in sik manner, forme and sure conditions as his Majestic best pleases for their securitie. And to that effect that the annexation of these parts of the said patrimonie of the Crowne, that ar to be assigned and disposed to the saids Lords and ordinarie Senators of the said Colledge of Justice and their successours Senators, shall be simpliciter dissolved from the Crowne, so that they may be given, assigned and disposed to the saids ordinarie Lords and Senators of the said Colledge of Justice and their successours Senators perpetuallie in all tyme comming. And the saids Estaites being tryelic and gravelie advyfed what his Majestic may give and dispone to the saids Lords and Senators and their successours with the least detriment to his Heighnes Crowne and yearlie rent. The saids Estaites all in anevoyce, have found and declared, and by the tenor hereof findes and declares, that the customes of this his Heighnes Realme of *Scotland*, annexed to the Crowne, may with the least detriment to his Majestic, or hurt to the rent or revenew of the Crowne, for the seene causes above expressed, be given, assigned and disposed by his Majestic to the saids ordinarie Lords and Senators of his Heighnes Colledge of Justice and their successours Senators in maist ample forme. And to that effect, his Majestic and Estaites foresaid of Parliament, dissolves, annulles and infringes the annexation of the customes of this Realme of *Scotland* to the Crowne, from the said Crowne and patrimonie thereof; in so far as the same may be extended to the summe of ten thousand pounds, of the first, readiest, maist sure and best payment of the saids customes allanerlie. And now after the said dissolution, his Majestic and Estaites foresaid of this present Parliament, hes given, granted, assigned and disposed, and by the rennor hereof, for the seene causes foresaid, gives, grants, assignes and disposes to the saids ordinarie Lords and Senators of his Heighnes Colledge of Justice; and their successours possessing the ordinarie places of the said Judicatorie and Colledge of Justice perpetuallie in all tyme comming. All and hails the summe of ten thousand pounds, usall money of *Scotland*, in recompence to them of the said Quore silver of Testaments, over-given by them at his Majesties desire, for the support of the said estate of Bishops, to be uptaken, uplifted and received by them, and their collectors to be appointed by them in their names yearlie at twa termes in the year, Whit-fonday and Martin-mes in Winter by even portions, forth of the readiest and best payment of his Majesties customes of the said Realme of *Scotland*, or any part thereof from his Majesties Comptrollers, tack-men, possessours and intrometers with the saids customes, and others addetted in payment thereof, now present and that shall happen to be for the tyme, to be distributed amongst them in sik forme as heretofore they were accustomed in devyding of the said Quore silver. Beginning the first termes payment rherof at the said feast and terme of Martin-mes next to come in this instant year of God, one thousand, sex hundreth, and nyne yeares, and so forth yearlie and termlic thereafter, at the termes foresaid perpetuallie in all tyme comming. Charging herefore the said Comptroller and tack-men, possessours and intrometers with the saids customes of the said Realme of *Scotland* or any part thereof, and others addetted in payment of the same now present, and that shall happen to be for the tyme; to readilie answer, content, obey and make thankfull payment of the foresaid yearlie summe of ten thousand pounds yearlie money foresaid, to the saids ordinarie Lords and Senators of the said Colledge of Justice and their successours, and their collectors in their names; forth of the readiest and best payment of the saids customes; and that they be preferred in payment thereof to all and whatsoever other person or persons pretending right to the saids customes, or any part thereof by pension, assignation, gift or other right or disposition whatsoever. Beginning the first termes payment of the same, at the said feast and terme of Martin-mes next to come, and so forth yearlie and termlic thereafter at the termes foresaid, perpetuallie in all tyme comming; whilk shall be thankullie allowed to the payers, they taking the saids Lords and Senators or collectors acquitances and discharges to shaw upon compt for their warrant in the

the Checker. And likwyse commanding the Lords Auditors of the Checker present and to come, to allow to the payers, the foresaid summe of ten thousand pounds yearlie and termlic, in the first end of their compt upon the sight of the saids Lords and Senators, or their saids collectors acquitance upon the payment thereof, this presents being alwyse shawne and produced in Checker. And als his Majestie and Estaites foresaids of this present Parliament, decernes and ordeins his Majesties Comptroller present and his successours, Comptrollers for the tyme; as likwyse the tacksmen of the saids customes present and to come, and intrometters there-with, and adetted in payment thereof to become acted themselves, and to finde sufficient caution and sovertie acted in the Buikes of Councell and Session, for thankfull payment of the foresaid summe of ten thousand pounds, to the saids ordinarie Lords and Senators of the said Colledge of Justice and their successours, yearlie and termlic, at the termes forsaids in all tyme comming. And at the decease or demission of the saids Comptroller or tack-men, that the new intrants shall become acted to the effect foresaid of new, and that caution be founden by the said Comptroller and tack-men at the setting of the saids tacks to the effect foresaid; otherwyse the saids tacks to be null, and the nullitie thereof to be decyded by way of exception or action at their pleasure. And that letters and executorialis of horning simpliciter, may be direct upon ane simple charge of ten dayes against them, be delerurance of the saids Lords and Senators of the Colledge of Justice, for payment of the foresaid summe of ten thousand pounds yearlie and termlic, at the termes forsaids. And his Majestie and Estaites foresaids, decernes and ordeins, that na suspension shall be granted for suspending of the saids letters, at the instance of whatsomever partie or person adetted in payment of the foresaid summe in any tyme comming, for whatsomever cause or reason by the Lords of Parliament, nor by the Lords of Checker, or other Judges whatsomever, except upon confiscation of the summes, or upon production of sufficient acquitances of payment of the summes where-with they are charged. And that the saids ordinarie Lords and Senators of the said Colledge of Justice, are and shall be onely judges ordinarie for discussing of the saids suspensions; discharging all others Judges whatsomever of all granting of suspensions in any cause concerning the premisses and discussing of the same by any manner of way, and of their offices in that part for ever. And to the foresaid disposition and assignation of the foresaid summe of ten thousand pounds, to be payed yearlie and termlic forth of his Heighnes customes foresaids, first, readiest and best payment of the same, to the saids ordinarie Lords and Senators of the said Colledge of Justice and their successours foresaids perpetuallie in all tyme comming as is above expressed; His Majestie and Estaites foresaids of Parliament, hes interponed and interpones their consent and authoritie, as that dech wilk shall be now and in all tymes hereafter esteemed and judged for the weall of OUR SOVERAIGNE LORD, and for the common weall and estate of the Realme of Scotland. And his Majestie for his Heighnes and his successours promits *in verbo Principis*, never to impugne nor quarrell the same, nor come in the contrare hereof directlie nor indirectlie in any tyme comming.

12. *Act anent Patronages of forsaulted persons.*

OUR SOVERAIGNE LORD being maist desirous that all the vaiking Kirks within his Kingdome may be planted with qualified and worchie men, and that these wha are already provyded to benefices lawfullie vaickand at the tyme of their provision, and wha hes obtained decreit conforme thereto, with lawfull and peaceable possession following there-upon, may be mainteined therein. And speciallic that the restitution of forsaulted persons, pretending themselves Patrons of benefices, either by his Majesties gracious favour, pardon or rehabilitation, or by reduction of their forsaultors shall not be ane occasion to subvert the estate of these wha obtained lawfull provision of any of the saids benefices by presentation, or gift of the Kings Majestie, or others to whom his Heighnes disponed the right of Patronage thereof, during the forsaultour standing of the other pretended patron, whais cryme could neither be any reason to make the vaickand benefice not to be disponed; neither should his restitution or reduction be ane occasion to trouble the titulaire thereof, seing the sleuth or negligence of ane lawfull Patron and faithfull subject, not presenting within six moneths to the benefice vaickand whereof he is Patron, makes him for that tyme to amitt his right of Patronage; whilk *Jure devoluto* falling to the Kirk, the person provyded by them, hes undoubted right thereto during his lifyme. And therefore his Majestie with the advyce and consent of the Estaites of Parliament, statutes and ordeins, that all these wha are either already provyded, or shall hereafter be provyded by his Majestie to any of the saids benefices, whereof the Patronage is fallen to his Heighnes, by forsaultour, or by any other to whom his Majestie hes disponed the right of Patronage of any sik benefices, and by vertue thereof have obtained letters conforme to their provision, with lawfull and peaceable possession of the frutes thereof by the space of divers yeares, that all sik persons shall be mainteined in their said right and possession of the saids benefices and frutes thereof, during their lifyme. And shall nowyse be quarrelled, troubled nor molested by the saids forsaulted persons, or their heires, successours or posteritie, being rehabilitated, restored, or their forsaultours reduced, nor by na other persons having right disposition or presentation from them; but that the saids beneficed persons during the said forsaultour, and by vertue thereof become in possession of the saids benefices in manner above written; shall peaceablie enjoy, bruike and possess the same benefices, haill frutes, rents, rights, commodities and priviledges thereof, as free lie, peaceablie and righteouslie as if the saids Patrons had never bene forsaulted, and had lawfullie presented, themselves, but preiudice to the saids Patrons being restored, and their heires and successours to recover their right of patronage

Patronage of the saids benefices, and to use and exercise the same by due and tymous presentation of habile and qualified persons to the saids benefices whereof they are patrons, whensoever they shall vaik by demission or decaese of the present titulars and in other wyse.

13. *Act aient the Egyptians.*

OUR SOVERAIGNE LORD, and Estaites of Parliament, Ratifies, approves and perpetual-
lie confirmes the Act of Secreet Council made in the Moneth of June or therby, 1603. yeares, and Pro-
clamation following there-upon. Commanding the vagabounds, forners and common thieues commonlie cal-
led Egyptians, to passe forth of this Kingdome, and remaine perpetuallie forth thereof, and never to returne
within the same, under the paine of death, and that the same have force and execution after the first day of
August next to come. After the whilk tyme if any of the saids vagabounds, called Egyptians, als well wemen as
men, shall be found within this Kingdome or any part thereof; It shall be lesome to all his Majesties goods sub-
jects, or any one of them, to cause take, apprehend, imprison and execute to death the saids Egyptians, either
men or wemen, as common, notorious & condemned thieues, by ane assise onely to be tryed, that they are cal-
led, knawn, reput and halden Egyptians. In the whilk cause, whatsoever of the assyse happins to cleuge any of
the foresaid persons Egyptians pannelled, as said is, shall be performed, handled and censured as committers of
willfull error. And whatsoever shall at any tyme thereafter refer, receave, supplie or intertein any of the saids
Egyptians either men or wemen shall tyme their escheat, & be warded at the Judges will. And that the Schirefs
and Magistrate in whais bounds they shall publiclie and avowedlie resort and remaine, be called before the
Lords of his Heighnes Secreer Council, and severely censured and punished for their negligence in execution
of this Act. Discharging all letters, protectionis and warrants whatsoever purchasid by the saids Egyptians
or any of them from his Majestie or Lords of Secreet Council, for their remaining within this Realme as sur-
reptitious and deceitfullie obtained by their knowlege. Annulling also all warrants purchasid or hereafter to
be purchasid by any subject of whatsoever ranke within this Kingdome for their refer, interteining or doing
any manner of favour to the saids Egyptians at any tyme after the said first day of August next to come for now
and ever.

14. *Ratification given be the King to the Secreet Council to receive Resignations.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, Ratifies and approves
the commission given by his Majestie upon the fourth day of Apryle, 1603. yeares, to the Lords of his
Majesties Secreet Council, to receive resignations of lands halden of his Majestie, and give investments there-
upon. And decernes and ordeins all and whatsoever Resignations made sen the date of the said commission
conforme thereto in the hands of the Lords of his Heighnes privie Council, and all investments proceeding
there-upon, orderlie past his Heighnes Cascher, Register and ordinar seales, together with all confirmations
granted by his Majesties ordinar officers of Investments of any lands pertaining to his Majesties faithfull sub-
jects; whiks confirmations are lykwyse orderlie past his Majesties Cascher and remanent seales and ordinar
registers; together with all and sundrie investments and confirmations to be hereafter past and exped upon the
lyke resignations in the hands of the Lords of his Majesties Secreet Council, and orderlie exped throw his
Majesties seales and registers, to have bene and to be now and in all tyme comming, als lawfull, valed and
sufficient in Judgment and out-with, as if the saids resignations had bene made in his Heighnes awne hands, and
had bene received by his Heighnes, and as if the signatours of the investments following there-upon, and of
the saids confirmations had bene signed and subscribed with his awne Royall hand.

15. *Act ordaining Letters of Horning to be direct upon Admirals decreits.*

FORSAMEIKLE As be Act of Parliament made at Perth in the Moneth of Julie 1606. It was then
statute and ordeined in all tyme comming, that all decreits given be Schirefs, Commissars, Baillies of
Regalities, Baillies of Bailleries and Stewartries, should passe and have execution of horning upon ten dayes
warning, as at mair length is contained in the said act, wherein there was the tyme of the passing thereof omit-
ted and not expressed therein; the decreits to be given by the great Admirall of this Realme and his deputies,
walks being a Sovereigne Judicatorie in it selfe, and of its awne nature importing summare execution. OUR
SOVERAIGNE LORD, and Estaites presentlie convened; in consideration that the insufficiencie,
corruption and defects whilk wer in the deputs and members of these Courts in former tymes, and whereby
these Judicatories were thought not worthe of that favour, is now helped and well amended by the planting of
habile, worthe and sufficient men in their places, hes inacted, statute and ordeined, that sik-lyke execution of
horning passe upon all decreits to be given before the said great Admirall and his deputies in tyme comming, as
upon any the saids Schirefs, Commissars, or other interior Judges decreits, conforme to the said Act of Parlia-
ment made there- aient of before.

¶ Collected, visid and extractid foorth of the Buikes and Register of the Actes of Parliament, Be me
Sir JOHN SKENE of Curte-hill Knight. Clerk of his Majesties Council, Register and
Roller, under my signe and subscription manuell.

F I N I S
K k k

JOANNES SKENE

Clerk Register.

A N E

A N E T A B L E

Of the

PARTICULAR ACTES and others, pass in the xx. Parliament, holden at Edinburgh, the 24. day of June, 1609. not imprinted.

- 1 **T**He Foresaltour of the Lord Maxwell.
- 2 The foresaltour of the Laird of Restalrig.
- 3 Act for uniting certaine Kirks in Annandaill.
- 4 Act anent the Castell of Annand.
- 5 Act anent the Kirk of Leith.
- 6 Act anent the Kirk of Carmylie.
- 7 Act in favours of the Unversitie of Sanct-Androes.
- 8 Ratification of the infestment of Broxmouth to the Earle of Dumbar.
- 9 Act in favours of the Lord Scoone of the intromission with the Kings rents.
- 10 Ratification in favours of James Maxwell anent the lands balden be him of the Lord Maxwell.
- 11 Act in favours of James Maxwell anent the debaitable lands.
- 12 Ratification in favours of John Murray of Dumdranane.
- 13 Act in favours of the Laird of Lugton anent Sanct-Leonards Hospitalk.
- 14 Ratification of ane pension to the Lord Whittinghame.
- 15 Ratification of ane pension to William Elphinstons Bairns.
- 16 Annexation of the Abbacie of Ferne to the Bishoprick of Rossie.
- 17 Ratification of Kintor to the Earle Marshell.
- 18 Act in favours of the Earle of Argyle anent Balrynnes.
- 19 Act in favours of Maister John Laing anent the Signet.
- 20 Discharge of the Few-dewties of Murdocarnie to Sir Robert Malveill.
- 21 Act in favours of Archibald Johnstoun, Sir John Arnot and Andro Logan.
- 22 Erection of Kilwinning.
- 23 Erection of Melros.
- 24 Act in favours of the Earle of Morton.
- 25 Act in favours of the Lord Lowdon anent Killisfure.
- 26 Erection of Cauldstene to Sir John Ker.
- 27 Erection of Eckles to Sir George Home.
- 28 Erection of Halie-wood to Cloburne.
- 29 Erection of Sanct-Colme to the Lord Sanct-Colme.
- 30 Ratification of the infestment of the Byres to the Lord Advocat.
- 31 Ratification of Cock-pules infestment.
- 32 Ratification of North-Berwick infestment.
- 33 Ratification of the Lord Kinlos his infestment.
- 34 Ratification to Gawen Hammliton of lands within Kilwinning.
- 35 Ratification to James Liddell of his infestment.
- 36 Ratification in favours of the Lord Sanquhare.
- 37 Ane act anent the abolishing of the Secretars Register.
- 38 Act anent the restitution of David Hammliton of Bothwel-haugh.
- 39 Act in favours of the Lord Maxwels vassels.
- 40 Ane submission betwix the Bishop of Sanct-Androes and the Lord Advocat in the Kings name.
- 41 Ratification of the Laird of Spot his infestment.
- 42 Act in favours of the town of Perth for bigging of their Bridge.
- 43 Restitution of the Laird of Nudrie.
- 44 Commission for ravishing of women.

F I N I S.

T H E X X I.

P A R L I A M E N T

Of Our

Most High and Dread Sovereigne, JAMES By the grace of GOD, King of Scotland, England, France and Ireland, Defender of the Faith, &c. Halden at Edinburgh, the xxiii. day of October, 1612. By the Noble and potent Lord ALEXANDER Earle of Dunfermeling, Lord Fyvie and Urquhart, great Chaucellar of Scotland, &c. Commissionar appointed for halding of the said Parliament, by vertue of his Majesties Commission granted to him, under the great Seale of this Kingdome: With the speciall advyce, consent and assent of the Estaites of this Realme.

A Ratification of the acts and conclusions, set down and agreed upon; in the general Assemblies of the Kirk, kept in Glasgow in the moneth of June, 1610. Together with ane explanation made by the Estaites of some of the articles of the same.



ORSAMEIKLE as in the Parliament halden at *Edinburgh*, in the year of GOD, 1597. The Estaites of this Kingdome remitted to his Majestie to consult and agree with the generall Assembly of the Kirk, upon the auctoritie and power whilk the Archbishops and Bishops should have in the Policie and discipline of the Kirk: Where-ant after that his Majestie and his Commissioners had many tymes most ferioullie conferred and advysed with the Ministrie. At last conclusion was taken, in the general Assembly halden at *Glasgow*, in the moneth of June, 1610. years. Determining all the doubtfull and contraverted points concerning the jurisdiction, policie, and discipline foresaid, with full and uniforme consent of ane verie frequent number of godlie Ministers, assisted be the Counsell and concurrence of ane great manie of the best affected Nobilitie, Barons, & Commissioners of Burrowes of this Kingdome, in maner, substance and effect following: with the explanation made be the Estaites of Parliament presentlie convened, of some of these articles resolved upon in the foresaid assembly of *Glasgow*.

IN THE FIRST the foresaid assembly acknowledgeth the Indiction of the general Assembly of the Kirk to appertain to his Majestie, by the prerogative of his Royal Crowne.

AND ORDER Ordeineth that the Bishops shall be Moderators in everie Diocesian Synode. And the Synode shall hald twyse in the year of the Kirks of everie Diocie. *Viz.* in Aprile, and October: And where the Dioceses are large that there be two or three Synodes in convenient places for ease of the Ministrie. And in case the Bishop of the Diocie be absent upon any necessar occasion, in that case his place shall be supplied be sik ane worthie Minister (bearing charge within the bounds) as the Arch-bishop or Bishop shall appoint.

THAT NO SENTENCE of excommunication or absolution thereof be pronounced against or in favours of any person, without the knowledge and approbation of the Bishop of the Diocie, who most be answerable to GOD, and his Majestie for all formall and impartial proceeding therein: And the processe beeing found formall, the sentence to be pronounced at the direction of the Bishop, be the Minister of the Paroche where the offender dwelles, and the processe began.

THAT ALL PRÆSENTATIONS to benefices be directed hereafter to the Archbishop or Bishop of the Diocie, within the which the benefice vacant be dimission, deprivation, decease, or other-ways lyeth. With power also to the Archbishop or Bishop to dispone and confer sik benefices as fallies in his Diocie (*Jure devolutio.*) Provyding alwayes in case any Archbishop or Bishop, should refuse to admit any qualified Minister, (accepting the præsentation granted to him and who hath bene once received and admitted to the function of the Ministrie, being then still undepryved) presented to them be the Patron. In the case of any sik refuse. IT shall be lawfull to the Patron to reitene the whole fructs of the said benefice in his awn hands. And ather hee or the Paroche wanting a Pastor, be reason of the not planting of the Kirk. (In case the refusal thereof come be the Bishop) may complain thereof to his Arch-bishop, and if ather the Bishop be the refuser, or els doeth not give due redresse being complained unto, In that case the Lords of his Majesties privie Counsell upon the parties complaint of the refuse, and no sufficient reason being given for the same, Shall direct letters of horning charging the Ordinarie to doe his duetie in the receiving and admitting of sik a persone as the said Patrone hath presented. IT is alwayes declared that if any Arch-bishop or Bishop shall deprehend any sik person as is presented to him to have come within compasse of a Simoniackal prætion with his Patrone, in so far as he hath ather alreddie hurt, or promised and bound himselfe to præjudge and hurt

the state of his benefice in not reserving a sufficient maintenance for him and his Successors answerable to the Estate of his benefice: And that the Bishop or Archbishop shall understand the same rather by the parties oath, or other clear proof and evidence. In that case they may lawfullie refuse any sike person presented unto them. But if the partie who is presented hath reserved to himselfe and his Successors a sufficient maintenance, the setting of racks or promise to doe the same or doing of any thing els to his Patron (being not prejudicial to that aforesaid maintenance) shall no wayes be ascrived to any Simoniack paction, nor shall not serve for any reason to the Archbishop or Bishop to refuse him. And in case any sike contraverfie or question shall occur betwix the Patron, the person presented and the Arch-bishop or Bishop. IT is declared, that the Lords of Counsell and Session shall be Judges thereunto, to deeyde upon the said Simoniack paction and qualitie of the same, if any sike thing shall be objected against the partie presented.

IN DEPOSITION of the Ministers, the Bishop associating to himselfe the Ministrie of these bounds where the delinquent served, he is there to take tryell of the fact, and upon just cause found to deprive: And the lyk ordour to be observed in suspension of Ministers from the exercise of the function.

THAT EVERIE MINISTER in his admission shall swear obedience to his Majestie, and to his Ordinar, according to this forme following, *I A, B.* now nominat and admitted to the Kirk of *D.* Testifie & declare in my conscience, That the RIGHT EXCELLENT, RIGHT HICH, and MIGHTIE PRINCE, JAMES the Sext by the grace of GOD, King of *Scotland, England, France,* and *Ireland: defender of the Faith,* &c. is the only lawfull Supreme Governour of this Realme, Alswell in matters Spiritual and Ecclesiastical, As in things Temporal: And that no foreine Prince, State nor Potentate, hes or ought to have any jurisdiction, power, superioritie, pre-eminence, or authoritie, Ecclesiastical or Spiritual, within this Realme. And theirfor I utterlie renunce and foresaie all foreine jurisdiction, power, superiorities & authorities. And promess that from this furth I shall and will bear faith, and true alledgeance to his Highnes, his heites and lawfull successors: And to my power shall assist and defend all jurisdictions, priviledges, pre-eminences, and authorities granted and belonging to his Highnes, his heites, and lawfull Successors. Or united and annexed to his Royall Crown. And forder I acknowledge and confesse to have and to hold the said *C.* and possession of the same under GOD, of his Majestie, and his Crowne Royall of this Realme: and for the saids possessions, I doe Homage presentlie to his Highnes in your presence, and to his Majestie his heires and lawfull Successors shall be true. *So help me GOD.* And als that everie Minister in his admission shall swear obedience to his Ordinar, according to this forme following, *I A, B.* now admitted to the Kirk of *C.* promess and swears, to *E, F.* Bishop of that Diocie, obedience, and to his Successors in all lawfull things. *So helpe me God.*

AND IF THE SAID BENEFICE Be at the presentation of ane laik Patron, the person presented shall give his oath as followes, *I, G, H.* now admitted to the toresaid benefice, Testifie and declare in my conscience, That the RIGHT EXCELLENT, RIGHT HICH, and MIGHTIE PRINCE: JAMES the Sext, be the grace of GOD, King of *Scotland, England, France,* and *Ireland: defender of the Faith,* &c. is the onlie lawfull Supreme Governour of this Realme, alswell in matters Spiritual and Ecclesiastick, as in things Temporal. And that na foreine Prince, State, nor Potentate, hes or ought to have any jurisdiction, power, superioritie, pre-eminence, or authoritie Ecclesiastical or Spiritual, within this Realme. And therefore I utterlie renunce and foresaie all foreine jurisdiction, power, superiorities and authorities. And promess that from this furth I shall and will bear faith and true alledgeance to his Highnes, his heires and lawfull Successors. And to my power shall assist and defend all jurisdictions, priviledges, pre-eminences, and authorities granted and belonging to his Highnes, his heires, or lawfull Successors, or united and annexed to his Royall Crowne. And I doe acknowledge and confesse to have and hauld the said benefice and possessions of the same, under GOD be his Majestie, of *E, F.* lawfull Patron of the same.

THAT THE VISITATION of silk Diocie be doone be the Bishop himselfe and if the bounds be greater then he can overtak. That then hee make speeiall choise of some worthy man of the Ministrie within the Diocie, to visit in his place: And what ever Minister without just cause or lawfull excuse made fall absent himselfe from the visitation at the Dioecian assemblie, He shall be suspended from his office and benefice: and if he amend not, he shall be deprived.

THAT THE CONVENTIONS Of Ministers for exercise, shall be moderated by the Bishop being present, and in his absence, by any uther Minister whome he shall appoynt at the Synode.

Whilks Acts, Ordinances, declarations, and determinations above written, his Majestie finding to be verie agreable to the true Religion professed within this Kingdome, and to the godlie and decent government of the Kirk, Ministrie, and whole members thereof. Therefore, his Highnes with advyse and consent of the Estates of Parliament, Ratifies, approves, and confirms all and fundrie the premises, and Ordeins them and everie one of them, to be obeyed and observed, be all his Highnes subjects as inviolable Lawes in all tyme coming. Annulling and reseinding the 114. Act, of his Majesties Parliament, halden in anno 1592. And all and whatsoever uthers Acts of Parliament, Lawes, Ordinances, Constitutions, Sentences and Customes, in so farre as they or any of them, or any part of the same are contrare or derogatorie, to any of the Articles above written: als essentiellie, and effectualie in all respects, as if the saids Acts and consuetudes heirby abrogate, were at lenth herein exprest.

2. *An Act for remanding back to his Majesties officers of Justice in England of offenders in some particular crimes in the Act mentioned, who after the committing the offence in England, shall be thereupon fugitive, and remane in this Kingdome.*

OUR SOVERAIGNE LORD, and Estates of Parliament, considering that albeit the gude effects of his Majesties cairfull Providence, to repress the innumerable disorders, crimes, and offences, whilks befor his happie attaining to the Crowne of *England*, were not only frequent but almost ordinarie in these bounds of the Kingdoms of *Scotland*, and *England*, (which then being the borders of the two Kingdoms, are now become the middle-shyres thereof.) Hes reduced these pairtes to so gude progresse of peace and obedience, as in so short tyme could hardlie have beine expected. Nevertheles it is founden be experience that alsweel in these Shyres, as in divers uthers partes of both Kingdomes some evill disposed persons are imboldned to attempt and perpetrat many heynous crimes and offences, upon hope of impunitie, If after the committing of the same in one Countrie they may flee and escaipe to the uthier, and not be sent back to the place of their offense. The practize whereof hes made many odious cryms and transgressions heitfoir to remaine unpunished to the great contempt of his Majesties authoritie, and universall greife of all gude subjects of both Kingdoms.

FOR REMEDE whereof **OUR SOVERAIGNE LORD**, with advise and consent of the Estates of Parliaments, Statuts & ordeins, that if at any tyme after the end of this present Session of Parliament, any persone or persons shall commit any crime or offence, within the Realme of *England*, whilk be the Lawes of the Kingdome of *Scotland*, are or shall be declared or ordeined to be pettie treason, murder, man-slauchter, felonious burning of houfes and Corne, burglarie, robbing of houfes by day, robberie, thift, or rapt, and shall flee or escaipe into this Realme of *Scotland*, and be taken and apprehended within any part of the said Kingdome of *Scotland*, boundes and dominions threof. That then it may and shall be lawfull to and for the Justice generall and his ordinar Depute, the Shirefs, Stuards, Lords, and Ballyes of Regalities, the Commissioners of borders or any two of them, in their ordinar Courts, or the Justices of Peace in their generall and quarter Sessions, or any foure of them: upon due and mature examination of the said offence or offences in open Courts or Sessions and pregnant pruiifs of the sam, by warrand under their hands and seales. To remand and send all such offenders into the Realme of *England*, there to receive their tryell for any of the foirsaid offences, committed be them within the said Realme of *England*, in maner above mentioned: Notwithstanding any Law, Act, or Constitution, made at any tyme heitfoir to the contrare.

Providing nevertheles that this Act or any clause therein conteneid, shall not take effect, force nor execution in any sort. Except an Law and Act of Parliament be made and established within the Realme of *England*, in the first Session of the next Parliament thereof: For Remanding and sending out of the said Realme of *England* into the Realme of *Scotland* all persons who shall at any tyme heirafter commit any of the crimes or offences foresaid, within the Realme of *Scotland*, and thereafter flie into *England*, or any part of the dominions of the said Kingdome, to receive their tryell and due examination and punishment within the Realme of *Scotland*, for everie one of the said offences committed be them within the said Realme of *Scotland* in maner before mentioned.

3. *An Act declaring that in all tyme heirafter, the objecting of Horning for a Civile cause of the partie atther slaine or mutilat, shall be no liberation of the offender from the punishment due of the Law.*

OUR SOVERAIGNE LORD, with advise and consent of the Estates of Parliament: Statuts & ordeins that if any of his subjects be mutilat or slaine being at the horne onlie for Civile causes the Slayer being persued, or sick as are airt or part of the saids crimes of Slauchter or Mutilation, befor the Justice generall his deputs or any uthier ordinar Judge: No alledgeance founded upon the partie slaine or mutilat, their being at the horne for any civile cause shall ather stay proccs or be ane defence to delay proccs or procure impunitie to any of the offenders guiltie of the crimes foresaid. And this Act to have force, effect and execution, for all sick crimes above specified as shall be heirafter committed allancrleie.

4. *An Act against Ravishers of Weemen,*

OUR SOVERAIGNE LORD, with advise and consent of the Estates of Parliament, Statuts and ordeins that if any being airt or part of Ravishing of Weemen, be persued for that heynous offence and defend themselves be the subsequent consent of the woman Ravished, or be her declaration that shee went With them of her awne frie-will and consent (albeit in that case the womans declaration of her consent may exime them from Capitall punishment.) That if the womans Parents or neirest kins-folk, or his Majesties Advocat be able to verifie be determination of the aluse, that the fact wes at first violentie and forceable done against the parties will and without their consent. The subsequent consent or declaration of the partie shall not exime the offenders from his Majesties arbitrall punishment of warding their persons, confiscation of their goods, or imposing upon them pecuniall pœnalties at his Maiefties pleasure.

5. *An Act anent more tymous teynding, for the ease of the labourers of the ground.*

IT Is statute and ordeined by OUR SOVERAIGNE LORD, and Estaites in Parliament: That in tyme comming in all teynding of Cornes, that the same be teynded at three severall tymes everie yeare it the awners of the Cornes shall think it expedient: To wit the croft in feild corne at ane tyme, the beere at ane uther tyme, and the out-feild corne at the thrid tyme.

And declares that eight dayes after the compleit shearing of ilk sort of cornes being out-run, that it shall be leafum to the awners at the saids eight dayes end, to mak requisition upon uther eight dayes to mak them thankfull teynding, and if the awners get not thankfull teynding at the expyryng of the saids laist eight dayes.

The saids Estaites declares that it shall be lawfull to the awners of the saids cornes to teynd and stak the famine themselves conforme to the Act of Parliament made of befor anent the teynding of cornes in all poynts, and shall incurre na danger their-through.

6. *An Act for discharge of all per sute against any within the bounds of the late Borders for causes preceeding his Majesties going to England, with exception not-theles of all decreits already recovered: and with reservation of the criminal per sute at the instance of his Majesties officers.*

OUR SOVERAIGNE LORD, and Estaites of this present Parliament having due consideration that through the occasion of unquyetnes of the Borders of this Realme, and of the deadlie feads thereof, there fell out divers blood-sheds, slaughters, mutilations, fyre-raifings, stowths, and uthers crymes inflicting death: As also fundrie spuliyies, hearships, depredations, and reifis of uthers goods and geare within the saids Borders. And understanding that through his Highnes happie preferment to the Crowne of *England*, the saids Borders of both the Realmes are become peaceable and civile, albeit that the inhabitants thereof are not able to satisfie the bygane dammages of parties.

Therefore OUR said SOVERAIGNE LORD, and Estaites foresaidis findes, declares, decernes, statutes, and ordeins, that all and fundrie inhabitants within the bounds of the saids Borders of *Scotland*: and specialie within the bounds of the Schirefdome of Berwick, Roxborough, Drumfreis, and Stuardrie of Annandaill, their heires, succcessors, and executors, are and shall be fred, exonered, and discharged be virtue of thir presents of all actions of spoliation and wrangous intromission with whatsumever goods and geire, spuliyed and intrometed with be them or their prediceffors, before his Majesties preferment to the said Crowne of *England*. With ane expresse reservation nottheles of all decreits and sentences alreddy gotten and obteneid, be any person whatsumever before the date of thir presents: Whilkis are declared heirby to be nowaye comprehended within the compas of this present Discharge.

And also his MAJESTIE and Estaites foresaidis, declares, statutes, and ordeins, that the saids inhabitants of the saids Borders, and specialie within the Schirefdomes and Stuardries respective above writon: Are and shall be frie, fred and discharged, be thir presents of all Criminal perffuits and actions, intended or to be intended or perffued against any of them, be any partie or persons whatsumever: (except allainerlie be his Majesties Advocat, Justices and Commissioners, deput and to be deput for that effect.) for whatsumever fyre-raifings, slaughters, mutilations, thifts, stowths, or uthers criminall actions whatsumever committed be them, importing or that may import the taking away of their lyves, the famin being committed before his Highnes preferment to the said Crowne of *England* allainerlie. But prejudice alwayes to his Highnes Advocat, Justices and Commissioners, to perffue the saids criminall actions as accords of the Law. And with expresse declaration that this present Act shall no wayes be extended to any crymes, wranges, factes and deeds, done since his Highnes preferment to the said Crowne of *England*.

7. *An Act allowing Horning upon ane simple charge of fyveteene dayes to be directt upon Commissars decreits.*

OUR SOVERAIGNE LORD, be advyse of the three Estaites of Parliament, Ordeins and statutes, that the decreits and sentences of all Commissars within this Kingdome, receive siklyk execution be Horning as the decreits of Schireffs, Admiralls, Stuards, and Baillyes of bourgh: And that the Lords of Session upon the sight of the acts and decreits of the saids Commissars or their precepts lawfullie execute be their officers, bear and the partie to have beine charged upon fyvetein dayes: Direct letters of Horning upon the simple charge of fyvetein dayes as in the cases afore saidis, and conforme to the Act of Parliament made in their favours.

8. *An Act anent repairing of Bishops Manfes.*

OUR SOVERAIGNE LORD, with advyse of the three Estaites, Ordeins all Arch-bishops, Bishops, and uthers Ecclesiastical persons, to build, repaire and mainteine their houfes and manfes in sik case as may serve for their dwelling and the dwelling of their Succcessors, and if they or any of them suffer the saids houfes or manfes to ruyne and decay in their default. The Succcessor shall have action against their executors

executors for the same: As also where the saids houses are fallen in decay, and shall be built and repaired by any of the beneficed persons upon their awne expenses, the next Successor shall be obliged to give satisfaction therefore to the Heires or Executors of the defunct at the sight of two or three of the Bishops within the Province. Provyding that the said satisfaction exceed not the soume of one thousand pounds, if they be Prelates, and fyve hundredth markes, if they be uther inferior Ministers.

9. *An Act pardoning the bypast escapis of some poynall Statuts therein mentioned.*

THE whilk day the Commission after specified signed be his Majestie was presented before the Lords of articles of this present Parliament of the Estates of this present Kingdome, and was then heard, read and allowed of be them, and the saids Commissioners wer desyred and requyred according to his Majesties gracious pleasure and will signified therein to proceed in doing what unto them by the said Commission wes directed: of the whilk Commission the tenor followes.

OUR SOVERAIGNE LORD, understanding that many Lawes, and Acts of Parliament wyslie institut for preventing and punishing abuses by pecuniall paines have beine so long neglected without any research, tryall or punishment of the contraveiners, or exacting of the fines and penalties appointed for these transgressours that the most part of the people wer led by erroneous opinion to think that the negligence of his Majesties officers in discoverie and perfure of the offenders against these Lawes, had procedit of his Majesties allowance that the saids Lawes and penalties therein contened should goe in desuetude and no way be put in execution, whereby the abuse hes had so long toleration and the people so constant perswasion that they wald not be persued nor troubled for the same, that the number of the guiltie is become so great and the penalties of their contraventions so many, that the rigorous exaction of the same might turne to the overdraw of a multitude of his Majesties subjects.

FOR Remeid whereof his MAJESTIE with advyse and consent of the Estates of Parliament gives and grants full power and commission, expresse command, bidding and charge to George Archbishop of Sanct-Andrewes, John Arch-bishop of Glasgow, Alexander Bishop of Dunkeld, John Earle of Marre, Patrik Earle of Kinghorne, David Lord Scoone, Sir David Carnegie of Kinnaird Knicht, John Scrymgeour of Dudoy Constable of Dondie, Sir Gedon Murray of Elibank Knicht, James Nisbet, Maister Alexander Wedderburn, Alexander Rutherford Provost of Aberdeen, Sir Thomas Hammilton Secretar to Our Sovereigne Lord, Sir William Oliphant his Highnes Advocat, or any eight of them: to convene in whatsover dayes and places neidfull and convenient, be appointment of the said George Arch-bishop of Sanct-Andrewes.

There to trye and consider which of the saids poynall Lawes, and Acts of Parliament have heirtofore beine left in sik desuetude without any controlment or persuite as might have induced the subjects to expect impunitie of contraveining the same: as also which of the Acts & statuts foresaid merits Pardon for bygan contravention, & which of them are fit to be authorised in tyme comming, so that after the said Publication the transgressour shal be severlie punished without any farder oversight or favour. And wharever the saids Commissioners or any eight of them shal determin, conclude & set down in form of Act subscribed with their hands, shal have the full strength, force and effect of ane sure, persyte and absolut Pardon and remission to all whome it may concerne, for bypast transgression of the foresaid Lawes, als valuable in all respects as if everie one of them had obtained a lawfull, formall and particular remission orderly exped under his Majesties hand and seals, with content of the ordinar officers, and with all necessar substance and formalitie requisite in the lyke cases. With certification to all those who shall transgresse the Lawes and Acts of Parliament heirafter to be published and ordeined to have force & execution in tym comming, they shall be persued & punished therefore with all extremite. Ordeining also this Commission with the Acts to be made be virtue thereof to be insert and registrat in the buikes of Parliament, and have the force and execution of ane act of the same. According whereunto the afoir-named Commissioners have had sundrie meetings and taking holde alswell of the necessitie of the punishment of sick as have contraveined the Lawe, as of his Majesties most gracious inclination to mercie and compassion have concluded, decreed and determined, as after followes.

IN THE FIRST the saids Commissioners having consideration of the Act and statut of Parliament made in the Moneth of December, fourescore seveneteine yeeres, whereby all lieges were inhibit to take any further annuell, interest, or profite, then according to the rate and proportion of Ten for ilk hundreth in the yeere. Determines and ordeins that the same in all tyme hereafter shall stand in full force, strength and effect, and that the contraveiners and breakers of the same shall be with all rigour and extremite punished according to the appointment of the foresaid Act of Parliament in all points. And as for sik as are come within the compas of the breaking and violating of the said Act in tyme past since the making thereof: IT is declared that if sik person as in tyme past since the date thereof hath exceeded the proportion of twelve for ilk hundreth, by taking grater profite or annuell for their monye lent out shall be in lyke sort without any mitigation severlie punished, conforme to the tenor of the said Act of Parliament. And in lyke sort, It is declared that all sick persons who since the terme of Merctimes 1611. yeeres, (at whilk tyme by his Majesties direction and appointment the offenders in that case, and violators of the foresaid Act of Parliament wer persued) have given out their money and taken more profite and annuell then Ten for ilk hundreth, shall in lyke sort be punished as breakers and contraveiners of the foresaid Act. Bot as for sik persons who since the date

o the foresaid Act, and before the said terme of Merthinnes 1611. yeeres, have not exceedit the proportion of twelve for ilk hundreth. His Majesties aforesaid Commissioners upon the knowledge of his Majesties pleasure therein whose superabounding love and mercie to his subjects wes never wanting, and the securitie of the offenders in this case, who finding no prosecution of any punishment upon the breakers of the statute for sick a continuance of tyme, did there-upon presume to themselves Impunitie, being sum argument of his Majesties compassion towards them. IT is therefore be the saids Commissioners decreed and determined that all and everie person who hath come within the compas of violating of the said Act, and that fra the date thereof to the said terme of Merthinnes 1611. yeeres, did never exceed nor transcend in taking of profite or annuell for monye lent out be them the proportion of twelve for ilk hundreth, shall be freeche discharged, exonered, and pardoned of all paine, unlaw, and punishment, which the said Act of Parliament doeth appoynt to be inflicted upon the contraveiners and breakers of the same. Bot it is no waye herebye meened that this shall be a liberation to these who have in any fort since the date of the Act of Parliament exceeded the proportion of twelve, or that have taken more then Ten since the said terme of Merthinnes 1611. yeeres: Bot the offenders in any of these cases to be punished as the Law hath appoynted.

AND siklyke the saids Commissioners upon the reasons and considerations before rehearsed, have discharged simpliciter the whole subjects and leiges of this Reaime, of all sik bygainne pönalties, unlaws, and punishments which they or any of them have incurred through the breaking and violating of any of the Acts and statutes of Parliament heirafter expressed in tymes bypass allanerlie and no utherwayes. They are to fay.

The Acts of Parliament made anent apparrell.

The Acts of Parliament made anent Taverners.

The Acts of Parliament made anent transporting of Gold and Silver.

The Acts of Parliament made anent Malt-men.

The Acts of Parliament made anent whiffiling of Gold and Silver, and taking thereof above the Kings pryce.

The Acts of Parliament made anent eating of Fleth in Lent, and forebiddin dayes.

The Acts of Parliament made anent the using of Confections beyond sea.

The Acts of Parliament made anent the transporting of forebiddin goods.

The Acts of Parliament made anent the transporting of Skinnes.

And the Acts of Parliament made anent the packing and transporting of Hetring before Michael-mes.

And ordeins the same whole Acts of Parliament and everie one of them to stand in their awne strength, force, and effect in all tyme comming, after the forme and tenor thereof, and ordeins the same to be put to due execution and the transgressours thereof to be unlaved and punished conforme to the unlaws and punishments mentioned therein.

10. Ratification to the Queenes Majesties of her infestment of Dunfermeling.

OUR SOVERAIGNE LORD, and Estaites of this present Parliament, Ratifies and approves and for his Majestie and his Successors perpetuallie confirms, the infestment made and granted be his Majestie to his Highnes dearest Spouse ANNA be the grace of GOD now Queene of Greate Britaine, France, and Ireland: and to the Heires lawfullie gotten or to be gotten betwix his Majestie and his Highnes dearest Spouse foresaid, Whilk sailyeing (as God forbid) to his Highnes Heires and Successors whatsumever to the Crowne of the Kingdome of Scotland: of all and whole the Monastrie and Abbacie of Dunfermling lyand on both sydes of the water of Forth, containing all and sundrie the Lands, Lordships, Baronies, Milnes, Woods, Fishinges, Manors, Manor-places, Kirks, Teynds, Kirk-lands, Tenents, Tenendries, Service of Free-tenents, Yairds, Orchards, Few-milles, Fermes, Kaines, Customes, Annual-rents, and others partieularie and generallie contened in the said infestment proceeding upon the resignation of Henrie Pitcarne of that ilk, as Commendator of the said Abbacie of Dunfermling for the tyme with consent of the Convent thereof in maner and to the effect mentioned in the same infestment, whilk are thereby united, erected, and incorporat, in ane whole and frie Temporall Lordship, to be called in tyme comming the Lordship of Dunfermling. To be holden of OUR SOVERAIGNE LORD, and his Successors in frie blench ste heretage and sic Lordship for ever for the yeerlie payment of Sex shillings, eight pennies monye of this Realm of Scotland yeerly at the Feeft of Whitfunday in name of blench-ferme if it beis asked allanerlie, lyke as at more length is contened in the said infestment under his Highnes great Seale, of the date at *Lulithgow* the seventh day of March 1593. yeeres, and of his Highnes reigne the xxvij. yeere. With the precept and instrument of Seafine following thereupon, togidder with all and sundrie infestments ather past be resignations or confirmations, precepts upon retours or be precepts of *Clare constat*, gifts of offices, tacks of Teynds of Lands or others reyns whatsumever, dispositions be forme of indentour, contract or assignation of any yeerlie duties, rents or commodities pertaining and belonging to the said Lordship of Dunfermling and Patrimonie thereof of whatsumever date or dates, tenor or contents the same be of, ather already made, given, and granted, or that hereafter shall happen to be made given and granted to whatsum-

ever person or persons, their Heirs & assignayes by our Sovereigne Lady, as Lady of *Dunfermling* with consent assent and authoritie of our said SOVERAIGNE LORD, her Majesties dearest bedfellow for his Highnes entres and with advyce, consent and assent of ALEXANDER Earle of *Dunfermling* Chancellor, WALTER Lord of *Blentyre*, umquhyle Maister JOHN LYNDSESAY of *Balcarras*, umquhyle Maister JAMES ELPHINSTOUN of *Innernocttie*, Sir THOMAS HAMILTON of *Byres* Knight, Secretare, umquhyle ALEXANDER HAY of *Easter Kennet* Clerk of Register for the tyme, and Maister PETER YOUNG of *Seatoun* Elymosinar to his Majestie, or any foure of them her Majesties Counsellors nominat be OUR said SOVERAIGNE LORD, with advyce of the Estates of his Highnes Parliament holden at *Edinburgh* in the Moneth of Julij, 1593. yeares. Or with consent of sik uther persone or persons nominat & placed as Counsellors to her Majestie since the deceasse of any of the persons particularly above-named, or with consent of any others her Majesties Counsellors, who shall happen at any time hereafter to be nominat in place of the persons above-named, either already deceas'd, or that hereafter shall happen to decease, in manner and forme as is preserveyd in the said Act of Parliament, made in the said Moneth of Julij, 1593. yeares: In all and sundry points, passages, heads, articles, clauses, circumstances and conditions whatsover therein contained after the formes and tenours thereof respective in all points. And OUR said SOVERAIGNE LORD and Estates foresaid, wills and grants, declares, decernes, and ordeins, that this present Confirmation is and shall be als valuable, effectual and sufficient in all respects, as if the foresaid Inseftments, Charters, Precepts and Instruments of Seafine granted to our said Sovereigne Lady of the said whole Lordship of *Dunfermling*. together with the other Inseftments, Precepts, gifts of Offices, Tacks, Indentures, Contracts, Assignations, and others above-written, either already made, given and granted, or that hereafter shall happen to be made given and granted by her Majestie, with consent, assent, authoritie and advice foresaid, to any person or persons, containing disposition, tack, gift, or other right of the said Lordship and Patrimonie of *Dunfermling*, or any part of the samin were at length word by word ingrossed hereintil.

II. *An Act declaring that all Ratifications past in this Parliament are no other-wayses exped, but Salvo jure Cujuslibet.*

FOR-sameikle as in this present Session of Parliament, there are many Ratifications past, wherē in divers and new clauses are insert, whilkis may be prejudicial to particular parties Rights, and derogative to many and sundry Laws lawfully made and established of before: albeit the meaning of the Estates be at this time as it was ever in all preceeding Parliaments, that by na Act of Ratification any other party should be hurt and prejudged.

FOR Remeed whereof, It is statute and ordeined, that no Ratification past in this present Session of Parliament, should be prejudicial to any private parties Right, but that the saids Ratifications be always understude, whidder they be general or special, to be *Salvo jure Cujuslibet.*

F I N I S.

M I N U T E

Of the Particulare Acts unprinted, which were exped and past in the aforesaid Parliament.

- 1 **A**ct concerning the voluntar offer of ane Taxation made by the Estates of Parliament to his Majesty.
- 2 *Act anent the forme and order of the uplifting thereof.*
- 3 Ratification of the contract betwixt his Majesty, and Sir John Arnot, anent Orknay.
- 4 Annexation of the Lands of Orknay to the Crown.
- 5 Commission for dealing betwixt his Majesty and the Bishop of Orknay for the Bishop lands in Orknay.
- 6 Ratification of John Auchmouties renunciation of his right of the Castel of Sanct-Andrewes.
- 7 Ratification of the Bishoprick of Galloway in favours of Master William Cowper, with some reservations in favours of some particular persons fra the same Act.
- 8 Ratification in favours of Sanct-Leonards Colledge of the lands belonging to the patrimony thereof.
- 9 Dissolution of the Arch-deanrie of Sanct-Andrewes, and annexation of the same to the Bishoprick thereof.
- 10 Ratification of the contract betwixt the Archbishop of Sanct-Andrewes and the Citie of S. Andrewes, with a reservation in favours of the Lord Lindefay.
- 11 Ratification to the Duke of Lennox of the Dukedom of Lennox, and Regalitie thereof.
- 12 Ratification to the Duke of Lennox of the office of Admirallie, and priviledges of the same.
- 13 Ratification to the Duke of Lennox of his pension forth of the proprietie.
- 14 Exoneration to the Earle of Argyle of his Commission to Ilay.
- 15 Ratification of the patronage of the Kirk of Kinghorne, to the Earle of Kinghorne.
- 16 *Act for changing the market-day of Glammes.*
- 17 Ratification of the Lord Fenton his infestment of the Lordship of Dirletoun.
- 18 *Act for translating of the Kirk of Gullane to Dirleroun.*
- 19 Ratification in favours of the Lord Lindefay anent his infestment of the lands of Cairny, and others.
- 20 Ratification to the Lord Hay of Sala of his erection of Beaulie.
- 21 Ratification to the Lord Scoone of his infestment of Scoone, and of the said Lord Scoone, and Sir Mungo Murray their pensions forth of his Majesties rents.
- 22 Ratification to the Lord Keith of his infestment of the Lordship of Dunnoter and Innerrugie.
- 23 Ratification to the Lord of Buckleuch of his infestment of Halls and Branxholme.
- 24 Ratification to the Master of Tullibardin of the lands of the Earledome of Athole.
- 25 Ratification in favours of the Lord of Garleis of his infestment of Garleis, and patronage of the Kirk of Pennynhame.
- 26 Ratification to the Lord Burlic of his erection of Kilwinning.
- 27 Ratification to Sir Thomas Hamiltoun of Byres Knight Secretary, of his infestment of Byres.
- 28 Ratification in favours of Master John Preston President of his pension of 1000. p.
- 29 Ratification in favours of Sir Richard Cockburne of Clerkingtoun Lord Privie Seal, of his infestment of Clerkingtoun.
- 30 Ratification to Sir William Oliphant of Newtoun Advocat to his Highnes, of the gift of the said office, and of his pension.
- 31 Ratification to Sir Gideon Murray of Elibank Knight, of his pension.
- 32 Ratification to Patrick Douglas of his infestment of the lands of Killspindie and Aberlady with the teinds of the same.
- 33 Ratification in favours of John Murray of his infestment of the lands of Dundrenan and Lochmaben.
- 34 Ratification to the Laird of Panmure of his infestment of the Lands of Panmure, and of the Band given by the Marques of Hamilton anent his teinds.
- 35 Ratification to Sir George Hay of his gift of the priviledge of making of Iron and Glasse-works, with reservation of Archibald Primrofe his particular gift of ane part of the same.
- 36 Ratification to Sir George Hay of his infestment of the lands of Kincapele.
- 37 Ratification to the Officers of the Cunye-house of their priviledges.
- 38 Ratification to Sir James Sempel of his infestment of the lands of Stuarton.
- 39 *Act making the town of Monimusk to be the head Burgh of that part of the Regalitie of the Baronies of Keig and Monimusk.*
- 40 Ratification to the Laird of Balmuto of his infestment of the lands of Balmuto, and patronage of the Kirk of Auchtertoule.

- 41 Ratification to the Laird of Dundas of the Patronage of the Kirk of Levingston.
- 42 Ratification to Master Thomas Hope of his infeftment of the Lands of Edmilston.
- 43 Ratification to Sir James Dundas of a Burial place in the Revestrie of the Kirk of Borthuik.
- 44 Ratification to Henry Wardlaw of the heritable Chamberleinrie of Dunfer.
- 44 Ratification to the Laird of Lie of his infeftment of the Baronie of Lie.
- 45 Ratification in favours of William Nisbet of his infeftment of the Deane, and pultrie-land.
- 46 Ratification to Alexander Moncreif of his infeftment of the lands of Fawside.
- 47 Act in favours of the heires of unquibile William Nisbet of Newtown-leyes against the executors of
- 48 the Laird of Restalrig.
- 49 Ratification in favours of the Laird of Spot, of his infeftment of Spot, ana Chamberlanrie of Dumbar.
- 50 Act anent the Kirk of Crcling, declaring the same to be ane Paroch Kirk.
- 51 General ratification of the Borrowes Liberties.
- 52 Ratification in favours of the town of Glasgow of their infeftment.
- 53 Ratification in favours of the town of Dumbartan of their infeftment.
- 54 Ratification in favours of the Burgh of Tayne of their infeftment.
- 55 Ratification in favours of Master Josua Durie of his pension.
- 56 Ratification to the Laird of Auldbar of his infeftment of the patronage of the Kirk of Roscobie.
- 57 Act anent the common Kirk of Caithnes.
- 58 The supplications of the Fewers of Selkirk and Sheriff of Roxburgh, referred to the Lords of Session to grant Commission conforme to the desire thereof.
- 59 Commission to the next Parliament anent prescription of heritable Rights, and als anent Procuratories and instruments of resignation.
- 60 Declaration of the Estates that six Commissioners for the Kings duties of Erections that are deceas'd, or shall happen to decease, shall be supplied by his Majesties nomination hereafter of other persons of that same rank and estate.
- 61 Recommendation from the Estates to his Majesty of unquibile Master Thomas Craige his Works.
- 62 Protestation made by the Earle of Angus.
- 63 Protestation made by the Marques of Hammilton to the contrare.
- 64 Protestation made by James Stewart for the Earle Marshal against the Constable.
- 65 Protestation made by the Earle of Wintoun for the Earle of Erroll Constable.
- 66 Protestation made by the Lord Torphichen anent the taxation and liberty thereof.
- 67 Protestation made by Sir James Dundas to the same effect.
- 68 Protestation made by the town of Rentkew against Glasgow and Dumbartan.
- 69 Protestation made by the Burgh of Innernes against the Burgh of Tayne.

F I N I S.

T H E X X I I.

P A R L I A M E N T

Of Our

Most High and Dread Sovereigne, JAMES By the grace of GOD, King of Scotland, England, France and Ireland; Defender of the Faith, &c. Halden be his Majestie at Edinburgh, the 28. day of June 1617. With advise of the Estates of this Realme.

A C T I.

Anent the Election of Arch-bishops and Bishops.



OUR SOVERAIGNE LORD, with advise and consent of the Estates of this present Parliament, for gude and solide Ordour to be keiped in all time to come, For election of Archbishops & Bishops: Statuts & Ordains, that all who shall be hereafter promoted to any Archbishoprik or Bishoprik within this Realme shall be elected and admitted according to the forme and maner under mentioned and no utherwise That is to say, when it shall fall any of the Seas to be made void; His Majesties pleasure is to grant licence to the Deante and Chapter of the Cathedral Kirk of the Sea, to convene themselves for electing of ane uther Archbishop or Bishop in place of the former incumbent. And the said licence being exped, ane Edict shall be affixed upon the most patent dure of the Cathedral Kirk, requiring and charging the Deane and Chapter of the said Kirk, to convene themselves for chusing of ane Bishop to the same, who shall be devote to GOD, and to his Highnes and Realme profitable and faithful. Who being conveyned the Deane of the said Chapter with so many of them as shall happen to bee assembled, shall proceed and chuse the person whome his Majesty pleased to nominat and recomend to their Election, Hee alwayes being ane actual Minister of the Kirk, and shall Elect none uther then ane actual Minister: to be so nominat and recomendit be his Majestie as said is. After the which Election testified under their Seals and subscriptions, His Majesties pleasure is to give his Royall assent thereto: And the same assent being granted under his Majesties great Seal, shall be to the person elected ane sufficient right for injoying the spiritualitie of the Benefice wherunto hee is elected during his life-tyme. Upon the which assent, and his Highnes mandat to be directed to ane competent number of Bishops within the Province where the Benefice lyes, The person elected shall be Consecrat and received in his function bee the rites and ordor accoutumed. And the said consecration being made his Majesties pleasure is to dispoine to the person elected the temporalitie of the said Benefice with all Priviledges, honours, and dignities, belonging thereto. And the same grant being past under his Majesties great Seal; Then shall the person admitted doe homage and sweare obedience to Our Sovereigne LORD, according to the forme prescribit. Neither shall it be lawfull to the person admitted to intromct with any of the fruites and rents of the said Benefice, until he have performed the said homage and given the Oath of allegiance and fidelitie to his Majestie or his Highnes Commissioners to be appoynted for that effect. And for the better observing of the said ordor in all tyme hercafter, OUR SOVERAIGNE LORD, and three Estates Inhibits and discharges the Lords of Counfel and Session to authorize be their Decreit and sentence the provision of any Bishop to be admitted hereafter, except that it be testified that he is received and entered according to the said ordor in all points.

A C T I I.

Anent the Restitution of Chapters.

OUR SOVERAIGNE LORD, with advise and consent of the Estates of this present Parliament, Considering how necessar it is that the Deane, and members of Chapter of everie Cathedral Kirk, be at all occasions readie to convene themselves for the election of Arch-Bishops and Bishops, to their severall Seas, and for expeding of particular rights made to the Leiges, whereunto their consent by the Lawes of the Realme is required, and that for supporting of the charges of their service and inabling them the better to attend at sick occasions, It is most needfull they be restored to their Manses, Gleibes, rents and livings belonging unto them of auld.

HAVE Statut and Ordained, that all the Deanes, and uthers members of the Chapters of the Cathedral Kirks within this Kingdome, shall be restored to their Manses, Gleibes, Rents, and uther patrimonie belonging to them.

And to that effect his Majestie with advise of the saids Estates, dissolves fra the Crowne and patrimonie thereof, the foresaids Manfes, Gleibes, Rents and Dueties fornerlie annexed: to the effect the same may hereafter be enjoyed and peaceable possessed be the Ministers that are, and hereafter shall be provyded thereto. Without prejudice alwayes of the fewes, tacks, pensions and uther rights lawfullie made of whatsoever Manfes, Gleibes, Lands and Teynds of any part of the saids Chapter Kirks to the parties having right to the same. And slyklye but prejudice to laick Patrons of their Patronages granted to them be the Kings Majestie with consent of the Titulars for the tyme albeit the same be not ratified in Parliament, which shall no wayes be prejudged be this present Act. And with expresse reservation of the Rights of the Priorie of Sanct-Andrewes, now erected in a Temporal Lordship in favours of *Ludovick Duke of Lennox* and his Heires, which shall remaine in the awne strength and integritie, notwithstanding of the Act of Restitution above-written, and any thing therein comprehended.

And als with reservation of the Houfe and place of *Hamilton*, Biggings and Orchards, Yeards, and whole pertinents of the same, in so far as the same or any part thereof perteyned of before to the Deanrie of *Glasgow*, which his Majesty and Estates reserves furth of this present Act, to his trustie Cousin *JAMES*, Marques of *Hamilton*, and his Succesours, to be halden of his Majesty and his Highnes Succesours, as their immediate superiours thereof for ever. And without prejudice to the Burgh of *Edinburgh*, of whatsoever rents, profits, tenements, annualrents, teind-sheaves, and other commodities given, granted and disposed to them for entertainment of their Hospitals, Colledge and Ministerie. And slyklye but prejudice of whatsoever teinds, few-mails or annualrents which perteyned of auld to the saids Chapters in common, or to any Prebendar in particular, disposed by his Majesty to any Colledge within the Universtie of Sanct-Andrewes, Masters or Burfers thereof, which his Majesty with advise of the Estates, declares shall not be prejudged by this present Act. And als according to the restrictions, exceptions and limitations conceived in favours of Fewars, Tack-men, and others havand right particularly set down and exprest in the second Act of his Majesties eighteenth Parliament, concerning the restitution of the Estate of Bishops. Which restrictions, exceptions and limitations, are halden as repeated and exprest in this present Act. And to the effect that all sick persons who are and have been Tenents and Vassals to Deanes and other Members of Cathedral Kirks may be in certaintie known and by whom they should be entred and received in the lands and others halden by them of the saids Deane and Members, or any of them.

Therefore it is Statute and ordained by Our Sovereigne LORD and Estates, That when any sick occasion shall offer of receiving or entring of Vassals, or of changing of Tenents who comes in the Vassals places, either by alienation of the Vassals, or comprying from him, or by any other lawfull manner, the direct superiour of whom the said Vassall immediatly held, shall be astricted and halden to do the same, and to enter all sick persons by himself (they doing their due tie to their superiours as apperteyns.) In the which case, OUR SOVERAIGNE LORD and Estates declares the consent of the Prelate, or remanent Members of his Chapter, no wayes to be necessar to the said entry or change of Tenents. And because the Priorie of Sanct-Andrewes is now erected in a Temporal Living and Lordship, the Prior whereof in former times was alwayes Deane of the Chapter of Sanct-Andrewes, and the Chanons thereof were the Members of the said Chapter which are now all abolished, and to the effect there be not wanting a Chapter to the said Kirk.

OUR SOVERAIGNE LORD, with advise foresaid, declares that the Ministers serving the cure at the Kirks under-written, present and to come, shall be esteemed the Chapter thereof. They are to say, The Prior of *Portmook*, who is principal of *S. Leonards* Colledge and Deane of the Chapter. The Arch-dean of *S. Andrewes*. The Vicar of *S. Andrewes*. The Vicar of *Leuchers*. The Vicar of *Cowper*. The Provost of *Kirkbill*. The Parson of *Dyfert*. The Vicar of *Forgond*. The Vicar of *Inshure*. The Vicar of *Kincard*. The Vicar of *Fowles*. The Vicar of *Eglisburgh*. The Vicar of *Rossie*. The Vicar of *Linlithgo*. The Vicar of *Seone*. The Vicar of *Fordun*. The Vicar of *Forgund* in Fyfe. The Deane of *Restalrig*. The Deane of *Dumbar*. The Vicar of *Kettill*. The Vicar of *Kennoway*. The Vicar of *Merknub*. The Vicar of *Falkland*, and the Vicar of *Abercrombie*; being all twenty foure persons, which persons shall have the administration, doing and performing of the affairs belonging to the said Bishoprick, and for the weale of the said Cathedral Kirk, which were done of before by the Prior and his Chanons. And concerning the election of the Arch-bishop of the said Sea, whensoever the same shall hereafter vaik.

OUR SOVERAIGNE LORD, with advise foresaid, declares, statutes and ordines the said Arch-bishop to be elected by eight Bishops of his Diocie. They are to say, The Bishop of *Dunkeld*. The Bishop of *Aberdeen*. The Bishop of *Brechin*. The Bishop of *Dumblain*. The Bishop of *Resf*. The Bishop of *Murray*. The Bishop of *Orkney*, and the Bishop of *Caithnes*. And by five Ministers serving the Cure of the Kirks under-written, to wit, The Principal of *S. Leonards* Colledge. The Arch-deane of *S. Andrewes*, The Vicar of *S. Andrewes*. The Vicar of *Leuchers*, and the Vicar of *Cowper*. Which Bishops and Ministers, or the most part of them, shall have power in all time to come, to elect the Arch-bishop when ever the Sea shall vaik, and shall remain hereafter the Chapter appointed by our Sovereigne LORD, and Estates, for the election foresaid. The Vicar general for convening of the which Electors, OUR SOVERAIGNE LORD & Estates declares to be now and in all time coming the Bishop of *Dunkeld*, who shall

shall happen be for the time. And slilike OUR SOVERAIGNE LORD, with advise of his Estates, declares, statutes and ordains, that the Archbishop of *Glasgow*, whensoever that Sea shall vaik, shall be elected by the three Bishops of his Diocce, to wit, the Bishop of *Galloway*, the Bishop of *Argyle*, the Bishop of the *Iles*, being for the time, and by his ordinar Chapter, or the most part of them, the Bishop of *Galloway* being alwayes Conveiner of the saids Electors to the said election. Which persons shall have power onely in the said election, seeing it is the expresse will and ordinance of his Majesty and Estates, that the auld and ordinar Chapter of *Glasgow*, and the other Chapter above-written, appointed for the Sea of *Sanct-Andrewes*, as said is, shall have the onely administration of these things, concerning the affairs tending to the weal of their Cathedral Kirks, and belonging therero, as the auld Chapter formerly had, and these others Chapters before mentioned, appointed allancly for election of the saids Arch-bishops, shall no wayes be derogatory to the others ordinary Chapters established for the handling of the affairs of their Seas in manner above-written.

ACT III.

Auent the Plantation of Kirks.

OUR SOVERAIGNE LORD, Considering that there be divers Kirks within this Kingdome norplanted with Ministers, where through Ignorance and Atheisme abounds amongst the People; and that many of those that are plantred, have no sufficient provision or maintenance appointed to them, whereby the Ministry are kepted in poverrie and contempt, and cannot fruitfully travel in their charges. Considering also that nothing is more properly belonging to his Princely care, than to see to the good estate of the Kirks within his Dominions, out of thar zeale which his Majesty beares to the promoting of the Kingdome of CHRIST.

AND for ane perfit remedie of those evils, with advice & consent of the Estates of Parliament, hes granted full power and commission to the Lord Chancellour for the time, and to the reverend Fathers in GOD John Arch-bishop of *Sanct-Andrewes*, James Arch-bishop of *Glasgow*, Alexander Bishop of *Dunkeld*, Alexander Bishop of *Aberdeine*, Alexander Bishop of *Murray*, Patrick Bishop of *Rosse*, Adam Bishop of *Dumblane*, and William Bishop of *Galloway*: Eight persons nominat for the Clergie and Prelats. And in case of the decease of any of them, To Andro Bishop of *Brechin*, George Bishop of *Orkney*, Andro Bishop of *Argyle*, and John Bishop of *Cairnes*: Which foure persons, his Majesty and Estates hes nominate to supply and become in the place of any of the other eight foresaid, if any shall happen to decease before this Commision be finished. To wit, the first of the foure in the place of the first of the eight deceasing, and so in order successively as they are named. And to John Earle of *Marr* Lord Thesaurer, James Marques of *Hamilton*, James Earle of *Aberverne*, William Earle of *Tullibardin*, Robert Earle of *Roxburgh*, John Viscount of *Lawderdale*, Thomas Lord of *Binning*, and David Lord of *Carnegie*, eight persons nominate for the Nobilitie. And in case of any of their deceases, To Alexander Lord *Elphinstoun*, nominate to become in the place of the first deceasing, Alexander Earle of *Eglinton* in the second, John Earle of *Perth* in the third, and John Lord of *Balmirnoch* in the fourth. And to the Commissioners under-written nominate for the Barons: To wit, William Douglas of *Drumlawrig*, Sir Walter Dundas of that ilk, Sir James Haliburton of *Pitcar*, Sir John Hamilton of *Lettrik*, Sir John Vaus of *Barbarroch*, Sir Andro Murray of *Batwaird*, Sir Alexander Gordon of *Cluny*, and to Sir George Auchinleck of *Balmanno*. And in case of any of their deceases, to Thomas Urquhart Sherriff of *Cromartie*, Sir Alexander Strachan of *Thornton*, Iofias Steward of *Boniton*, and Sir Robert Steward of *Schillinglaw*, persons nominate to become in order as they are named in places of any of the eight deceasing. And to James Arnot Burgesse of *Edinburgh*, Master Alexander Wedderburne Clerk of *Dundie*, Sir Thomas Menzies Provost of *Aberdein*, John Scherar Burgesse of *Sterling*, Andro Milne Burgesse of *Linlithgo*, John Osburne Burgesse of *Air*, John Mathefson Clerk of *Carel*, and Sir George Bruce of *Carnock* Knight, Burgesse of *Culras*, eight persons nominate for the Burrowes. And in case of any of their deceases, to Alexander Clerk Merchant Burgesse of *Edinburgh*, Master William Ferguson Burgesse of *Dundie*, George Nicolson Burgesse of *Aberdein*, and John Williamson Clerk of *Sterling*: Persons nominate to supply in order any of the other eight Commissioners foresaid deceasing. Which foresaid Commissioners, or any five of ilk Estate nominate, as said is, consenting and agreeing in ane voice, shall have power to conven, consult, and to determine upon the matters, and in manner under-written. Providing alwayes, that there is and shall be necessarily requisite to the validitie of any Act, conclusion, ordinance and determination of the saids Commissioners, the conjunct assent of five of every one of the saids foure Estates, all agreeing together in ane voice, without the power to make any valide or effectual conclusion by vertue of this present Commision, but whatsoever shall be otherwayes done, is declared to be of no availe, force nor effect. That is to say,

OUR SOVERAIGNE LORD & Estates of Parliament by the tenour hereof, gives, grants, & commits full power & authoritie to the saids Commissioners to meet and convene in the Town of *Edinburgh*, at sik time and times as they shall appoint and finde convenient, and there to call and summond before them, all Patrons, Tacksmen of teinds great and small, and all others having right by whatsoever title to the Feinds within this

this Kingdome, as they shall think necessar and expedient to exhibite and produce before them their rights and titles, whereby they claime the saids teinds to be seene and considered be the saids Commissioners, With power to them out of the saids teinds of every Parochin, to appoint and assigne at their discretions ane perpetual local stipend to the Ministers present and to come at all Kirks that shall be found by them either as yet not provided at all, with Ministers and stipends, or where the provision is lesse nor five hundredth marks of yearlie rent in money, or five Chalders victual (by manse and gleibe) or six proportion particularly of silver and victual, as will effeir and extend to five hundredth Marks or five Chalders victual yearly, & which is the least and the meanest stipend and provision determinate, appointed, and declared by his Majesty and Estates, to be given and assigned to any Minister for his local stipend in time coming, where the fruits of the Benefice will extend to that quantitie in maner under-written, and that notwithstanding of any right or title pretended by the said Tackf-men, or others in whose favours Teinds have been erected, With special power also to the saids Commissioners, to unite six Kirks, ane or moe as may conveniently be unite, Where the fruits of any one alone will not suffice to entertain ane Minister. In the which case of union of six Kirks, if it fall out that necessitie offer to unite Kirks belonging to the presentation of divers Patrons, the presentation of the Ministers shall be appointed by the saids Commissioners to pertain to the Patrons (*alternis vicibus*) to the which Commissioners his Majestie and the Estates does recommend and refer to consider and appoint farther six solide order as may be best taken, and stand with the least prejudice of any of the Patrons, and as they shall be found to have more or lesse intrest in the Kirks to be so united. It is always provided, that whereas there are divers Kirks whereof the fruits of any one will not extend to the quantity of five Chalders victual, nor five hundredth marks of silver in yearly commoditie, and that the rents and whole patrimonie thereof are nowayes answerable to that proportion, and so is not sufficient the alone for the full maintenance of ane Minister, and yet neverthelesse for distance of place, or other lawfull causes may be found incommodious to be united, whereby necessity will evince, that every Kirk in that estate, should be planted with their own particular Minister to serve thereat, whose provision behooves necessarily to consist of the fruits of the Benefice itself, how mean soever the same be.

THEFORE IT IS Declared that it shall be sufficient to the saids Commissioners in that case to assigne & appoint to the Minister to be planted at any six Kirks the whole fruits pertaining to the Patrimony thereof, by and attour his manse & gleibe. Which fruits are to be enjoyed by him and his successours thereafter, as their perpetual Local stipend and provision. And to the end the said Commission may take the better effect, and for ane solide order anent the provision of the saids Kirks, with their certaine definite stipend, and that it may be clearly known what shall be the proportion and quantitie of any stipend, which shall be hereafter appointed to every Minister, at any Kirk, either not provided at all, or not sufficiently provided, as said is.

OUR Sovereigne LORD and Estates Declares, that the least and meanest stipend which they have appointed to be hereafter provided by the saids Commissioners to any Minister shall not be under and within the quantitie of five chalders victuall, or five hundredth marks of money, or proportionally part of victual, and part thereof in money, according as the fruits and rents of the Kirk may yeeld and afford, and as the saids Commissioners shall think expedient, effeirand to the saids five chalders victual, or five hundredth marks money, by and attour their manse and gleibe, where the whole fruits of the Kirk will extend to the quantitie foresaid, and that the greatest and most stipend which the saids Commissioners shall have power to assigne for stipend to any Minister at any of the saids Kirks, either not planted or planted, and provided with stipends within and under the said five chalders victuall, or five hundredth marks of money, as said is, shall not exceed the quantitie of Ten chalders victuall, or ane Thousand marks of money, and proportionally part of money, and part of victuall, at the consideration of the saids Commissioners, as they shall finde by examination of the rents of the Kirk most conveniently may be payed by and attour their manse and gleibe. Swa the greatest shall be ane Thousand marks, or Ten chalders victuall with manse and gleibe, and the least five hundredth marks, or five chalders of victual, with manse and gleibe, except where the whole fruits of the Kirks will not extend to that quantitie, as said is. And finds and declares, that all Kirks which are planted with Ministers, whose stipends extends to five chalders victual, or five hundredth marks of silver or part of both' effeirand to the whole by their manse and gleib, (the same being made sure to them) are exprefly excepted out of this Commission, and no wayes comes under the compasse thereof, neither shall the saids Commissioners have any power by vertue hereof to meddle with any Kirks or stipends which are in that case, seeing the said Commission is not extended to the same. IT IS also provided, that where any Kirks are already sufficiently provided, albeit their provision does exceed the foresaid quantity of ten chalders victuall, or ane thousand marks of money, And als where the fruits of any Benefice are in the possession of the Minister, that the same shall be continued in the estate wherein it is at the present, and not to be medled with by vertue of the said Commission. And because reason and equity craves, that recompence should be made unto the Tackf-men and others persons whatsoever, who shall be by the sentence of the saids Commissioners hurt and prejudged of their present profit, which they may lawfully bruike by vertue of their titles and rights, established in their persons, and upon whom by vertue of the said sentence, any burden of the sustentation and provision of the saids Kirks and Ministers is to be imposed.

Therefore OUR said Sovereigne LORD and Estates of Parliament gives full power and commission to the saids Commissioners, so to proceed in the determining of the saids recompences, That is case the Lord

or any other having right to erected Prelacies, who shall be cited before them, refuse to take the burden of plantation of any Kirks belonging to the saids erected Prelacies, which are nor planted, or to help sik other Kirks of the same, as are nor well and sufficiently provided, according to the tennour of the foresaid Commission, and that upon their refusal (the said refusal being first found reasonable by the saids Commissioners) the burden of the said plantation, or farther provision, shall be laid and imposed by the saids Commissioners, in whole, or in part, either upon the principal Tacksmen of any of the fruits of the saids Kirks. Or in case if the Tacksmen refuse, the burden be imposed upon the Sub-tacksmen thereof, the saids Commissioners shall have power to decree, appoint, and ordein sik particular recompence to be given to the saids Tacksmen, or Sub-tacksmen, by renewing of their tacks or sub-tacks, after the expiring thereof, upon sik conditions as the saids Commissioners shall finde reasonable, respect being had to the qualitie and proportion of the burden to be imposed upon them within the time of their taks and rights, farther then they are astricted by their saids rights, or by appointing sik other reasonable satisfaction as they shall finde the said burden and distresse undergone by any of them, shall deserve and require.

Lykeas the saids Commissioners shall have siklike powcr to determine, decree and appoint sik particular satisfaction and recompence to be given either to laick Patrons, or to the Tacksmen of the fruits of the Kirks belonging to the like Patronages and Sub-tacksmen thereof, as they shall think may be answerable to the burdens to be imposed upon either of them for the cause above-written proportionally. In the prescriving of the which recompence, the saids Commissioners shall have special respect, what consideration they finde reasonable to be given to the saids Patrons for their consents to the tacks, if any shall be appointed and decreed to be set and given to the saids tacksmen for recompence foresaid. And if any beneficed person upon just and reasonable causes, refuses to provide any Kirk belonging to their Benefice, according to the order hereby prescrived, whereby the burden of plantation, or farther provision of the Kirk, must necessarily lye upon the Tacksmen or Sub-tacksmen of the fruits thereof. The saids Commissioners in that case also shall decree sik recompence to be given to the saids Tacksmen and Sub-tacksmen for their losse and prejudice sustained, as the saids Commissioners shall finde the same shall merit, by renewing of taks to them upon sik conditions as may requite their losse, or by finding out some other reasonable meane which may repair the same. And OUR said Sovereigne LORD, with advice and consent of the saids Estates, Declares, Statutes and Ordeins, That all tacks which shall be decreed by the saids Commissioners to be given in recompence to any person whatsoever for the causes above-written, and which shall be set for obedience, and conforme to the said decret and sentence; whatsoever yeares, or long space the saids tacks shall comprehend, shall be good, lawful, and sufficient securities to the persons in whose favours the same are appointed to be given and conceived, neither shall the same be any wayes prejudged by the Act made in this present Parliament, by the which it is statute that no Archbishop, Bishop, or Prelate should set in tack any part of their patrimonie for longer space nor nineteen yeares, and that no inferiour Beneficed person shall set in tack any part of their Benefice for longer space nor their awne life-times, and five yeares thereafter, as the said Statute propors, fra the which Statute, the saids tacks so appointed to be set and given in recompence, are and shall be excepted and reserved, and shall no wayes come under the compasse of the said Act and Statute, nor any thing therein contained, but the same shall remaine and abide valide and sufficient rights for the whole space and yeares appointed therein according to the tenour thereof notwithstanding of the said Act and Statute.

AND because it may fall furth that in the recompens to be appointed by the Commissioners to the Patrons, Tacksmen, & Sub-tacksmen for the foresaid burding to be imposed upon them, moe yeares may be assigned for prorogation of their present tacks nor may lawfullie or conveniently be set be the present beneficed persons to whom be Law the setting of tacks of Teinds belongs. FOR remeid thereof OUR Sovereigne LORD with advise & consent of the saids Estates Declares, Statuts and Ordeins, That it shall be lawful to the Commissioners foresaid to appoint als many yeares after the expyryng of the present tacks to the tacksmen of the saids Kirks and Teinds or to the Patrons or sub-tacksmen *respective* for bruiking of the saids teinds for recompence of the said burding as they shall think reasonable, which shall be als good, valid and sufficient rights to the saids Patrons tacksmen & sub-tacksmen *respective*, and to their heirs and assignayes, for bruiking and possessing and disposing upon the saids teinds during the saids yeares of prorogation, as if good, lawful and valide tacks and rights of the saids teinds had been set and made to them be the Titulars of the benefices to whom the same belonged, with consent of all parties having entresse. With expresse provision and declaratione that at the expyryng of all the saids yeares, the right of the saids teinds and power to set tacks thereof, shall returne and appertain to the saids Titulars of the foresaid Benefices, as they did before the making of this present Act.

And OUR said Sovereigne LORD, with advice of the saids Estates, Declares and ordeins this Commission to last and endure to the feast and tearme of Lambes, in the year of God one thousand six hundred and eighteen yeares. After the which time the same shall cease and expire. And Ordeins the decret and sentence of the saids Commissioners in all the particulars foresaid, and every one of them, to have the strength, force and authorite of a decret sentence, and Act of Parliament. For obedience whereof the Lords of Session shall direct and grant Letters in forme as effectirs, and according as shall be necessar, Which Commission above-written, taking force and full effect in all the saids particulars therein contained, as the same are set down and comprehended therein, by pronounciation of decret and sentence upon the same, conforme to the power therein comprehended, given to the saids Commissioners.

OUR SOVERAIGNE LORD with the expresse consent and assent of the Estates in that case, Findes and declares, that no person in whose favours the teinds of Kirks and Benefices are erected, nor no other whatsover bruiking teinds; by vertue of Rights lawfully made to them of the same, according to the Lawes of this Realme then standing, shall be ever farther altered or quarrelled in any of their saids Rights, in any time to come, farther then shall be appointed by the said decret and sentence to follow upon this present Commission; but the saids rights and securities in-case foresaid, shall remain in the awne strength, force and effect, as good, lawful, and sufficient rights and securities to them and every anc of them for their awne parts, for bruiking and enjoying the saids teinds, conforme to the tennour of the saids rights, for now and ever.

ACT IV.

Auent the setting of Tacks by Prelats, and other beneficed persons.

OUR SOVERAIGNE LORD with advice and consent of the Estates of Parliament, Statutes and Ordeins, That no Archbilhop, Bilhop, or other Prelat within this Realm, shall hereafter set in tack and assedation any part of their Parrimonie, for longer space then nineteen years. And that no inferior beneficed person, shall set in tack any part of their Benefices, for longer space then their own life-times, and five years after their deceafe, under the pain of deprivation of the persons contraveiners from their offices and benefices, and to be repute from that time forth, infamous and incapable of any publick function in the Kirk. And for the better discovering of the tacks that shall be set by inferior beneficed persons, for longer space then is above-written.

IT IS Ordeined, that all the tacks that shall hereafter be set by any of them, for longer space then is before mentioned, shall be Registrat in anc Book, which the Clerk of Register shall keep for that effect, within the space of fourtie dayes after the setting of the same tack, otherwise the said tack so set for longer space, shall be null and of no effect to the tackmen thereof, by way of exception or reply, without any other action, proceffe, or declaratour of Law.

IT IS alwayes declared, that this Statute shall no wayes be extended to any tacks or sub-tacks, or conditions for setting of tacks or sub-tacks for longer space nor is above-written, Whereas the same depends and are made or appointed to be made, conforme to the Commission granted by OUR Sovereigne LORD, with advice of the Estates of Parliament for plantation of Kirks, in manner as is specially set down in the said Commission.

ACT V.

Addition to the Act auent dilapidation of Benefices.

OUR SOVERAIGNE LORD with advice and consent of the Estates of Parliament, Ratifies and approves the Act of his Highnes Parliament halden at Perth the ninth day of July, the year of God 1606. *Auent the dilapidation of the rents of Prelacies, With this addition*, Whereby his Highnes and Estates foresaid, Findes, decemes and declares all tacks or assedations to be made of any Quotes of Testaments, or any other casualtie pertaining to the saids Prelats in time coming, to be null, and of no avail, force, nor effect, and that it shall not be lawful to any Prelate within this Kingdome hereafter to dispoone, alienate or set any of his casualties, in whole or part, longer nor during his awne life-time allanetly, but prejudice of the tacks, if any be set before this Act, as accords of the Law, to the whilks thir presents shall no wayes be extended.

ACT VI.

Auent furnishing of necessars for ministratoun of the Sacraments.

OUR SOVERAIGNE LORD with advice and consent of the Estates of Parliament, Ordeines that all the Paroch Kirks within this Kingdome be provided of Basins and Lavoirs for the ministratoun of the Sacrament of Baptisme; and of Cups, Tables, and Table-Cloathes, for the ministratoun of the holy Communion; which shall be received to that use by the Minister of the Parochin, in sik convenient place as he shall finde meet, for which he and his heires and executors shall be answerable to the Parochin, in-case the same be lost, or otherwayes used to any profane use. And ordeins the expences thereof, to be made by the Parochiners, and the Ministers of every Kirk to do their diligence for providing the same, by causing the Parochiners stent and taxe themselves to the effect foresaid, betwixt and the first of Februar next, under the pain of losing ane years stipend. And for putting the said Act in execution, Ordeins the Lords of his Majesties Council and Session, to give forth their Letters for charging the Parochiners to convene and taxe themselves to the said effect, and make payment of the money wherein they shall be stented, as the same shall be required.

ACT VII.

Anent unlaues of absents from Parliament.

OUR SOVERAIGNE LORD, and Estates of this present Parliament, hes ratified and approved, and by the tennour hereof Ratifies and approves the thirte fourth Act of his Highnes eleventh Parliament, 1587. Intitular (the unlaue of absents from Parliament) in the whole heads and clauses thereof, after the forme and rennou of the same in all points; with this addition, that the unlaue of the Commissioners of Barons through their absence from Parliament, shall be ane hundreth pounds money. And declares that no excuse shall be received nor admitted hereafter for absence from Parliament, except their Licence be granted by his Highnes under his note and super-scription, if his Majesty be present within the Realme for the time. And in his Highnes absence, by his High Commissioner of Parliament: and in case of the said Commissioners absence, their Licence to be granted and subscribed by the Lord Chancellor, and Lords of Secret Council, to be produced judicially the first day of the fensing of ilk Parliament, to the Clerk of Register and his Deputes. And farther declares, that in time coming it shall be lawful to whatsoever Duke, Marques, Earle, Vicount, Lord, or Prelat within this Realme, being absent from the Parliament, and lawfully excused, as said is, to send ane sufficient power subscribed with their hands to any one of that estate, having place and vote in Parliament, who shall be admitted to reason and vote in Parliament, and whole dyets thereof, for that person absent, siklike and als freely in all respects as if he had been present himself. And ordeins the said former act with this present, act at ilk Parliament, to be execut with all diligence. And the penalties therein mentioned to be up-litened to Our Sovereigne Lords use, by his Highnes Thesaurer.

ACT VIII.

Anent the Justices for keeping of the Kings Majesties Peace, and their Constables.



OUR SOVERAIGNE LORD, with advice and consent of the Estates of Parliament, having considered the Articles and Instructions given of before by his Majesty to the Justices and Commissioners, appointed for keeping of his Majesties Peace, and to their Constables which were presented to his Highnes, and unto the saids Estates, by the saids Justices, and desired to be authorized by decret and sentence of Parliament: Hes ratified and confirmed the same in manner as they are particularly here set down and expressed in every point and article thereof, of the which the tennours follows. That is to say.

The Commissioners and Justices of Peace at their first admitting upon the Bench, shall give the Oath following:

YOU shall swear, that you as one of the Commissioners and Justice of Peace within the Shire of Es. according to your knowledge, wit and power, shall do equal right both to rich and poor, conform to the Lawes and Customes of the Land and Statutes thereof: And that you shall not be of Counsel with any person in any quarrel or matter depending before you, and that you shall every quarter keep the Sessions, or oftner as you shall be required, not having any just impediment to the contrary: and shall faithfully and truly discharge your duetie, as ane Justice of his Majesties Peace, and shall leave nothing undone, that may tend to the preservation of the same. So help you God.

II

ANY one Justice shall have power upon complaint of any person, being threatned, and fearing to be wronged, to binde the party complained upon, under such a pecunial sum, to keep the Peace, as he shall think fitting. As also to commit him, until suretie be found by him, the said complainer alwayes giving his Oath before the Justice, that he hath just cause to dread his harm. And albeit no person complain, yet if the Justice be credibly informed, of appearance of trouble betwixt any parties, he shall binde them to the Peace in manner aforesaid: except the parties declare upon their consciences, that neither of them doth beare any grudge to other. And all such bands shall be kept in record by him, and he shall make deliverie of the same to the Clerk of the Peace, at the next Session, to be kept and registered by him.

III

IF any person, being charged to make his appearance before a Justice of Peace, shall refuse or delay without cause: if the partie be a landed Gentleman, whose rents exceed ten chalders of victual, or a thousand marks of silver; then the Justice (whose command is contemned) shall informe the same to some of the Lords of His Majesties privie Council: to the effect the party of the quality foresaid may be called and fined for his disobedience. And if the disobeyer be of a meaner degree, the Justice shall hereby have

have power to command the next constable: or absence of a constable, his owne servant, or any other person, having a warrant in writ, subscribed by the saids Justice of Peace, with assistance of the countrey, to bring any such partie before him.

IV.

IF either the Sheriff or Bailie shall condemne any person in a bloodwyte, or otherwise convict him in any paine proper for him to impose, the Justice shall have no power of new to fine that offender for that offence: but if they shall finde him not condignly punished in regard of the offense committed by him, they shall then inform his Majesties Counsel thereof, that they may take order therewith. And if there be no satisfaction made by the Sheriff or Bailie to the partie offended, the Justices may modify reasonable satisfaction to the party offended, hee pursuing therefore before them: and if they shall finde the satisfaction discerned by the Sheriff or Bailie in favours of the said partie offended, not condigne nor answerable to the offence, and wrong sustained, then they shall also informe his Majesties Counsel thereof, that they may take order therewith as appertaineth.

V.

IF either Sheriff or Bailie, or other Deputies by collusion with the delinquent, shall suffer any person guilty to be quitted or cleared by an Assise (the partie once cleared, is not to be brought further in question before the Justices) but upon their information, the Judges are to bee called, censured, and severely punished by his Majesties Counsel.

VI.

THE saids Justices shall hereby have power to proceed upon all persons, committing ryots, and breaking the Kings Peace, under the degree of Noblemen, Prelates, Counsellors, and Senators of the Colledge of Justice: and to punish and fine according to the quality of the crime, and the estate of the offender. And if any of the saids persons being charged to compare before the saids Justices, shall disobey the summonds being indorsed, the lawful citation verified and fact proven, the Justices shall punish and fine the not comparing, according to the quality of the crime, and the estate of the offender. And for the more clear determination of the order which shall be kept by the saids Commissioners in the deducing of any such proccesse. Our Sovereigne Lord, with advise of the Estates declareth, That it shall be lawful to the saids Justices whensoever they have any occasion to move any action against parties for committing any like fact or riot, to refer the first summonds to the parties Oaths of verity (in case of inlake of other lawful probation) who being personally summoned by that first citation, shall be holden as confest, and decreit to be pronounced against him, conform to the libell and summonds. And if he be not personally summoned by the first citation, the saids Commissioners shall be holden to cause summond him of new againe, by a second summonds, at his dwelling place: which two citations shall be als sufficient to infer decreit, and sentence upon the libell against him, as if hee were apprehended perforally. And which sentence given after the manner and forme of probation above-written; His Majestie with advise foresaid, authorizes and sustaines as good and lawful in themselves. And concerning these persons of higher degree, the saids Commissioners shall use all their power for preventing and staying of the ryots, commanding the attempters in his Majesties name to cease, and to finde caution for keeping of the peace, and for their comparance before his Majesties Counsel. And if any person, being charged to finde caution, and refuseth or delayeth to do the same, and in the mean time contraveneth the said charge, by committing of some deed bewixt the time of the charge and finding of the caution: neverthelesse he shall be answerable for the paine from the date of the charge, like as if caution had been then found.

VII.

THE saids Commissioners shall put his Majesties Acts of Parliament to due and full execution against wilful Beggars and Vagabounds, Solitarie and idle Men and Women, without calling or trade, lurking in Ale-houses, tyed to no certain service, repute and holden as vagabonds: and against these persons who are commonly called Egyptians: and they shall punish and fyne their receptors, and letters of houes to them accordingly, by such competent paines as is proper to them to injoynce.

VIII.

THE saids Commissioners and Justices of Peace, are hereby authorized, with power to give order (as they shall think most convenient, and with least grief to the subjects) for mending of all High-ways and passages, to or from any Marker towne or Sea-port within that Shire: and shall call before them all such persons as shall strait these passages or otherwayes (as by casting of Ditches and fuses thorow the same) shall make these High-ways nayfome and troublesome unto passengers, and shall punish and fyne them according to the qualitie of their offense. And to the effect it may be known of what breadth all common High-ways should be to Marker townes, Our Sovereigne Lord, with advise foresaid, declares, that the same should be of twentie foot of measure in breadth at the least: and where any are of larger breadth, they ordaine the same so to remain unaltered or straited: and that the saids Justices maintaine the same, with all other wayes from any town in the Paroch, to the Paroch Churches, in the estate as they are: and where they finde any necessitie of other wayes from any town in the Paroch in to Paroch Churches, they shall informe his Majesties Secret Councel thereof, who shall give them (after sufficient informa-

tion) their direction thereunto: according whereunto they shall be holden to proceed. And if any person refuse to concur for mending of high-ways and passages, the said Justices shall have power to censure and punish them according to their discretion: with provision alwayes, that if in their proceedings therein, they use such severity or rigour, as may move just complaints against them; they shall be censured therefore by his Majesties Secret Council, as appertaineth.

IX.

THe saids Commissioners shall put his Majesties Acts of Parliament to Execution, against cutters and destroyers of Planting, Green-wood, Orchards, Yeards, Haynings, breakers of Dove-houses and Coningers, Stealers of Bees and Bee-hives, users of unlawful games with lying dogs, slayers of red and black fish and smolts in forbidden time, Fowlers fowling in other mens lands, makers of moore-burne and mosse-burne, setters of craves or nets in waters and dammes, having and keeping of craves and yares in forbidden time: and shall proceed against them accordingly: And for their better warrant to proceed in the premises, IT is his Highnes pleasure, that commission shall be granted to the saids Justices of Peace, to try and punish the violaters of the saids Acts, in the tryal whereof they shall proceed by witnesses, by Oath of partie, and the punishment to be inflicted by them, shall be a pecunial summe, answerable to the circumstance of the offense, and the qualitie of the offender: with special provision, that their censures and punishment shall extend against none but those against whom by the priviledge of their instructions they may lawfully proceed, and also with provision that the said commissions be not extended to any persons who shall be arrested and conveyed for the saids crimes before any other ordinary Judges. It is also provided, that the ordinance and power contained in this Article, shall no wayes be prejudicial to any other commissions or rights whatsoever, granted to others parties, whereby they have power to proceed and censure the crimes and offenses above-written.

X.

ITEM, they shall informe the Kings Majesties Council, and his Highnesse Thesaurer or Advocate, at the least once every yeare, of fore-stallers or regraters of Markets, that order may be taken with them conforme to the Acts of Parliament.

XI.

IT shall not be licenced to any Hostler to receit any master-lesse men and Rebels at the Horne, any vagabounds, or other persons guilty of knowne crimes, or using stouth and reafe, under the paines underwritten, To wit, forty shillings to be incurred by them for the first fault, foure pounds for the second, and ten marks for the third, together with the lossing of the libertie of Brewing, the incurrers of the which pains, shall be punished according to the order aforesaid, by the Barons and Masters of the ground whereupon the Hostler dwelleth, within the space of fifteen dayes after the committing of the fact. And if the saids Barons and Heretours neglect to do the same within the said space, it shall be lawful to the saids Justices to pursue and fyne the Delinquents in their Courts, according to the paines foresaid, and to uplift the same from them: without prejudice alwayes of whatsoever others Acts made against the said Hostlers in the Barons Court-bookes under whom they dwell, bearing any higher pain than as is set down in this above-written Act; and also without prejudice of all action criminal or civil, competent of the Law, against the said Hostlers, in case they be under the danger thereof, which shall not be taken away by any punishment set downe, and to be inflicted, conforme to this Act.

XII.

ITEM, They shall informe the Kings Thesaurer and Advocate, of breakers and contraveiners of the Acts of Parliament made against Malt-makers, that the transgressours and eontaveiners thereof may be punished, conforme to the tennour of the saids Acts.

XIII.

They shall set down order in the Country for governance in time of Plague, and shall punish severely the disobeyers of the order appointed by them, according to the quality of the delict.

XIV.

They shall appoint at their Quarter-Sessions, to be kept in August and February, the ordinarie hyre and wages of Labourers, Workmen and Servants, and who shall refuse to serve upon the price set down by them, shall be imprisoned, and further punished at their discretion. And to the effect, that servants may be the more willing to obey the ordinances to be made by the saids Justices and the saids fees, the saids Justices shall have power to discern, and compel the Masters to make payment of the fees appointed by their ordinance, in case the Servants please rather to pursue for the same before them than any other Judge.

XV.

THE saids Commissioners shall take notice in all Scherrifdomes where there are any Geaillies and Prison-houses within any Burgh, that the same may be kept up, and not suffered to decay or become ruinous.

And

And if there be any Shire where there is not any Gaile or Prison-houfe, they fhall inform his Majesties Council thereof, that they may appoint and give order for building of one within the head Burgh of the Shire, and according to the directions to be given there-ament, the Justice fhall be holden to proceed.

XVI.

AND because there be a great many of Prisoners apprehended and committed, who having no meanes of their owne for their maintenance and entertainment, will otherwise famish and sterve before they can come to their tryal: who not the lesse in regard of the crimes they have committed, can no wayes be put under surety, or otherwise in faults of lesse consequence, are unable to finde sufficient caution to be made forth-coming and answerable at the next Session. Therefore it shall be lawful to the saids Commiffioners, and Justices at their Quarter-Session, to rate every Parochin for a weekly proportion for the entertainment of those poor Prisoners, providing they do not exceed the summe of five shillings Scots money, at the most, nor under one shilling at the least: which summe shall be up-listed for that use by the Minister or Reader, who shall serve at every Paroch, from such Deacons who shall be appointed to collect the same: and the saids summs to be delivered by the Constable of the Paroch, at the Quarter-Sessions, in presence of the whole Bench then convened, to such persons as the saids Justices shall trust therewith, and who accordingly shall make due account in paying the Gaillers such rates as shall be allowed for the poor Prisoners, and making the rest forth-coming for such use and intent of the like nature, as the saids Justices shall appoint.

XVII.

ALL Magistrats of Burghs, and keepers of any Gailes or Prisons, shall receive into their Prisons all such persons as either shall be brought by Constables, or sent unto them by warrants, under the hand of any one Justice of Peace (the saids Justices causing satisfe for their entertainment) and if any Magistrats, or their Gaillers, suffer any persons, committed by the Justices to their prisons, to escape, they shall be condegnely punished therefore, at the discretion of his Majesties Council.

XVIII.

ITEM, Our Sovereigne Lord with advice foresaid, ordains the saids Commissioners to set a price upon Crafts-mens work, and upon the ordinars of Penny Brydals, together with the price of Shearers fees, and to punish the contraveeners as appertaineth.

XIX.

They shall cause sufficient single and double Ale to be brewed in every Shire, and shall appoint visitors to that effect, with consent of the Baron and Over-Lord of the Ground. They shall set down Acts against notorious and common Drunkards, and impose summes upon the contraveeners, according to their qualitics and deserts.

XX.

OUR Sovereigne Lord, with advice aforesaid, declareth that three Justices of Peace shall be a full number and Session to decide in matters occurring betwixt the four Quarter-Sessions.

XXI.

Also declares, that no Letters of Caption ought to be granted against the saids Justices for apprehending of Rebels, except they be found subject to do the same by possessing of such other Offices and places, to the which the obedience and putting to execution of any such charges doth belong.

XXII.

AND because there is sensible prejudice seen and felt through many parts of the Kingdome, by reason of the diversitie of Measures and Weights used in the same, Therefore OUR SOVERAIGNE LORD, with advice foresaid, for removing of all abuses, which may ensue in any time to come thereby, hath found expedient, and by this Decreet and Statute of Parliament, decernes, statutes, and ordaines, That there shall be but one just Measure and Weight through all the parts of the Kingdome, which shall universally serve all his Highnes Lieges, by the which they shall sell and buy, and receive and give out in all times to come: which Measure his Majesty, with advice foresaid, findes, should be that Measure of *Linthgow*, which is now commonly used, and which hath been used most customably thorow the greatest part of the Kingdom these fiftie or threecore yeeres bypast. And for setting of a perfect order, whereby all the Measures that are now used may be reduced to the conformitie of the said Measure now authorized, And the Measures for making of proportion answerable betwixt the lesser measure and weights, and the greater, His Majesty, with advice foresaid, hath granted full power and commision to Sir James Weymes of Bogie Knight, Sir George Anchinleke of Bahmanno Knight, Sir James Fowles of Colington Knight, Sir Robert Stewart of George Schilmlaw, Sir John Waus of Barnbarro Knight, Sir William Greirson of Lag Knight, and to James Nisbet Baillie and Burges of Edinburgh, Master Alexander Wedderburn Clerk of Duudie, Sir Thomas Men-

zeis Provost of *Aberdeen*, *James Hamilton* Provost of *Glasgow*, *John Oxburn* Burges of *Air*, and *Sir George Bruce* of *Carnok*, Burges of *Cuhros*.

Whom, or any eight of them, his Majesty, with advise foresaid, ordaines to meet and convene together, at such time and place as they shall think expedient, and to consult and advise together, and to appoint and determine upon the most convenient means, how the saids measures and weights may be reduced to the conformity aforesaid. And after they have ripely advised therewith, and given forth their determination thereanent, they shall deliver the same, and whole course of their proceedings, to the Commissioners and Justices of Peace, and to the Deanes of Guyld of the head Burghs of the Shires, who shall be holden carefully to do their diligence, to see the measure foresaid now appointed, to have the course through all partes, as well Burgh as Landward. And that there may be one constant conformity betwixt Burgh and Land; O U R Sovereigne L O R D, with advise foresaid, Ordaines the saids Justices of Peace in Landward, to take tryall of the measures and weights used in Burgh, and to take N O T E from the Magistrates and Deanes of Guyld of every Town, of the weights and measures, and of the number thereof, which the saids Magistrates and Deanes of Guyld in Burgh, shall be holden to shew, declare, and give up to them, to the effect the saids Justices to Landward, may confer the same with the Standard now authorized, and where they finde any difconformity in the same, from the said Standard, the saids Justices shall inform the Kings Majesties Counsel thereof, that they may take order therewith as appertaineth. For it is expressly provided by these presents, that the saids Magistrates in Burgh shall not be permitted to have or use any moe measures within their Townes, than the number to be professed by them, and given up in N O T E, to the saids Justices to Landward, as said is. This alwayes being respected, that if the saids Magistrates within Burgh finde any necessity for having any moe measures then was given up, and used by them before, I T shall be licensed to them to make moe measures, they being answerable and conform to the Standard, and making the saids Justices to Landward foreseen and acquainted therewith, and declaring the number of the measures whereof they finde the necessity of use.

T H E saids Justices shall be holden to give command and direction to their Constables, to apprehend any such person who shall be found contemptuously to have disobeyed the censures of the Church, they being lawfully required to doe the same.

XXIII.

T H E saids Justices of Peace, als well to Burgh as Land, shall convene and be present at the Quarter-Sessions of the Shire, where the Burgh and Land lyes, give their Oath to the Bench at their admission, make their record, and make payment of the fines inromitted with by them as Justices of Peace of that Shire, and to their Collector.

XXIV.

T H E Y shall appoint a sufficient Collector for uplifting the fines and penalties which they have power to impose upon any offender, and are to take caution of him for making due account.

XXV.

T H E Y shall have induring the time of Sessions, for every day of their abode (so it do not exceed the number of three dayes at the most at one time) allowed to every one of them forty shillings Scots money, daily to be payed and uplifted by the Collector of the fines, but neither Earle, Lord, Bilhop, Privy-counsellour, or Sessioner, shall have any allowance: and all such Justices as have the benefit of that allowance, and shall be absent from every ordinary Quarter-Sessions, or otherways when he is required lawfully by the *Custos Rotulorum*, to any particular meeting, shall incur the penaltie of forty pounds, Scots money, not being lawfully excused, and the excuse allowed by the rest of the Justices there assembled.

XXVI.

T H E Lords of Session shall direct general and summaire charges of horning and pointing at the instance of the Collector (appointed in every Country for ingathering of all fines and penalties whatsoever incurred) upon a simple charge of fiftene dayes, and no suspension shall be granted, but upon consignation of the summes contained in the sentence, and by finding caution for payment of the charges of the Justices at the modification of the Lords.

XXVII.

T H E saids Commissioners at the end of every Quarter-Session, shall send to his Majesties Council a Catalogue of all such persons as they have either committed, or otherwise put under surty, with a short abbreviate of the cause thereof: to the effect, that thereupon the Counsel, as they shall think expedient, may return to them against their next Sessions, or to the *Custos Rotulorum*, in the meane while their further directions.

ANENT CONSTABLES.

I.

OUR SOVERAIGNE LORD, with the advise of his Estates, findes and declares, that the Constables are to be made choise of, by the Commissioners and Justices of Peace in their Quarter-Sessions throughout the whole Countrey, two at least in every Parochin, or moc, according to their discretions, having consideration of the quantity thereof. In great townes likewise (not being Cities nor free Burghs) they are to appoint a number of Constables proportionally to the greatnesse thereof: but in all Burghs Regal, and free Cities, the Constables are to be chosen by the Magistrates of the same, and they are to indure, and to be changed from six to six Moneths.

II.

AND who shall refuse to accept the charge, and not to give his Oath for dutifull execution thereof, shall be imprisoned and fined at the discretion of the Justice of Peace, at their next sitting.

III.

The Constables shall take the Oath following.

YOU shall sweare that you shall faithfully and truly discharge your office of Constabulary within the Parochin of *So.* induring the time appointed to you, and shall not for favour, respect, or fear of any man, forbear to doe what becommeth you of your office, and above all things you shall regard the keeping and preserving of the Kings Majesties Peace, and shall at every Quarter-Sessions and meetings of Justices, give true and due information of any breach, which has been made of his Majesties Peace, within the bounds of your commandement, and shall no way bide, cover, nor conceal the same, nor any of the proofs and evidences which you can give for the clearing and proving thereof, So help you God.

IV.

A Constable may apprehend any suspect man, who for the most part sleepeth all the day, and walketh in the night, and carry him to the next Justice of Peace, to finde surety for his good behaviour, or otherwise to be committed to prison: and if he bee a man of quality, the Justice of Peace shall go with the Constable, and do it.

Constables shall stay and arrest all Vagabounds, Sturdy-beggars, and Egyptians, and carry them before the next Commissioners of Peace, who shall take order for their committing, or punishment, according to the Statute of Parliament.

V.

Constables shall arrest all idle persons, whom they know to have no meanes to live upon, and will not take themselves to any labour, trade, or occupation, and shall carry them before the Commissioner of Peace, who after examination, shall either commit them, or take surety of them for their appearance at the next Sessions.

VI.

ANY Constable having apprehended a person guilty and culpable of slaughter, murther, theft, or any other capital crime whatsoever, shall then require his neighbours to assist, for safe conveying of such persons to the next Commissioner, who shall then examine the party, and set down his deposition in writing, to be shown at the next Sessions, and thereafter shall send him back to prison. And if a Nobleman, Prelate, or small Baron, or any in their names, having power, shall claime the right of Jurisdiction to proceed against the delinquent, The said Justice shall receive surety of the said party, who required the defender to be delivered to him, that Justice shall be duely ministred, and cause delivery of the said person, be made to him. Always the said Commissioner of Peace, at the next Sessions, shall certifie the whole matter to the Bench: to the effect they may enquire whether Justice hath accordingly been ministred: and if any fault be found, to advertise his Majesties Council, that order may be taken therewith.

VII.

ANY of his Majesties Subjects of the degree of Yeomen, who shall refuse or delay to concurre with the Constable in the executing of his office, shall be imprisoned and punished by the Commissioners and Justices: and if he be of an higher degree and quality, the Constable shall inform the Justice thereof, that they may make the Lords of Privy Council acquaint, whom the Estates ordaines to censure the offender according to the quality of the fault.

VIII.

A Constable shall arrest any person of the degree of a Yeman, who shall be found wearing Hagburs, Pistolets, and Dagges, and shall carry them before a Commissioner of Peace, who is either to take surety for their appearance the next Session, or commit them prisoners till they do the same: but if the person be

of higher quality, the Constable shall informe the Justice thereof, who shall delate the fame to his Majesties Counsell, that order may be taken therewith.

IX.

IF any party of the degree of Yeomen, do complain to a Constable, that he is threatned by any other, then shall the Constable apprehende the threarter, and carry him, with the party complainant, before the next commissioner of peace: and if he refuse to go, then shall they carry him to prison. And if he be of an higher degree, the Justice being informed thereof, shall informe the Counsell, and in the mean time, charge the party to bind to the peace.

X.

ALL The Constables, at the least one of every Paroch, instructed with commission, to answer for the rest within the said Paroch, shall attend at every Quarter-Session, there to give information of all such misdemeanours as have happened in those bounds since the last Session; and otherwayes to give to the Bench further satisfaction in any thing wherein they shall be required: and to receive from the saids commissioners, at the end of the Session, such orders and directions as they shall then injoyne, and appoint them to doe.

XI.

UPON the appearance of any Fray or stir betwixt parties, the constable may take the assistance of his neighbours, for funding of the parties: and if there be any harme done to the Constable, or any of his assistance, by them who made the effray, they shall bee punished by the Justices at the next Session, they being of the quality of yeomen, and being of ane higher quality, the Counsell shall be informed thereof, as said is.

XII.

WHEN any hath made ane effray, & then flees to an house, the Constable may follow to the house, and if the doors be shut, he shall take notice of the master of the house, and require wimeffe thereon. And albeit the delinquent shall flee further without the bounds of the Constables charge, yet may the Constable follow, and apprehend him in a fresh pursuite, and crave concurrence of the Cuntrey to that effect.

XIII.

THE Constables within every parochine, shall be executers of the precepts and warrands of the Justice of Peace.

XIV.

Concerning the Fees and satisfaction to be given to the Constables and Clerks for their paines: OUR Sovereigne LORD, with advise foresaid, ordines the saids Justices to give up particular NOTES in writ to the Auditors of his Majesties Checker, of the fines inbrought to them, that out thereof such measure and satisfaction may be appointed and given to the saids Clerks and Constables, as may recompence their travels, wherein if it shall be found that the saids fines will not be sufficient, the saids Lords of his Highnesse Checker, shall appoint such further satisfaction to them, as in their discretion they shall think their labours and diligence doth deserve, and cause them be payed of the same.

AND notwithstanding of this above-written Act, and all the particulars foresaid contained in the same: OUR Sovereigne LORD, with the advise and consent of the saids Estates, statutes, decernes, and declares, That neither the rection of the saids Commissioners and Justices of Peace, and grant of Jurisdiction and priviledges to them, nor the making or approbation of the particular Articles above-written, introduced in their favours, nor any thing therein contained, shall be in any sort derogatory or prejudicial to the rights, priviledges, or liberties granted and bestowed by His Majesty, or his Highnesse Royal predecessours of before to any of His Majesties Subjects, of whatsoever Estate or quality, from the highest to the lowest: But declares, that the saids rights, priviledges, and liberties, shall remaine in their own integrity safe, and intire, and unhurt, or prejudged by the premisses or any thing expressed in the saids Articles, and every one of them, and are holden as specially reserved and excepted out of the same.

AND least this above-written reservation should seem altogether to destroy the power, granted to the saids Justices, or should beget controversies betwixt them, and any other having right or liberty of jurisdiction, as said is: OUR Sovereigne LORD, with advise foresaid, for removing of all question, which may arise betwixt them thereanent, Declares, that it shall not be lawful, nor permitted to the saids Justices, to make any citation of party before their Court, till the expiring of the space of fifteen dayes, after the committing of the fact, for which the committer is to be conveyed, at the compleat out-running of which space, if any having power and jurisdiction, as said is, hath omitted and neglected to use and exerce the priviledge and liberty of their right and power, it shall then be lawful to the saids Justices, to make citation, and to proceed against the parties, according to the power and authority given to them by his Highnesse, with advise foresaid, and conform to the particular Articles above-written, in all points, and no otherwayes.

Which all and sundry the premisses, OUR Sovereigne LORD with advise and consent foresaid, ratifies and

and approves, in all points in manner as the same proports, and gives unto them the strength and force of Acts and Ordinances of Parliament, and ordains execution to pass upon the same as effectres.

ACT IX.

Auent teinding of Cornes.

FOR so much as by divers and sundry Acts of Parliament made of before, *auent the order and manner of teinding of Cornis*, and specially by the eight Act of his Majesties xvij. Parliament, holden at *Perth*, upon the ninth of July, 1606. and sensine by the fifth Act of the xxj. Parliament, holden at *Edinburgb*, upon the 23. of October, 1612. the manner and forme of teinding, and the time and space appointed, for requisition to be made for the same, is at length set down: in the which Acts is statute and ordeined, That all Cornes shall be teinded at three severall times in the year, if the owners thereof thinks expedient: to wit, the crott in field Corn at one time, the Beer at another time, and the out-field Corn at the third time, as the saids Acts pport: Nevertheless, OUR SOVERAIGNE LORD, for the greater well and ease of his Majesties Lieges, finding it requisite, that the former Acts be altered in the points following, for setting of a clear and certain order, to be hereafter observed, in all teinding of Cornes, Hath with advise and consent of the Estates of Parliament, statute, and ordeined, That it shall be lawful to all heritors and labourers of the ground, eight dayes being expired after the compleat shearing of every one of the three sorts of Cornes above-written, to require the owner of the teind, at his dwelling place, within the Parochin: and in case of him not dwelling therein for the time, his Factor and servant, or other person (who is ordeined to be constituted, and specially designed by him in manner after-mentioned) upon the premonition of four dayes to come and make thankfull teinding of the saids Corns: who failing to do the same, and neither the owner of the teind, his self, nor the other person appointed, to be designed by him, as is under-written, comming and making the said thankfull teinding, being so lawfully required:

OUR SOVERAIGNE LORD with advise and consent of the saids Estates, declares, That it shall be lawful to the saids Heritors and labourers of the ground, to separate the stock from the teind, and to lead and carry their stock away, and either to stack the same within their Barn-yards, or to place the same in their barns, leaving the teind upon the ground, which they shall be holden to preserve and keep un-destroyed or eaten by beasts, for the space of eight dayes after the expiring of the time of the said requisition: Which Cornes being so led and stacked, or placed in barns, and the teind being left on the ground, and preserved as said is, OUR SOVERAIGNE LORD with advice and consent foresaid, declares, It shall be sufficient to liberate them of all danger of spuilzie, or wrongous intromission, which may be moved against them therefore, in any time to come: And for more clear explanation of the premisses, statutes and ordaines, the owner of the saids teinds, if he have not his dwelling within the said Parochin (whose dwelling there would require premonition to be made to himselfe at his dwelling place, as said is)

TO designe a special servant and factor for him, to whom the said premonition shall be made in his absence, who shall have his remaining either in some certaine house, within the Parochin, or in the next most ewest and adjacent clachan, whose name and particular place of residence, the said owner of the teinds shall cause publickly intimat in the Parish Kirk, either upon the last Sunday of July, or the first Sunday of August, yearly, in presence of the Minister of the Parochin and Paroshiners, that no ignorance may be pretended thereof: which factor so designed, shall be warned either personally, if he can be apprehended, or by intimation to be made to the Minister of the Parish, and at the foresaid place to be designed for the factors remaining: which requisition so made, OUR Sovereigne LORD with advice foresaid, declares, it shall beals sufficient, as if the same were made to the Teind-master himself: Likas it is declared, that (in case of the Teind-masters, not dwelling within the Parochin, as said is) if the said designation be not made of the said factors name, and place of remaining, at the time, and in maner as is before ordeined, it shall then be also lawful, the saids eight dayes and foure dayes being bypast, to the owners of the Corns, to separate the stock from the teind, and to lead, stack, and place their stock in their barns or barn-yards, as said is, leaving the teind upon the ground, and preserving the same in manner before specified: Which being done, they shall be likewise free of all actions of spuilzie, or wrongous intromission, which they thereby may incurre. It is alwayes provided, by OUR SOVERAIGNE LORD, with advice of the saids Estates, That whereas by this Act and Statute requisition is not ordeined to be made till the expiring of eight dayes after the compleat shearing of every one of the three sorts of cornes before specified: yet notwithstanding thereof, the saids Estates declares, That albeit the tenth part of every sort of the saids cornes, or about the tenth part be standing unshorne and un-cut down, the nor shearing of that quantity, shall be no cause nor impediment to stay the owner to make the requisition: neither shall the same furnish any lawfull excuse to the Teind-master, upon the pretext whereof he should refuse teinding for the rest: but declares this Act to be effectual, and to have the own force, albeit the tenth part, or about the same, remaine unshorne, as said is: the saids heritors, or labourers, using the like order of requisition thereafter for teinding of the saids unshorn cornes, the time when the same are ready.

ACT X.

Anent the Poor.

FORASMUCH as there hath been divers worrhy Laws and Statutes made by His Majesty, and his Highnesse Predecessors, for restraining of idle and masterful Beggers: and that notwithstanding thereof, the number of the saids Beggers hath daily increased, more and more; and His Majesty, and Estates, considering, that the cause of the multiplying of the saids Beggers, hath, and doth, proceed from this ground, That no order hath been taken in by-gone time, with the poor Children and Orphans, born of poor and indigent Parents, who being tolerated or neglected, at their first entry to begging, doth contract such a custome and habite, that hardly they can be drawn thereafter to any other calling: whereas if the saids Children were in their tender years put to work, and employed, and trained up in any commendable labour, they might thereafter not onely relieve the country of their charges, but also prove profitable to the Common-wealth: which might be easily performed, if the saids poor Children were taken off the hands of their Parents, by some of his Majesties well-affected subjects in particular, or by any of the incorporations and Burghs within this his Majesties Kingdom in common, and employed in some calling or vocation, that might tend to the good of the Realme: THEREFORE, His Majesty, with advice and consent of the Estates, doth in most earnest manner, recommend to all his Highnesse loving Subjects, requesting them, as they tender the good and honour of the Realme, to receive within their houses and family, and to take upon their care, intertainment, and education, some of the saids poor and indigent children, one or more, every person according to his power and faculty: LIKEAS his Majesty with advice foresaid for the further security of his Highnesse Subjects, finds and declares, that it shall bee lawful to his Highnesse Subjects, to take the saids poor Children in their power, houses, and family, to be educate, and brought up by them, either in their houses, or to be put by them to such Crafts, callings, and vocations, either within the Countrey or without the same, as they please: which children so received, shall be obliged and bound, as servants, to the receivers, in manner, and during the time after specified: IT is alwayes declared, that the condition of the saids children, which shall be so received by his Majesties Leiges, and the manner of their delivery to them, shall be as followeth: That is to say, THAT they be such who shall be found and tryed to be poor and indigent, and to have no means for their entertainment, and that by the declaration of the Provest and Bailies, and by the Session of the Kirk, within Burgh, or by either of them: and the Sessions of the Kirks in Landward, where the saids poor children remaines, or are found to be for the time: and if the saids poor children be within the age of fourteen years, they shall be delivered to his Highnesse Subjects, by the Magistrates within Burgh, or by the Session of the Kirk and Parochin where they remaine, with consent of their parents, if they have any known within the Parochin for the time: otherwise they shall be delivered by the saids Magistrates & Session of the Kirk alone or either of them, as said is. And if they be past the age of fourteen years, that their own consent shall be taken thereto, by the advice of the saids Magistrates and Session of Kirk, or either of them, as said is, who at the delivery of the saids poor children, to his Highnesse Subjects, shall give a testimonial, under their, or their Clerks hand writs, of the Estate, quality, and condition foresaid, of the saids poor children, and of their delivery to their Masters: Which testimonial of the saids Provests, Bailies, and Session of the Kirks, bearing the said tryal and delivery, his Highnesse with advice and consent of the Estates foresaid, findes and declares, shall be a sufficient warrant to the receivers, for brooking the benefit of this present Statute: And to the effect his Highnesse Subjects may be moved hereto, by the expectation of the commodity and advantage which they may reap by the labours and service of the saids poor children: His Majesty with advice of the saids Estates, statutes and ordaines, that the saids poor children, received by any of his Highnesse Subjects, upon the testimonial of Provest, Bailies, or Session of Kirks, in manner above-specified, shall be bound and astricted to their saids Masters, their heirs and assignayes, in all kind of service, which shall be enjoyned to them, until they passe the age of thirty years compleat, and that they shall be under discipline to their saids Masters, and their foresaid, and subject to their corrections and chastisements, according to the merits of their offences, in all manner and sort of punishment, the life and torture excepted. Likewise it is declared, that whatsoever the saids servants gaines, or wins, by their travels, during the said space, shall appertain properly to their saids Masters and their foresaid: And if it shall happen the saids servants to absent themselves from their saids Masters service, without their licence, then & in that case they shall be obliged to refund to their saids Masters the whole damage and intresse sustained by them, through their absence, upon the declaration of the saids Masters, without any further probation, by and attour the bodily punishment to be laid upon them at their returning, by the discretion of their saids Masters: And if it shall happen them to be received by any other persons, the saids receipters shall be obliged to restore them again to their saids Masters, within twelve houres after they be required to that effect, personally, or at their dwelling places, in presence of a Notar, and two witnesses, and if they failzie, they shall pay after every requisition, ten shillings daily, ay and till they be restored, and that without prejudice to the saids Masters, to call and pursue for delivery of their saids servants, before the ordinary Judge, as accords of the law, and for the damage and skaith sustained by them, through the want of their saids servants, during the space of their absence, after the said requisition.

ACT XI.

Anent the Queens Majestie her Counsel.

OUR SOVERAIGNE LORD with advice and consent of the Estates of Parliament, ratifies & approves the Letter of Nomination made by his Highnesse dearest Spouse, ANNA, by the Grace of GOD, Queen of great *Britain, France, and Ireland*: of the date the xxvj. day of April, last by-past: whereby her Majesty, with his Highnesse consent, hath nominated, and appointed, Sir GEORGE HAY, of *Natherife*, Clerk of the Register, Sir WILLIAM OLIPHANT of *Newton* Knight, OUR SOVERAIGNE LORDS Advocate: Sir ALEXANDER DRUMMOND of *Medope* Knight, and Sir WILLIAM SEATON of *Kylmore* Knight, to be four of her Majesties Counsel, in place of the other foure before deceas'd: and hath adjoynd them to the other three of her Majesties Counsel, as yet alive: to wit, ALEXANDER, Earle of *Dunfermling*, Chancellor: THOMAS, Lord *Binning*, Secretary: and Sir PETER YOUNG, Elemofyner to his Majesty, as in the said Letter of Nomination, of the date and Sir PETER YOUNG, Elemofyner to his Majesty, as in the said Letter of Nomination, of the date and ordaines, that the saids Counsellers, at the least four of them, the said Lord Chancellor being always one of the said four, shall have the guiding, government, and administration of the estate, living, and affaires, appertaining to his said Highnesse dearest Spouse within the Kingdome of *Scotland*: in the same manner and form as is set down in the Act of Parliament, made in the Moneth of July, 1593. years: and under the provisions and conditions expressed in the said Act of Parliament: which his Majesty, with advice foresaid, holds as herein expressed: and whensoever it shall happen any of the saids seven Counsellers, one or moe, to depart this life, his Majesty with advice foresaid, wills and grants, that it shall be lawful to her Highnesse, to nominate and appoint others in place of the persons deceas'd, to the effect above contained: Likeas his Majesty with advice foresaid, now as if the said nomination were made, and then as now ratifies and approves the same, and declares the same to be as valide and effectual, as if the same were made with consent of his Highnesse, and advice of the Estates foresaid.

ACT XII.

Anent prescription of heritable Rights.

OUR SOVERAIGNE LORD considering the great prejudice which his Majesties Lieges sustaines in their Lands and Heritages, not only by the abstracting, corrupting, and concealing of their true evidents, in their minority, and lesse age, and by the amission thereof, by the injury of time, through War, Plague, Fire, or such like occasions: but also by the counterfeiting and forging of false evidents & writs, and concealing of the same to such a time, that all meanes of improving thereof is taken away: whereby his Majesties Lieges are constitute in a great uncertainty of their heritable Rights, and divers pleas and actions are moved against them, after the expiring of thirty or forty years: which neverthelesse by the civil Law, and by the Lawes of all Nations, are declared void, and uneffectual: And his Majesty according to his fatherly care, which his Majesty hath, to ease and remove the griefs of his Subjects, being willing to cut off all occasion of pleas, and to put them in certainty of their heritage, in all time coming: Therefore his Majesty with advice and consent of the Estates of Parliament, by the tennour of this present Act, statutes, findes, and declares, That whatsoever his Majesties Lieges, their Predecessors and authors have brooked heretofore, or shall happen to brook in time coming, by themselves, their tennents, and others having their Rights, their Lands, Barronies, Annuelrents, and other Heritages, by vertue of their heritable infeftments, made to them by his Majesty, or others their superiours and authors, for the space of forty yeares, continually and together, following and insuing the date of their saids infeftments, and that peaceably; without any lawful interruption made to them therein, during the said space of forty yeares, that such persons, their Heirs and Successors shall never be troubled, pursued, nor inquieted, in the heritable right and property of their saids lands and heritages foresaid, by his Majesty, or others, their superiours and authors, their Heirs and Successors, nor by any other person, pretending right to the same, By vertue of Prior infeftments, publicke or private, not upon no other ground, reason or argument, competent of Law, except for salehood: Providing they be able to shew and produce a Charter of the saids lands, and others foresaid, granted to them, or their Predecessors, by their saids superiours and authors, preceeding the entry of the saids forty yeares possession, with the instrument of leasing following thereupon: or where there is no Charter extant, that they shew and produce instruments of Seasing, one, or moe, continued, and standing together for the said space of forty yeares, either proceeding upon retours, or upon precepts of *clare constat*. Which rights his Majesty with advice and consent of the Estates foresaid, findes, and declares, to be good, valide, and sufficient rights, (being claid with the said peaceable, and continual possession of forty yeares) without any lawful interruption, as said is: for brooking of the heritable Right of the same lands, and others foresaid. And sicklike his Majesty with advice foresaid, statutes and ordaines, that all actions competent of the law, upon heritable Bands, Reversions, Contracts, or others whatsoever, either already made, or to be made after the date hereof, shall be pursued, within the space of forty yeares, after the date of the same: except

the saids Reversions be incorporate within the body of the infestments, used and produced by the possessor of the saids lands, for his title of the same, or registrated in the Clerk of Register his Books: in the which case seeing all suspition of falsehood ceases most justly, the actions upon the saids Reversions, ingrossed and Registrated, ought to be perpetual: excepting always from this present Act, all actions of warrantize, which shall not prescribe, from the date of the Band, or Infestment, whereupon the warrantize is sought: but only from the date of the distresse, which shall prescribe, it not being pursued within forty years, as said is. And sikklike it is declared, that in the course of the saids forty years prescription, the years of minority, and lesse age, shall no wayes be counted, but only the years during the which the parties against whom the prescription is used and objected were majors, and past xxj. yeares of age. And his Majesty, being careful, that no person, who hath any just claime, bee prejudged of their actions, by the prescription of forty yeares, already run and expired, before the date of this present Act: Hath with advise foresaid, granted full liberty and power to them, to intent their saids actions, within the space of thirteen yeares, next following the date hereof: which shall be als effectual, as if the same had been intented within the said space of forty yeares, prescribed by this present Act. After the expiring of the which thirteen yeares, this present Act shall have full force and effect, after the rennou thereof in all points. And neverthelesse it is declared, that the persons, at whose instance the foresaid actions shall be moved, and intented within the said space of thirteen yeares, shall not be compelled to insift in the saids actions, at the desire of their parties, upon the first summonds and citation thereof only, except that the saids first summonds be called and continued, and the defenders of new summond thereby: in the which case, and no otherwayes, it is declared, that they may be compelled to insift at the instance of the party, having entresse.

ACT XIII.

Anent reduction of Retours, and summonds of Errour.

FOR-asmuch as by Act of Parliament, made by his Majesties most Noble Progenitour, King JAMES the fourth, of worthy memory, upon the 13. day of June. 1494. it was statute and ordained, that all summonds of Errour, or inordinate processe, be pursued within the space of three yeares, after the determination of the inquest, or service: the party being of lawful age, and within the Realme, otherwise to prescribe, as in the said Act and Statute at more length is contained. And because the true meaning and intention of the said Act, was, That OUR Sovereigne LORDS Lieges, being upon the said inquest and service, should not lye under the paine and danger of Errour, after the space of three yeares, and no wayes to hurt or prejudice the righteous heire, and nearest of kin, who by the Law of God and man, was to succeed in the right of blood and succession to their Predecessours, and to their lands and heritages, *Jure sanguinis*. Therefore OUR said Sovereigne LORD, with advice and consent of the Estates foresaid, Statutes and Ordains, That the said Act of Parliament shall no wayes hurt nor prejudice the nearest of kin to seek reduction of the saids Retours, and service, to be past and exped in time coming, and that within the space of twenty yeares, immediatly following the date of the saids Retours and services: and if the saids summonds of Reduction, be not intented, executed, and pursued, before the expiring of the saids twenty yeares, that the said action of Reduction of the said Retour and service, shall prescribe in the selfe, and no party to be heard thereafter to pursue the same Reduction: And als declares, that hereafter it shall no wayes be lawful to pursue the persons of inquest for wilful Errour, except they be pursued therefore within the space of three yeares next after the date of the said Retour and service: It is always declared, that these presents shall no wayes be prejudicial to whatsoever persons, who have acquired Rights of lands and heritages before the date hereof, *bona fide*, from persons already retoured thereto in any time by-gone: but the saids persons, who have *bona fide*, acquired, to brook their Rights, according to the law then standing.

ACT XIV.

Anent Executors.

OUR SOVERAIGNE LORD understanding that a great number of ignorant people, the time of their sicknesse and discaise, or otherwise at the making of their Testaments and latter wills, do nominate certain strangers to be their Executors, meaning only to commit the care of their goods, and diligent getting thereof, to the saids strangers, and that to the behoof of their children, or other persons who are nearest of kin: Whereas by the contrary, the said Office of Executry, by the interpretation now observed, doth carry with it the whole profit and commoditie of the defuncts part of the goods contained in Testament: which his Majesty findes to be altogether against law, conscience and equity: Therefore his Majesty with advice and consent of the Estates of Parliament, finds and declares, that all Executors, already nominate in any Testament, not as yet confirmed, or to be nominate in any Testament to be made hereafter, are, and shall be obliged, to make count, reckoning, and payment of the whole goods and geare appertaining to the defunct, and intrometted with by them, to the wife, children and nearest of kin, according to the division

vision observed by the Laws of this Realm : referring onely to the saids Executors the third of the defuncts part, all debts being first payed and deduced, without prejudice alwayes to the saids Executors of whatsoever Legacies left to them by the saids defuncts : which shall no wayes be prejudged by this present Act : but the saids Executors shall have full right to their saids Legacies, albeit the same exceed the said third of the defuncts part : and in case the saids Legacies exceed the whole third part, the saids Executors shall have right to the whole Legacie, and no part of the third : WITH this expresse declaration, That where Legacies are left to the Executors, they shall not fall both the saids Legacies and a third by this present Act, but the saids Legacies shall be imputed and allowed to them in part of payment of their third.

ACT XV.

Anent the Escheat of Life-rent Tacks.

OUR SOVERAIGNE LORD having considered that there hath been divers questions moved before the Lords of his Majesties Council and Session, touching the Escheat of Life-rent-tacks of lands and teinds, fallen by the rebellion of the persons to whom the same appertained: and that it hath not been clearly decided, whether a Life-rent tack should fall under the gift of a simple Escheat, or not : For the better clearing whereof in all time comming, OUR SOVERAIGNE LORD with advice of the Estates of this present Parliament, declares, statutes, and ordains, that Life-rent tacks of lands, or teinds, shall not fall under a simple gift of escheat, but under the gift of a Life-rent escheat only : And further, In case any tack, set of lands, or teinds, contain moe Life-rents nor one : and that the person to whom the said tack appertaineth in life-rent, be Rebel attour the space of year and day, where-through he loses his life-rent of the said tack. IT is hereby declared, that the remanent Life-renters contained in the said tack, nor the heires or assignayes of the Rebel, who have right to the said tack, after the said Rebels decease, shall not be prejudged by the said Life-renters Rebellion; so that after his decease, the said person having right to the saids tacks, shall brook and enjoy the same, notwithstanding the saids Life-renters rebellion attour the space of yeat and day : which rebellion shall prejudice himsele only, and no other person succeeding to him in the right of the said tack.

ACT XVI.

Anent the registration of Reversions, Seafings, and others Writs.

OUR SOVERAIGNE LORD, considering the great hurt sustained by his Majesties Lieges, by the fraudulent dealing of parties, who having annallied their lands, and received great summes of money therefore, Yet by their unjust concealing of some privat Right formerly made by them, render the subsequent alienation done for great sums of money, altogether unprofitable : which cannot be avoided, unlesse the saids private Rights be made publick & patent to his Highnes Lieges: For remedy thereof, & of many inconveniences which may ensue thereupon; HIS MAJESTY with advice and consent of the Estates of Parliament, statutes and ordains, That there shall be ane publick Register, in the which all Reversions, Regresses, Bands, and writs for making of Reversions or Regresses, assignations thereto, discharges of the same, Renunciations of Wadsetts, and grants of Redemption, and siklike all instruments of Seafing shall be Registrat within three-score dayes after the date of the same. IT is alwayes declared, that it shall not be necessary to Register any Bands and Writs for making of Reversions, or Regresse, unlesse the Seafing passe in favours of the parties, makers of the saids Bands or Writs : in the which case it is ordained, that the same shall be Registrat within three-score dayes after the date of the Seafing. The extract of the which Register shall make faith in all cases, except where the Writs so Registrated, are offered to be improven. And if it shall happen any of the saids Writs, which are appointed to be Registrated, as said is, not to be duely Registrated within the said space of three-score dayes : then, and in that case, his Majesty, with advice and consent foresaid, decernes the same to make no faith in Judgement by way of action or exception in prejudice of a third party, who hath acquired a perfect and lawful Right to the saids Lands and Heritages : But prejudice alwayes to them to use the saids Writs against the partie maker thereof, his heires and successours. IT is alwayes declared, that this present Act shall no wayes be extended to instruments of Seafing, and Reversions therein contained, given by Provost and Bailies of free Burghs Royal, of lands lying within their Liberties and Freedomes, holden by the saids Burghs in free Bourgage of his Majesty, nor to na other heritable Writs thereof, nor yet to Reversions incorporate in the Body of the Infestments, made to the persons against whom the saids Reversions are used. IT is also declared, that if any Renunciations or Grants of Redemption, which shall happen to be consigned in proccesse betwixt parties, shall be Registrat within three-score dayes after the dates of the decreets whereby the same shall be ordeined to be given up to the parties having right thereto, the same shall be sufficient. And to the effect the said Register may presently and in all time comming be the more faithfully keepcent. Therefore OUR said SOVERAIGNE LORD, with advice and consent foresaid, statutes and ordains the same Registers and Registrations foresaid, to be insert therein, to appertain and belong to the present Clerk of Register, and his Deputes to be appointed by him to that effect. And decernes and ordeines the same Registers to be annexed and incorporate with the said office, and that the Clerk of Register, present

present, and to come, have the said Office as ane proper part and pertinent of the Clerk of Register his office, make and constitute particular deputies, ane or moe for all the dayes of their life-times, or otherwise as he shall think expedient, of good fame, literature, and conversation, for whom he shall be answerable, and who shall be resident within the towns and places after-specified, at all times to receive fra the parties their Evidents, and to Registrat the same within the space of fourtie eight hours next after the receipt thereof, and to ingross the whole body of the writ in the Register under the pain of deprivation of the Clerk of his place and service, and of the office of Notarie in all time thereafter. And within the same space shall deliver to the presenters of the same, their Evidents marked by him, with the day, moneth, and year of the Registration, and in what leafe of the book the same is Registrate: and shall take allannerly for his paines twenty six shillings eight pennies money of this Realme, as the price of ilk leafe of his Register, containing no lesse then is in this present Act: and in case the leafe contain lesse to take lesse accordingly, and so proportionally for every page of the leafe, and part of the page, and according thereto shall take for Registring of every ane of the saids Evidents. And the saids Registers to bee filled up by the saids Deputes, to be marked by the Clerk of the Register and his Deputes to be appointed by him to that effect, with ane note of the particular number of the leaves that the same shall containe: & the saids Registers after the filling up of the same to be reported to the said Clerk of Register, to remain with him and his Deputes, and bee patent to all OUR SOVERAIGNE LORDS Lieges, and extractis thereof to be given by him and his Deputes to be appointed by him, during all the dayes of their life-time, or otherwayes as he shall think expedient for that effect, to all shall have adoe with the same, which shall make as great faith, as the principals, except in case of improbation. And the saids Registers for the greater ease of the Lieges, to be established in the particular places following: That is to say, Ane in the town of *Kirkwall in Orkney*, for the whole lands lyand within the bounds of the Sherifdomes of *Orkney* and *Zetland*: and ane in the Burgh of *Inverness*, for the whole lands lyand within the Sherifdomes of *Inverness* and *Cromartie*: Ane in the Burgh of *Elgine* for the whole lands lyand within the bounds of the Sherifdomes of *Forres* and *Nairn*: Ane in the Burgh of *Aberdeene* for the whole lands lyand within the bounds of the Sherifdomes of *Aberdeene*, *Banise*, and *Kincardin*: Ane in the Burgh of *Dundee*, for the whole lands lyand within the bounds of the Sherifdomes of *Forfar*: Ane in the Burgh of *Perth*, for the whole lands lyand within the Sherifdomes of *Perth* and Stewardry of *Strathern*: (exceptand the Stewardrie of *Monteith*) Ane in the Burgh of *Sterling*, for the whole lands lyand within the bounds of the Sherifdomes of *Sterling*, *Clackmannan*, and Stewardry of *Monteith*: Ane in the Burgh of *Cowper* in *Fife*, for the whole lands Lyand within the boundes of the Shirrefdomes of *Fife* and *Kinrosshire*: Ane in the Burgh of *Edinburgh*, for the whole lands lyand within the boundes of the Sherifdomes of *Edinburgh* principal, *Constabularie of Haddington*, *Linlithgow*, and *Bathket*: Ane in the Burgh of *Lawder*, for the whole lands lyand within the Sherifdomes of *Berwick*, and Baillie of *Lawderdale*: Ane in the Town of *Selkirk*, for the whole lands lyand within the Sherifdomes of *Roxburgh*, *Selkirk* and *Peebles*: Ane in the Town of *Hannymilton*, for the whole lands lyand within the Sherifdomes of *Lanerk*: (exceptand the Burgh and Barronie of *Glasgow*) Ane in the City of *Glasgow*, for the whole lands lyand within the bounds of the Sherifdomes of *Renfrew*, and Baronic of *Glasgow*: Ane in the Burgh of *Dunbarton* for the whole lands lyand within the bounds of the Sherifdomes of *Dunbarton*, *Bute*, *Argyle*, *Arrane*, and *Tarbet*: Ane in the Burgh of *Air*, for the whole lands lyand within the bounds of the Sherifdomes of *Air*, Baillie of *Kyle*, *Carrick*, and *Cunninghame*: Ane in the Burgh of *Wigtown*, for the whole lands lyand within the bounds of the Sherifdomes of *Wigtown*: Ane in the Burgh of *Drumfries*, for the whole lands lyand within the bounds of the Sherifdomes of *Drumfries*, Stewardries of *Kirkcudbright* and *Ammandale*: Or any other place or places more convenient, as the Clerk of Register shall think most expedient, due intimation being made to the Lieges of the same. And the saids Evidents to be Registrate in the particular Books appointed for the lands within the bounds of ilk Sherifdomes, Stewardrie, and Baillie, as said is, or in the option of the party in the Books of Register or Session kept by the said Clerk Register himself or his Deputes to be appointed by him, during all the dayes of their life-time, or otherwayes as he shall think expedient to that effect, in *Edinburgh*. And OUR SAID SOVERAIGNE LORD with advice and consent of the Estates decerns, and declares, this present Act to have the force, strength and effect of ane Decreet and Statute of Parliament, which shall have force and execution, according to the tennour theteof in all time to come. Ordaining publication to be made of the same in forme as effeires.

ACT XVII.

Anent the loosng of Arrestments.

OUR SOVERAIGNE LORD considering the great abuse and corruption used in finding of caution to messengers for loosng of Arrestments in times bygone, whereby his Highness Lieges have been heavily prejudged, the receiving of the said caution being committed to whatsoever Messenger of Armes the party please to chuse, who at the desire of the party, for the most part, receiveth irresponsal cautioners: and thereafter, when caution is found, there is no warning thereof given to the party arrester; but only a ticket, under the Messengers stamp and subscription, bearing him to have loosd the Arrestment, and to have received such a person cautioner: which ticket is not sufficient of the Law, to furnish action against the

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said cautioners, without production of the principal Bands given to the said Messenger, receiver of the caution: which Band, if any were taken, remains in the hands of the Messenger, and is either loosed by negligence, or absented by malice, whereby the party is altogether prejudged of his action, which he had against the Cautioner, who was found for loosing of the Arrestment: For remedy whereof, OUR SOVERAIGNE LORD with advice and consent of the Estates of Parliament, statutes and ordains, that all Bills and Supplications for loosing of arrestments, which shall be past and delivered by the Lords of Council in time coming, shall be past upon caution to be found in their Books, and ordaines the Clerk of the Bills to receive the said caution before the giving out of the same, for raising of Letters thereupon: and if any arrestments be otherwise loosed, the same to be null, and ineffectual.

ACT XVIII.

Anent the keeping of Forrests.

OUR SOVERAIGNE LORD considering that the Forrests within this Realme, in the which Deer are kept, are altogether wasted and decayed, by Shiellings, pastouring of Horses, Mares, Cattel, Oxen, and other Bestial, cutting of Woods within the bounds of the saids Forrests, shooting and slaying of Deer, Venison, and wilde Fowles, with Hagbuts, and with Dogs in forbidden time. And albeit there hath been divers and sundry lovable Acts, Lawes, and Statutes made for punishing the transgressours of the same Acts, yet the same have not been put to due execution in time bygone. In respect the keepers of the saids Forrests, under his Majesty, and others having right thereto, by vertue of their Inseftments had no power nor jurisdiction to punish the saids transgressours. Therefore OUR SOVERAIGNE LORD, with advice of the Estates of this Parliament, wils and ordains in all time coming, that the keepers of the saids Forrests, and others, having right by their Inseftments, as said is, shall have full power, priviledge, and jurisdiction, to call, convene and pursue before them, whatsoever person or persons, that shall be found hereafter to transgresse the saids Acts and Statutes, sit, and hold Courts thereanent, and to put them to the tryal of an inqueist: And being found guilty, to put the saids Acts to full execution in their contrair, after the forme and tennour thereof in all points: to wit, the slayers and shooters of Deer, Rae, and Wilde-Fowls, being Landed-men, under the pain of five hundreth marks, and every unlanded-man, being responsible, under the paine of one hundreth marks, and if he be not responsible, under the pain of warding and punishment of his person, conforme to the former Acts made thereanent: and the owners and in-putters of the goods and Bestial, within the saids Forrests, and cutters of Wood, under the paines contained in the former Acts made thereanent, and conforme to the provison of the same Acts.

ACT XIX.

Anent Doucats.

OUR SOVERAIGNE LORD with advice and consent of the Estates of this present Parliament, considering the great inconvenients sustained by the Lieges of this Realm, through the frequent building of Doucats, by all manner of persons, in all the paris thereof, statutes, declares, and ordaines, that hereafter no person nor persons, shall have power, libertie, nor priviledge, to build a Doucat upon any Lands within this Realme, neither within Burgh, nor in the Countie, except that person, builder of the Doucate, have lands and teinds pertaining to him, extending in yearly Rent to ten Chalders Victual, next adjacent to the said Doucate, at the least lying within two miles to the same: And als declares, that it shall nowise be lawfull to the person foresaid, worth in yearly rent the foresaid ten Chalders Victual, to build moe Doucates upon, and within the bounds foresaid, except one Doucat onely.

ACT XX.

Anent the punishment of Drunkards.

IT Is statute and ordained by OUR SOVERAIGNE LORD with advice and consent of the Estates of Parliament, for the restraint of the vile and detestable Vice of Drunkenesse daily increasing, to the high dishonour of GOD, and great hatme of the whole Realme, That all persons, lawfully convict of Drunkenesse, or of haunting of Taverns and Ale-houfes, after ten hours at night, or any time of the day, except in time of travel, or for ordinary refreshments; shall for the first fault pay three pounds, or in case of inability, or refusal, to be put in Joggles or Jayle for the space of six houres: for the second fault to pay five pounds, or in case of inability or refusal, to be kept in Stocks or Jayle, for the space of twelve houres: and for the third fault to pay ten pounds, or in case foresaid, to be kept in Stocks or Jayle, for the space of twenty foure houres: and thereafter, if they transgresse, to be committed to Jayle, till they find caution for their good behaviour in time coming. And for better execution of these presents, special power, authority, and commission is given, granted, and committed to all Sherifs, Stewards, Provests, and Bailies, Justices of Peace, and Kirk Sessions, within every Parish, to call, convene and try the foresaid persons

persons, unlaives to uplift, *ad pios*, & *necessarios usus*, in every Parish to apply, and all and sundry other things to do and exerce, which necessarily is required for execution of these presents.

ACT XXI.

Anent discharging of Caulpes,

OUR SOVERAIGNE LORD, and Estates, understanding and considering the great hurt and skaith, which his Majesties Lieges have sustained these many years by-gone, by the Chiefs of Clans within the Highlands and Isles of this Kingdome, by the unlawfu! taking from them, their Children and Executors, after their decease, under the name of *Caulpes*, of their best aught, whether it be Oxe, Mear, Horfe, or Cow, alledgeing their Predecessors to have been in possession thereof, for maintaining and defending of them against their enemies and evil-willers of old: And not only one of the saids Chiefs of Clans, will be content to uplift his *Caulpe*, but also three or four moe, every one of them will alleadge better right then other: And every one of them after ane other, will uptake the same, until foure or five several *Caulpes* will be taken from one person, howbeit never ane of the saids Clans have right thereto, or to the lands which the persons occupys, whersa the *Caulpes* are uplifted: And so sever are they, that every ane of them after ane other, will pull their Horfes and Oxen out of their Plowes, and Harrows, in the very time of their greatest businesse and labours: so that many of his Majesties Subjects which of old were enriched with sufficient store of goods and Bestial, and thereby made his Highnes, and others having right, thankful payment of their mails, caines, and duties, indebted by them yearly to his Majestic, and others having right, are now, by the extortion of the saids Chiefs of Clans and others claiming right to the saids *Caulpes*, and by unlawful raising and uplifting thereof become depauperate, and unable to pay his Majesty, and others having good right, their just duties. And seeing there was an Act made heretofore, in favours of the inhabitants of *Galloway*, by his Highnesse Predecessour, King JAMES the fourth, of worthy memory, in his second Parliament, and eighteenth Act or Chapter thereof: Discharging the saids *Caulpes*, and uptaking thereof, in all time comming thereafter, under the pain of punishment, as Reaf, and to bee ane point of Dittay against them in the Justice Aire.

Therefore OUR said SOVERAIGNE LORD, with advise of the Estates of this present Parliament, Statutes and Ordaines, that in no time comming none of his Highnes Lieges presume, nor take upon hand, to intromet with nor uplift the saids *Caulpes*, within any part of this Kingdome under the pain foresaid.

ACT XXII.

Anent the inbringing of Protocolles.

OUR SOVERAIGNE LORD understanding that that part of the Act of Parliament, made in July, 1587. years, Act xlv. Intituled, *When, who, and how, Notars should be admitted, and of their Cautioners, and Protocolles*, whereby it was Statute and Ordained, that all Protocol-Books of Notars, should be within fifteen dayes after the decease of the Notar, brought in to *Edinburgh*, and delivered to the Clerk of Register, or ane of his Deputes appointed by him for that effect, hath not been put to due execution in time bypast, wherethrough his Majesties Lieges have sustained great hurt and damage: in so far as a great part of the Protoeols, are vitiate and destroyed, by rying out of the leaves forth of the saids Protocolles, inserting and writing of false instruments upon the blank paper contained in the same Protocolles: and sicklike, by inserting of sheets and quaires of new paper, whereupon instruments are falsified, by alteration of the dates of instruments, contained in the saids Protocolles and many other-ways, as hath been divers times exactly tryed by the Lords of Counsel and Session; and that the delaying of the execution of the said Act, hath proceeded upon ane ordinance contained therein, of satisfaction to be given by the Clerk of Register or his Deputes, to the relict, children, or executors of the saids Notars, for the said Protocol, whereby the Clerk of Register or his Deputes, would be drawn to very great and intollerable charges, in regard of the great number of the saids Books.

THEREFORE, and for remedy thereof, OUR SOVERAIGNE LORD with advise foresaid, discharges that part of the said Act of Parliament, anent any other satisfaction to be given to the relict, children, or executors of the Notars already deceased, or that shall happen to deceale, (except as is hereafter expressed) & Statutes and Ordaines, that all persons, alswel relict, children, executors of whatsoever notar already departed, or other person or persons whatsoever, havers in their hands, custodie, and keeping of any Protocol-Book, or of whatsoever Notar already deceased, as of Notars that shall happen to deceale at any time hereafter, shall after the decease of the Notar, inbring the saids Protocolles to *Edinburgh*, and deliver the same to the Clerk of Register, or his Deputes, to be appointed by him for that effect, under the paine of ane hundred pounds to be incurred by them, who shall happen to be found to contra-

traeven, and thereafter the saids Notars Books to be retained and kept by the said Clerk of Register, or his said Depute, to be appointed by him to that effect. At the delivrie and inbringing of which Protocolles, if the same shall bee inbrought by the said relict or children, his Highnes with advice foresaid, Ordaines the Clerk of Register, or his Depute foresaid, to make a note of the names of the said relict and children of the defunct Notars, to the effect, that whensoever any party shall pursue for transumpt of any instrument forth of the same, he shall be astricted hereby to summond by the party having intresse, the relict and children of the defunct Notar, to the effect that the saids relict and children may be satisfi'd by the party, craving the transumpt of the said instrument, at the modification of the Lords of Council and Session. And his Highnes with advice foresaid, declares, that this Act shall not be extended to the in-bringing of the protocolles of the Clerks of any free Burgh Royal within this Realme, deceased already, or that shall happen to decease hereafter: but the relict and children of the saids Clerks of free Burghs, shall be halden to deliver the saids Protocolles to the Proveft and Baillies of the saids free Burghs, to remaine in the Register of the saids free Burghs, and to be made forth-coming to all parties, having intresse, whensoever they shall crave any instrument to be transumed forth of the same at any time hereafter.

ACT XXIII.

Act *Salvo jure cujuslibet.*

FORASMUCH as in this present Session of Parliament, there are Ratifications past, wherein divers and new clauses are insert, which may be prejudicial to particular parties Rights, and derogative to many Lawes lawfully made and established of before; albeit the meaning of his Highnes, be at this time, as it was ever in all preceeding Parliaments, That by no particular Act, any other party should be hurt or prejudged.

For remedie thereof, It is Statute and ordained, that no Ratification past in this present Session of Parliament, shall be prejudicial to any privat parties Rights: but that the saids Ratifications be allways understood, whether they be general or special. to be *Salvo jure cujuslibet.*

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTS and others not Imprinted, past in the XXII. Parliament, holden at *Edinburgh*, the 28. day of June, 1617.

- 1 A Commission for heritable Offices.
- 2 A Commission for keeping of Justice Courts.
- 3 Act anent the *Clargregow*.
- 4 Act in favours of the *Archbishop* of Sanct-Andrewes.
- 5 Act for a new assignation to the *Castle* of *Edinburgh*, out of his *Majesties* propertie.
- 6 Annexation of *Fearne* to the *Bishoprick* of *Rosse*.
- 7 Annexation of *Corsteguale* and *Monimusk* to the *Bishoprick* of *Dumblane*.
- 8 Annexation of *Icolmekil* and *Archatan* to the *Bishoprick* of the *Iles*.
- 9 Act anent the *Chapter* of the *Bishop* of the *Iles*.
- 10 Act anent the erection of the *Kirk* of *Ballintrae*.
- 11 Union of the *Kirks* of *Kilbride* and *Renfrew*, to the *Colledge* of *Glasgow*.
- 12 Act for changing of the *Kirk* of *Strathgeth*.
- 13 Act for changing the *Kirk* of *Lawder*.
- 14 A Commission anent barking of *Hides*.
- 15 Ratification in favours of the *Duke* of *Lennox*.

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16 Rati.

- 16 *Ratification in favours of the Earle of Dunfermling, Lord Chancellor.*
- 17 *Ratification to the Earle of Argyle.*
- 18 *To the Earle of Errol.*
- 19 *To the Earle of Hume.*
- 20 *Protestation made by the Lord Rosse.*
- 21 *Act in favours of Robert Maxwel.*
- 22 *Protestation made by divers persons anent the said Act,*
- 23 *Act in favours of the Lord Sanquhare.*
- 24 *Two Ratifications in favours of the Lord Birning.*
- 25 *Ratification to the Lord Blantire.*
- 26 *To Sir Gideon Murray of divers his infeftments.*
- 27 *To Sir Gideon Murray, William and Walter Murrays his sons.*
- 28 *To Sir Gideon Murray, of the Provostrie of Crichtoun.*
- 29 *To the Lord Colvil of Culros.*
- 30 *To Sir Andrew Hamilton.*
- 31 *To Sir Patrick Murray.*
- 32 *To John Murray of Lochmaben.*
- 33 *To him and the Laird of Lochinwar.*
- 34 *To the old Colledge of Aberdene.*
- 35 *To the new Colledge of Aberdene.*
- 36 *To Sir Henry Wardlaw.*
- 37 *To him and James Baillie.*
- 38 *To Master James Olyphant.*
- 39 *To Master Patrick Hamilton.*
- 40 *To the Town of Aberdene.*
- 41 *To Master William Olyphant.*

F I N I S.

T H E

T H E A C T

Anent the Settling of Measures and Weights, concluded at Edinburgh, the 19. day of Februar, 1618. yeares. By the Commissioners having power to doe the same by Act of Parliament made the twentieth day of June, 1617.



ORSOMUCH as in OUR SOVERAIGNE LORDS laite Parliament holden at *Edinburgh*, the xxviiij day of June last by past, his Highnes and Estates conveened therein, Mooved by the general complaint of all his loving Subjects: and in respect of their sensible prejudice seene and felt through many parts of this Kingdome by reason of the diversitie of Measures and Weights used within the same.

Therefore OUR said SOVERAIGNE LORD, with advise of his saids Estates; For removing of all abuses which may ensue in any time to come, thereby hath found expedient and by Decreet and Statute of the said Parliament; Decerned, Statute, and Ordeined, That there shall bee but one just Measure and Weight, through all the partes of this Kingdome; which shall Univerfallie serve all his Highnes Lieges, by the which they shall buy, sell, receive, and give out, in all tyme to come. Which Measure his Majestie with advise foresaid, Fand; should be that Measure of *Linlithgou*, which is now commonlie used and which hath been used most customablie through the greatest part of this Kingdome these fiftie or threescore yeares by past. And for settling of a perfyte order whereby all the Measures that are now used may be reduced to the conformitie of the said Measure now authorized, and for making of proportion answerable betwixt the lesser Measures and Weights, and the Greatest.

His MAJESTIE with advise foresaid, granted full power and Commission, to Sir *James Weemes* of *Bogie* Knight, Sir *George Auchinlek* of *Balmanno* Knight, Sir *James Fowles* of *Colington* Knight, Sir *Robert Stewart* of *Shillinglaw* Knight, Sir *Jobne Waws* of *Barubarro* Knight, Sir *William Greirson* of *Lag* Knight, And to *James Nisbet* Baillie and Burges of *Edinburgh*, Master *Alexander Wedderburne* Clerk of *Dondie*, Sir *Thomas Menzeis* Provost of *Aberdene*, *James Hamilton* Provost of *Glasgow*, *John Oisburne* Burges of *Aire*, and Sir *George Bruce* of *Carnok* Knight, Burges of *Culros*: Whom or any eight of them, His Majestie with advise foresaid, Ordeined to meet and conveine together, at such tyme and place as they should think expedient. And to consult and advise together, and to appoint and determine upon the most convenient meanes how the saids Measures and Weights might be reduced to the conformitie foresaid. As in the said laite Act of Parliament at more length is contained.

Which whole Commissioners foresaid, having mett and conveened within the Burgh of *Edinburgh* upon the twentieth ane day of Januar last by-past, and the most part of them upon divers and sundrie others dayes thereafter in the said Moneth of Januar and Februar instant. And having read and considered the foresaid Act of Parliament, anent the saids Measures and Weights, and finding that It is Ordeined that there shall be onlie Ane just Measure and Weight, through all the parts of this Realme which shall unversallie serve all his Majesties Lieges (by the which and no other) they shall buy and sell, in all tyme comming. And that it is declared by the said Act that the foresaid Measure and Firlot of *Linlithgou*, which is now commonlie used and which hath bene most customablie used through the greatest part of this Kingdome these fiftie or threescore yeares by gone, shall be the foresaid just Measure & Firlot which shall be received and used by all his Majesties Lieges in all tyme comming. And that Commission is given be vertue of the said Act to the saids Commissioners for settling of a perfect order, whereby all the saids Measures that are now used, may be reduced to the conformitie of the said Measure of *Linlithgou*. And for making of a proportion betwixt the lesser Measures and Weights and the greatest. Have first thought it meet and expedient that the Provost and Baillies of *Linlithgou* who are keepers of the said Measure should produce before them the said Measure which hath been given out be them to the Burrowes & all others his Majesties Lieges these fiftie or threescore yeares by gone, with their Jedges and warrands which they have for the same. Who being cited for that effect, Produced before the saids Commissioners their said Measure & Firlot with the Jedge which is their warrant thereof. And the same Measure and Firlot being found agreeable with the said Jedge, the saids Commissioners caused presentlie fill the same with watter, which being full, they fand that the same contained Twentie ane Pintes & ane Mutchkin of just *Sterline* Jug and Measure, and that the foresaid Jug contains within the same Three pounds, and seven ounces of French Troys Weight, of clear running watter of the watter of *Leitb*. And because the saids Commissioners could find out no other meane whereby they might trye the warrant of the Quantitie of the said Measure and Firlot of *Linlithgou*, which hath been in use these fiftie or threescore yeares by gone, But be taking of the Oaths of the saids Provost and Baillies thereanent: They tooke the Oath of *Andro Milne* Provost

Proveft of the faide Burgh of *Linlithgo*, *Andro Bel* and *James Glen* Baillies thereof, who being with all requisite Solemnitie Sworne : Deponed upon their confciences ; That the forefaid Firlot and Meafure produced by them, was the verie true and juft Meafure which hath bene given out to his Majesties Lieges by them and their Predicffors thefe fiftie or three-score yeres bygone, and that the fame by their knowledge hath never been altered in any fort during the tyme forefaid, and sicklike declared upon their confciences, that fo far as they could trye by the moft ancient and aged perfons of their Burgh, that the forefaids Judges are of great antiquitie, and have never bene altered or changed in any tyme bygone : And that they never had, nor hes, any other Meafure, or Judge to their knowledge.

Which Firlot, the faids Commissioners Have Found, and Declared, Statute and Ordeined, to be the juft and onlie Firlot which fhall be received and ufed, by all his Majesties Lieges in all tyme comming : For metting of Wheat, Rye, Beanes, Peas, Meal, Whyt Salt, and fuch other ftuff and Victual as before this tyme hath bene in ufe to bee Meafured by ftraik Mett, within this Kingdome. The Wydnes and Breadnes, of the which Firlot under and above even over within the buids, fhall containe nyneteen Inches, and the feft part of anc Inche ; and the deipnes, feven Inches, and anc thrid part of anc Inche : and the Peck, halfe Peck, and fourth part Peck to be made efferand thereto ; And the fteppes of the faid Firlot to be in thicknes one Inche at the leaft : That the Bottome thereof be croffed with Iron nayled to the fame, and to the Ring of the Firlot ; and the edge of the bottome entring within the lagene be pared outwith towards the nether-fyde, and to be made inwith plaine and juft rule-right ; That the mouth bee ringed about with anc croce or girth of Iron inwith and outwith, having a croce Iron barre passing over from the one fyde to the other, three squared, and edge down, and a plaine fyde up, which fhall go reul-right with the edge of the Firlot, and everie square fhall be anc juft Inche of Breadth. And that there be anc prick of Iron one Inche in roundnes, with anc fhoulder under and above and tryfing upright out of the Centre or midft of the bottome of the Firlot, and passing through the midft of the faid over croce-barre, rooved both under and above.

AND that the faid Cowpar caufe the ring-ftraik of the faid Firlot, paffe from the one end of the faid over Iron barre to the other : And the fame to be brunt and fealled, with the mark of foure Crownes, upon both the fydes of the bottome, with fyve impreffions of the Letter L. upon the lippes thereof. And for efcheuing of fraud in all tyme comming ; The faids Commissioners all in one voic but difcrepance or variance, Have thought expedient, Statute and Ordeined, by vertue of the forefaid Commission granted to them by the faid laite Act of Parliament, That all Victual and ftuff fhall be Meafured by ftraik, through all the parts of this Kingdome, in all tyme comming. And by reafon that Mault, Beare, and Aites have ever bene ufed to bee Meafured by heape ; and that by the meaning of feveral preceeding Acts of Parliament, IT hath bene thought, that the Heape in proportion was the juft thrid of the Firlot and Peck, So thar three ftraiked Firlots, for two heaped Firlots, Sex ftraiked Firlots for foure heaped Firlots, was thought to bee a juft proportion, for the one agreeable to the other. And the faids Commissioners by tryal and examination having found that the Heape in proportion, IS not the juft thrid part of the Firlot and Peck, but that there is a great difference therein, and no fmall prejudice both to the giver and receiver, of three ftraiked Firlots or Pecks, for two heaped Firlots or Pecks, and consequentie of sex for foure, the Heape being alwayes the leffe meafure as faid is.

THEREFORE they have found it expedient to caufe make anc particular Meafure or Firlot, for metting of Mault, Beare, and Aites, by ftraike, in all tyme comming, which being made and produced in their prefence, they after tryal and examination thereof, Have found the fame in proportion neareft to the faid Heape, fo thar foure ftraiked Meafures or Firlots thereof, contienes in juft proportion (and to the leffe prejudice of all his Majesties Lieges) foure heaped Firlots. Which the faids Commissioners having caufed fill with cleare running water of the water of *Leith*, They find the fame to conteine Thrittie one Pynts, of the juft *Sterline* Jugee and Meafure, ilk Pinct contening the Weight forefaid. And the fame to bee in wydnes and breadnes equal and conforme to the former Firlot, and in deipnes, Ten Inches and anc halfe Inche.

WHICH they Find, Statute and Ordeins, To remaine as anc juft Meafure and Firlot, to be Ufed for metting and meafuring of Mault, Beare, and Aites, and by ftraike, in all tyme comming. And thar the Pecks, halfe Pecks, and fourt part Pecks thereof be made conforme in proportione to the fame laft Firlot : Which new Firlot in all other respects fhall be agreeable in forme with the old ftraike Firlot above-written, having one Iron girth more in the midft thereof outwith, and marked with the impreffion of the letter H. on the outmoft fyds thereof.

AND the fame with the forefaid other Firlot contening twentie anc pincts and anc mutchkin, To be given out by the faids Proveft and Baillies of *Linlithgow*, to whose custodie the fame was committed of old, To the Burrowes and all others his Majesties Lieges for that effect, betwix the date hereof and the twentie day of Apryle next-to-com. And thar foure fulles of either of the forefaids Firlots conteine and bee repute to bee anc juft BOLL, in all tyme comming allannerlie. Sicklyke the faids Commissioners having confidered the great Prejudice fuffeined by all OUR Sovereigne LORDS Lieges through the diversitie of Weights, ufed within all the parts of this Realme.

THEREFORE and conforme to their faid Commission and Act of Parliament forefaid, and for efcheuing of all fraud, Have though expedient, Statute, and Ordeined, That there fhall be onely one juft Weight

Weight through all the parts of this Kingdome; which shall universallie serve all his Majesties Lieges (by the which and no other) they shall buy and sell, all and whatsoever Wares accustomed to be bought and sold by Weight aswell Forraine, as Countrie-Wares; in all tyme hereafter: to wit, The French Troys Stone Weight, conteining Sexteine Troys Pounds, in the Stone, and Sexteine Troys Unces in the Pound, and the lesser Weights and Measures to be made in proportion conforme thereto: (And that Weight called of old the Trone weight to be allutterlie abolished and discharged, and never hereafter to be received nor used.) And in respect that the keeping and out-giving of the Weights of old to the Burrowes, and others his Majesties Lieges within this Kingdome; was committed to the Burgh of *Lanerke*: Therefore the saids Commissioners have committed the keeping and out-giving of the said French Troys Stone Weight, now established, to the foresaid Burgh of *Lanerke* and their Successors, to be given out by them and their saids Successors to the Burrowes and others his Majesties Lieges, betwixt the date hereof and the First day of May next-to-come, and in all tyme comming.

AND Lykeways Statutes and Ordeins, that there be double Standards of the foresaid Firlots and Measures, and Judges thereof, and of the foresaid Weights, Two of everie one of them to remaine in the Register, within the Castel of *Edinburgh*, and other two within the Castel of *Dunbritane*, therein to remaine as a warrant for the Measures allannerlie. And the other in the Townes to whom they have been committed of old as said is, to be direct fourth to the whole Lieges to be used universallie. And this without prejudice to any persons who are founded, infeoff, or adderted, by Tack or contract, of old or new fermes of other Measures and Weights; but that their Foundation, Infeoffment, Tack, or Contract, shall be proportioned to the Measure and Weight now established, so that the same quantitie shall remaine with the giver and receiver, but prejudice to any of them. Sicklyke they have found and declared, That the Elne and Stand thereof committed to the keeping of the Burgh of *Edinburgh*, conteinerh Thirtie seven Inches. And that the Pinte Stowp, committed to the keeping of the Burgh of *Sterline*, conteineth the Weight of Three Pounds seven ounces of French Troys Weight cleare running watter of the watter of *Leith*. Which Elne, and Stowp, they Statute and Ordaine, to remaine and abyde in the same integritie as they are now; and that no other Elne nor Stowp, or greater or lesse proportion containing the said weight, shall be received by any of his Majesties Lieges in any tyme comming, to buy or sell with, in any part of this Kingdome. And that the halfe and quarter Elnes, and halfe quarters, and Nails; Quart, Chopin, Mutchkin, and halfe Mutchkine Stowps, bee made in proportion conforme thereto. And the Burghes of *Edinburgh*, and *Sterline*, to whome the keeping thereof hath been committed of old; have the out-giving of the same to the rest of the Burrowes and all others his Majesties Lieges to that effect, betwixt and the First day of Apryle next-to-come: And that they have double Standards of the saids Elne, and Stowp, Two of everie one of them, To remaine in the Register within the Castel of *Edinburgh*, and within the Castel of *Dunbritane*, for a warrant as said is: and the other with themselves and their Successors, to whome they have been committed of old: And that the foresaid Measures, Mets, and Weights, with the which all and whatsoever persons shall be holden to buy, sell, mett, Measure, Weigh, and deliver, have course allannerlie within this Realme; after the dayes respective after following *viz.* The Weights after the First day of May next-to-come, and the Measures of Firlots and Pecks, and the rest of that degree, after the First day of June next thereafter, and no other Weights, Mets, nor Measures, to be received nor used in any tyme hereafter; in any part of this Kingdome, under the paines contained in the Acts of Parliament made thereanent: and that all Firlots to be used in Markets both to Burgh and Land be brunt and sealed either with the Marks and Seals of *Linhthgou* in maner foresaid, or with the burning Iron of the head Burgh of the shyre wherein the saids markets are holden, And that the Provest and Baillies of Royal Burrowes, and Cities both Regalitie and Royaltie, and als the Baillies of Burrowes in Baronnie, and Justices of Peace in whatsoever places where Markets of Victual are holden, or others Forraine or Countrie-Wares shall be bought, sauld, and Weighed, Mett, and Measured, shall be bound, That all Measures and Weights to be used shall be of one forme and quantitie, according to this present Act: And if any different Measures and Weights be found in any of the places above-mentioned; The saids Provest and Baillies of Royalties, Regalities, Baronies and Justices of Peace; shall take order therewith, and if need be shall be holden to informe the Kings Majesties Council thereof, that they may take order thereanent as appertaineth.

Providing alwayes as is before provided, if any persons be founded or infeoff, and adderted by Tack, or Contract, of old or new Ferme, of other Measures & Weights, then are before written in maner foresaid; Their foundation, Tack or Contract, whether it be more or lesse, shall be proportioned to this Measure and weight which now is established, so that the same quantitie shall remaine with the giver and receiver, but prejudice to any of them in maner particularie before expressed. And because by the Provisions immediatlie before written, divers Pleyes and questions, may aryse berwixt parties, receivers and deliverers, Maisters and tennents, Fewers and their Superiors, anent Fermes and Victual, and sicklyke anent other stuff and duties adderted, and bound to be payed and delivered by Weight, either by Infeoffments, Tacks, Foundations, Bandes, or Contracts whatsoever, made before the date hereof anent the conforming and proportionating of the Measures and Weights contained in the saids infeoffments, Tacks, Foundations and others Secuaring the foresaid, with the Measures and Weights now established, if sure notice and tryal be not taken of the just Measure and quantitie of the Measures and Weights, which have been most Customable used & received

rhese fiftie or threecore yeares bygone, within the Shirefdomes under-written, *viz.* *Lanerke, Wigton, Drumfries, Roxburgh, and Berwik.* In the which the faids Commissioners considering evidentlie the greatest diversitie of meafures and weights, from the meafures and weights now established, to be for the most part: So that these fyve Shyres being brought to the conformitie aforesaid, the rest of the Shyres within this Kingdome may be easilie reduced to the same, conforme to this present Act.

T H E R E F O R E the faids Commissioners, Finds it meet and expedient, and by these presents Statutes, Decernes, and Ordains, That the Shirref of everie one of the forefaids fyve shyres of *Lanerke, Wigton, Drumfries, Roxburgh, and Berwik;* or their Deputes shall warne the Baillies of Regalities within the same Shyres, and Stewarts of Stewartries thereof, if any bee, Justices of Peace, and Magistrates of Burrowes, To convene ilk one of them within the heade Burgh of the same Shyre wherein they are Magistrates, within twentic dayes after the Councils pleasure shall be signified to them thereanent: and there not onlie to receive and embrace the faids meafures and weights, from the Provest and Baillies of *Linlithgon* and *Lanerke*, to whom the keeping thereof is concredit in maner foresaid, and which are established by this present Act: But also to take tryal & cognition of the difference betwixt the faids old meafures & weights, and the meafures & weights now established. And to appoint, conclude and determine, ilk one of them within their own bounds, what proportion lesse or more shall be given and received in tyme coming, for the conforming of their Fermes and dueries addetted by former infcoftments, foundations, Tacks, contracts, bands and Securities, to the forefaids Meafures and Weights now established, and to insert the same in their Registers and Court books; To remaine with them for decisioun of such controversies as may aryse in those bounds hereafter, anent the disconformitie foresaid: and to report their diligence thereanent and conclusion in writte authenticklie subscribed by the faids Shirrefs of Shyres, Magistrats of Royal Burrowes, Baillies of Regalities, Burghs of Barronies and Justices of Peace; conveneing within ilk one of the forefaids Shirefdomes: And to present the same to the Lords of his Majesties Council and Session, before the first day of Julie next-to-come; To the effect the same may be delyvered to the Clerke of Register to be insert in the bookes of Council (*ad futuram rei memoriam*) And that none of the forefaids fyve shyres, nor no others his Majesties Lieges within this Kingdome, presume or take upon hand in tyme to come; To buy, Sell, block, bargane, contract, or sett in Tack, to, or with others, for receipt or delyverie, with any other weight, Mett, or measure, nor the same which now by this present Act is approved and established. And this for report of the Commission above-written, Requyring the Lords of OUR SOVERAIGNE LORDS Council and Session, That letters may be direct for publication of the premisses by open proclamation at the market Croces of the head Burrowes of this Realme, and other places needful that non pretend ignorance of the same, Commanding and charging, all and sundrie the faids Provests and Baillies of Burrowes and Citties, both of Royalitie, and regalitie, and also the Baillies of Burrowes in Barronies, and Justices of Peace, and others whatsover, in places where markets are holden; To put in execution this present Act and everie part thereof in so farre as concerneth them, so that the same may take full effect after the dayes respective forefaids: With certification to them and they faillye, they shall be called and accused, and the paines contained in the Acts of Parliament, shall bee execut upon them in all rigour in example of others. In witnessing of the which the faids Commissioners have subscribed these presents with their hands, day, yeere, and place forefaids. And ordains these presents to be delyvered to the Clerke of Register, to the effect he may cause insert the same in the Register of Parliament.

F I N I S.

T H E X X I I I

P A R L I A M E N T

Of Our Most High and Dread Sovereigne

J A M E S

By the Grace of GOD, King of SCOTLAND, ENGLAND, FRANCE
and IRELAND, Defender of the Faith, &c.

Halden at Edinburgh, the fourth day of August, 1621. by the Noble and Potent Lord JAMES Marquis of Hamilton, Earle of Arrane, and Cambridge, Lord Ayen, and Innerdail, &c. Commissioner appointed for holding of the said Parliament, by vertue of his Majesties Commission granted to him under the great Seale of this Kingdome: with the special advise, consent and assent of the Estates of this Realme.

A C T I.

A Ratification of the Five Articles of the General Assembly of the Kirke, halden at Perth, in the Moneth of August, 1618.



OUR SOVERAIGNE LORD, With advice and consent of the Estates of Parliament presently convened, ratifies and approves the Acts of the General Assembly of the Kirk, halden at *Perth*, the xxv day of August, the yeare of God J^{ai} V^{ic} and eighteen, and concluded the twenty seventh of the same Moneth, *Sessione secunda*. Whereof the tennour followeth.

I.

SINCE We are commanded by GOD himselfe, that when wee come to worship him, wee fall down & kneele before the LORD our Maker; & considering with all, that there is no part of Divine worship more heavenly & spiritual, then is the holy receiving of the blessed body and blood of our LORD and Saviour JESUS CHRIST: Lyke as the most humble and reverend gesture of the body in our meditation and lifting up of our hearts, best becommeth so divine and sacred an Action. Therefore notwithstanding that our Kirk hath used since the Reformation of Religion, to celebrate the holy Communion to the people fitting, by reason of the great abuse of kneeling used in the Idolatrous worship of the Sacrament by the Papists: Yet now, seeing all memory of by-past superstition is past. In reverence of GOD, and in due regard of so Divine a Mysterie, and in remembrance of so mysticall an Union, as wee are made partakers of; The Assembly thinketh good, that, that blessed Sacrament be celebrated hereafter meecklie and reverentlie upon their Knees.

II.

ITEM, if any good Christian visited with long sicknes, and knowne to the Pastor; by reason of his present infirmitie, unable to resort to the Kirke, for receiving of the holy Communion, or being sicke, shall declare to the Pastor upon his conscience, that hee thinks his sicknesse to be deadly, and shall earnestly desire to receive the same in his house: The Minister shall not deny to him so great a comfort, lawful warning being given to him upon the night before, and that there bee three or foure of good Religion and conversation, free of lawful impediments, present with the sicke person to communicate with him, who must also provide a convenient place in his house; and all things necessarie for the reverend administration thereof, according to the order prescribed in the Kirke.

III.

ITEM, The Minister shall often admonish the people, that they differre not the Baptising of Infants; any longer then the next Lordes day after the childe bee borne, unlesse upon a great and reasonable cause declared to the Minister, and by him approved. As also they shall warne them, that without great cause they

they procure not their children to be Baptized at home in their houses, but when great need shall compel them to baptize in privat houses (in which case, the Minister shall not refuse to doe it, upon the knowledge of the great need; and being timely required thereto) then Baptisme shall be administred after the same forme as it should have been in the Congregation. And the Minister shall, the next Lordes day after any such private Baptisme, declare in the Kirke; that the Infant was so baptized, and therefore ought to be received as one of the true flocke of CHRISTIS folde.

I V.

ITEM, Forasmuch as one of the most special meanes for staying the increase of Poperie, and setting of true Religion in the hearts of the People, is; That a special care be taken in tryal of young children their education, and how they are carehized: Which in tyme of the Primitive KIRK was most carefully attended, as being most profitable to cause young children in their tender yeares, drinke in the knowledge of GOD, and his Religion, but is now altogether neglected in respect of great abuse and errours which crept into the Popish Kirke; by making thereof a Sacrament of Confirmation: Therefore that all superstitious built thereupon may be rescinded, And that the matter it selfe being most necessarie for the education of the youth, may be reduced to the Primitive integrity.

IT is thought good that the Minister in everie Parish shall carehize all young children of eight yeares of age, and see that they have the knowledge, and bee able to make rehearsal of the Lords Prayer, Belief, and ten Commandements, with answers to the questions of the smal Catechisme used in our Kirke; And that everie Bishop in his vilitation shall censure the Minister who shall bee found remisse therein; And the saids Bishops shall cause the saids Children to be presented before them, and blesse them with prayer for the increase of their knowledge: and continuance of Gods heavenlie graces with every one of them.

V.

ITEM, as wee abhorre the superstitious observation of Festival dayes by the Papists, and detest all licentious and prophane abuse thereof, by the common sort of professors; So we thinke, that the inestimable benefices received from God, by our Lord JESUS CHRIST his Birth, Passion, Resurrection, Ascension, and sending downe of the Holy Ghost, was commendably and godly remembered, at certaine particular dayes and times by the whole Kirk of the world; and may be also now. Therefore the Assembly Ordaines, that every Minister shall upon these dayes have the commemoration of the foresaide inestimable benefices, and make choice of severall and pertinent Texts of Scripture, and frame their doctrine and exhortations thereto; and rebuke all superstitious observation and licentious profanation thereof.

Which Articles and ordinances, OUR SOVERAIGNE LORD with advice and consent of the Estates, Statutes and ordaines to be obeyed and observed by all his Majesties subjects as Lawes in time coming; Annulling and rescinding whatsover other Acts of Parliament, Constitutions and Customes; In so farre as they are derogative to any of the Articles above-written.

A C T. II.

Assent the Taxation granted to his Majestie of Threttie Shillings tearmly, upon the pound Land, and the twentie pennie of all Annual-rents.

IN the PARLIAMENT holden at *Edinburgh*, the fourth day of *August*, the yeare of God 1621. The Estates of Parliament presently convened, considering the infinite expences and great burden which the Kings most sacred Majestie their dread Lord and Sovereigne, hath been constrained by the straitest bonds of religion to undergoe of late, and in all likely-hood shall lye under a long time; By procuring by Treatie or Armes, ease and libertie to those who suffer for the Gospel of Christ Jesus professed in this land; and therewithall calling to mynde the long peace flourishing with religion and Justice, which they have enjoyed these many yeares past; and doe yet still enjoy in this universal combustion of the Christian world, and that by the wise, just and happy government of his sacred Majestie: and that they have nothing to bee returned to so great a King for so exceeding greate and rare benefices, but heartie and zealous affections ceeding to no Nation, and ever ready with their goods, landes, and lives, to maintaine true Religion, his Majesties royal person and posteritie, their Honours and Crownes. Therefore in most humble manner, The saids whole Estates of this Realme doe earnestly beseeke his most sacred Majesty, graciously to accept this their offer of a Taxation to be imposed, collected, and payed to his Highnesse, by the saids Estates in manner and at the foure Teames following: That is to say, The Earles, Lords and Commissioners of Shyres, for the Temporal Estate, have granted, that there shall be up-lifted of every pound Land of auld extent, within this Realme, pertaining to Earles; Lords, Barons, Free-holders, and Fewars of his Majesties proper Lands, the summe of Thirtie shillings money at every one of the foure Teames following, *viz.* The summe of XXX. shillings at the Feast and Tearme of Candlemes next to come, in the yeare of GOD 1622. The summe of other XXX. shillings at the Feast and Tearme of Martinmes, in the yeare of GOD, 1622. The summe of other XXX. shillings at the Feast and Tearme of Martinmes, in the yeare of GOD, 1623. And the summe of other XXX. shillings at the Feast and Tearme of Martinmes, in the yeare of GOD, 1624. The Archbishops, and

and Bishops for the Spirituall Estate, have granted that there shall bee up-lifted of all Arch-Bishopricks, Bishopricks, Abbacies, Priories, and other inferiour benefices within this Realme, at every one of the Foure Tearmes above-specified, the just Taxation thereof, as they have been accustomed to be taxed unto at all time by-gone, whensoever the temporal Landes of this Realme were stented to thirty Shillings of auld extent: And the same Taxation to be payed at every one of the foure severall Tearmes above-specified. And the Commissioners of Burrowes for their ESTATE, have granted, that there shall bee up-lifted of all Burrowes within this Realme, at every one of the Foure Tearmes above-written, the just Taxation thereof, as they have been accustomed to be taxed in all time by-gone, whensoever the temporal Landes within this Realme were stented to thirtie shillings the pound land of auld extent. And the said taxation to be payed at every one of the Foure severall Lordships, whereby the owners thereof may claime to be taxed with the Barons of the temporall Estate, and therethrow his Highness will be defrauded of a great part of the same taxation.

THEREFORE IT IS Statute and Ordained, that all Erections of Prelacies, and other smal Benefices, in whole or in part, in Temporal Lordships, shall in payment of the said taxation, pay to the Collectors thereof so meikle of the same Taxation [*pro rata*] as if they were no-wise erected, and as they were subject to do before the erection of the same. And sicklike, IT IS Statute and ordained, That all dissolved Benefices within this Realme, in whole or in part, shall bee subject in payment of so meikle of the same Taxation [*pro rata*] as they would have been subject to pay so the same had not been dissolved, and that the parties who have gotten any part or portion of any Prelacies, or other inferior Benefices dissolved, and new securities made unto them by his Majestie, of that part and portion thereof so dissolved, shall be subject to the payment of the Taxation thereof to the Prelate, or other beneficed person for his reliefe of the same Taxation; as they would have been, so the same had not been dissolved: Notwithstanding of any condition contained in the indentments and securities made by his Majesty to them in the contrary hereof.

AND FOR ORDER, the saids Estates Annulles and discharges all Priviledges and Immunities whatsoever, whereby any persons may think themselves free of payment of this present Taxation (the Priviledges granted to the Ordinar Senators of the Colledge of Justice, and the Taxation of the Benefices given, disposed and mortified for the intertainment of the Universities and Colledges within this Kingdom only excepted.) AS ALSO the saids Estates considering that besides the ordinary charges which his Majesty doth daily undergoe for the maintenance of the Honour, Estate and Dignity of his Highnes Kingdomes; The extraordinarie burdings which now lye upon his Majesty by the occasions before-written, are so great, and do so neare concern every Loyal and true hearted Subject of this Kingdome, as members of that body whereof his Majesty is the head: that in duty they think themselves bound to bear a part of that burden, and to relieve his Majesty thereof. Therefore besides the Ordinar Taxation above-written, THE saids Estates have for the space of Four years next and immediately following the Tearme of Martinmesse next to come, Voluntarily and freely granted to his Majesty a yearly extraordinarie Taxation of the Twenty pennie of all Annual-rents, which any person or persons within this Kingdom have freely due and payable to them yearly or tearmly [their own Annual-rent wherein they are addebted to others, being first deduced.] The first Tearmes payment whereof shall bee and begin at the said Feast and Tearme of Martinmesse next to come, and so forth yearly and tearmly at Whitunday and Martinmesse, while the saids Four years and the eight Tearmes payment thereof be fully and compleatly out-run. And for the better tryal of every man his Annual-rent which he hath yearly or Tearmly due to him: IT IS ordeined, that this Act shall be published at the Market-crosse of the Burgh of *Edinburgh*, and of the whole head Burrowes of the Shirreffdoms, Stewardries, Bailliries, and Regalities, within this Kingdome, whereby all his Majesties Lieges may have true notice thereof. And therewithal the saids Estates WILLES, Ordains and Commands, all his Majesties Lieges that have any Annual-rent payed to them, That they compare within the said Head Burgh of the Shirreffdome, Stewardrie, Baillirie, or Regality, or the Head Burgh in any of these Jurisdiccions where the head Courts are holden, and where the saids Annual-renters dwell, or have their ordinar residence, in any court-day in one of the last Weekes Immediately preceding Whitfonday or Martinmesse. At which time the Shirreffs, Stewards, Baillies, and Baillies of Regalities, and Provest and Baillies of burrows, who are heretabell Shirreffs within themselves, within the bounds of their Jurisdiccions: shall be obliged to hold Courts weekly to the effect after-specified. And the Lieges resorting to the saids Courts, shall give up Inventors to the Clerk thereof, of the whole summes of money for which Annual is due to them yearly and tearmly, the names of the Debtors: As also the whole summes of money for the which they are subject in payment of annual-rent to others, with the names of the Creditors to whom the same is due, whether the same annual-rent be in Victual or Silver. The annual-rent of Victual to be estimate according to the Stock of money for the which it is paid at Ten for ilk hundreth thereof, And shall cause the parties up-givers of the saids Inventors, every party subscribe his own Inventor himself if he can write, and if he

cannot write, the Clerke of the said Court shall subscribe the said Inventor in face of Court, before the members thereof. And also the Sherriff, Steward, Baillic, Baillic of Regality, Proveft and Baillics of Burrowes, who are heretable Shirrefs within themselves, within the boundes of their Jurisdiccions: And Clerkes themselves shall make and give up an Inventor of the debts owing unto themselves, and by themselves, as said is. IT IS always provided, that if any person, impeaced by reason of sickness, or distracted by some other just occasion, shall not bee present himselfe, to give up the said Inventor, It shall bee lawful for him to cause any honest responsible man, within the jurisdiction where he dwelleth, to compare, and give up his Inventor: Providing the same be subscribed by himselfe, or a Notar at his command, which the In-giver shall declare to be a true Deede, and abide at the same, on the like hazard and danger as the principal partie should under-lye: which shall be as sufficient as if the Inventor had been personally given up by the principal partie himselfe. And an Inventor being once made, and given up, shall still stand, and be a ground to charge any person, during the time of the foure yeares of the said Taxation, unless the partie change, or otherwayes employ his summes: And then he shall give up a new Inventor, which shall bee a new ground of a charge, and the former shall cease. And the saide Clerk shall make a Record in his Register of the saids whole Inventors: Which Inventors being so recorded, shall be extracted by the said Clerke, and subscribed with his hand, and three Extracts made of the same: one to bee given to the party, if he require the same: another to be sent, by the sayd Clerke, to the Collector of the same Taxation: and the third, to bee likewise sent by the sayd Clerk, to the CLERKE of his MAJESTIES REGISTER, to be still kept amongst the Records of His Highness Exchequer: to the effect it may be knowne how farre every partie is lyable in the payment of the said extraordinary Taxation, For the which Extract, and Note made in register, the said Clerk shall have of every person, up-giver of an Inventor, the summe of foure shillings Scots money. And if by slouth, or malice, the Clerke shall happen to delay, or shift the Lieges resorting to the saids Courtes to the effect aforesayd, (Complaint being made thereof to the Lordes of His Majesties Secret Counsell) the saids Clerkes shall be punished accordingly, at the discretion of the saids Lords, And at any Court day, preceeding any Tearme, it shall be lawful for any person to compare, and offer to give up his Inventor, which the Clerk and Judge shall be astricted to receive.

FURTHER, For the better observation of the said Statute, It is declared, That whosoever receaveth, retaineth, or conditioneth to receive any Annual-rent, and concealth the same, or any part thereof: or in giving up of his Inventor of Debtes, and Annuels owing by him unto his just Creditors, giveth up more then he is justly adedted into, Whosoever first discovereth, and revealeth either the Annuel concealed, or Annuel which is more then the up-givers just debt, shall for his reward have the halfe of that Tearme concealed Annuel, and as much as the half of that Annuel which shall bee discovered to have beene unjustly given up. And in case it shall happen any person whatsoever, by vertue of his up-given Inventor, to be charged for payment of his Taxation, and at the time of his charge to declare in presence of a Judge, by his great Oath solemnly swome, that his Debtor is a Banke-rupt, whereby he is disabled to make payment of his Taxation, and is contented that the Kings Majestie shall have the whole Annuel-rent adedted unto him by his Banke-rupt debtor of that Tearme: His said Declaration shall be a sufficient liberation to him of the same. And for eschewing of malicious Dilatours of those who have omitted or concealed their summes, IT IS ordained, That whensoever any person shall accuse or delate another of concealing or omitting of Summes the time of making his Inventor, He shall condescend upon some probable cause of his Delation, and shall finde caution, [*de judicato solvi*] in case he faile in proving that which he delateth: And there shall not such actions of delations be lawful against dead persons, their Heires, no Exequutors: Neither shall it be lawful, after year and day, after the expiring of the said Taxation, to intend any such action. And in case any person purchase wed-fette of Lands, and set the same backe again in tacked unto him who wed-fette the same unto him, The Tacks-man possessor of the Lands, shall pay for the stent of the Lands, and the haver of the wed-fet shall pay for the Annuel-rent of his money which he hath on the Land, as if the same were employed for Annuel-rent. ATTOUR, IT shall be lawful by no manner of way, for any Creditour to get reliefe of his Debtor, of this Taxation which is imposed upon Annuel-rents by this Statute, under the paines contained in the Acts of Parliament made against Usurers. And concerning Minors, IT IS declared, that their Minorities shall no wayes priviledge them: But their Tutors and Curators shall give up the Inventors of their Annual-rents in their names: which if the saids Tutors and Curators faile to do, the saids Minors shall incurre the like danger as others, and at their perfect age shall have action of Reliefe against their saids Tutors and Curators for that cause. And in case any person depart out of this Kingdome, after the publication of this present Act, the same shall no wayes excuse him from giving up of an Inventor of his Annuel-rents, and payment of the said Taxation, and underlying of the danger contained in this present Act. But those who are presently soorth of this Realme, and shall not return before the Tearme of Martinmesse next, they shall not come under the danger of this Act, untill the Tearme of Whitfonday next: providing that at that tearme they give up their Inventor, and pay their Taxation, as if they had been present within this Realme before the foresaid Tearme of Martinmesse next. And for the uplifting of the foresaid Taxation, granted upon Annuel-rentes,

rentes, And to the effect his Majesties General Collector thereof may know now whom to crave and charge for the same, IT IS Statute and Ordained, That within every Sherrifdome, Sewardrie, Baillicie, and Regalitie, where the Offices of Sherriffes, Stewardes, and Baillies are heretable: and the Provests and Baillies of Burrowes, who are heretable Sherriffes within themselves: These heritable Officers, and their Deputies, for whom they shall be holden to answer, shall collect the said Taxation, and make payment thereof to his Majesties Collector General of the foresaids Taxations. And where these Offices are not heretable, but changeable, The Clerkes within the saids Jurisdictions having their Offices, [ad vitam] shall bee Collectors thereof. And in case the saids Clerkes have not already found sufficient Caution for discharging of their duties in their Offices, they shall bee holden before they have any intromission with the same Taxation, to finde sufficient Caution for that effect. And where there are no heretable Officers, nor Clerkes, having their Offices [ad vitam] the said Collector General of His Majesties Taxations (and his Deputies in his name, sufficiently authorized by him: and for whom hee shall bee holden to answer, and whose Names hee shall cause publish at the Market-Crosse of the head Burgh of that Jurisdiction where there is no heretable Officer nor Clerke [ad vitam] that his Majesties Lieges may know unto whom they shall make payment) shall collect and up-lift the same Taxation: Which payment being made, the receiver thereof shall bee obliged to deliver unto the payer thereof an Acquittance upon the receipt of the same, [gratis] without payment of any money for the same. IT IS likewise provided, That the Fees of the Collectors, and receivers of the same Taxation of Annual-rentes, shall bee, like as hereby they are remitted to the discretion and arbitrament of the Lordes of his Majesties Privie Council, to be set downe, and agreed upon by them. And the saids ESTATES hereby discerne and declare, That all Burgeses and Free-men within Burghes, albeit they bee taxed in the ordinarie Taxation above-written, with their Neighbours, conforme to the order prescribed for collecting of the Burrowes part of the said ordinary Taxation; Yet the same shall no wayes liberate, nor free them from payment of their parts of this extraordinary Taxation also, according to the proportion of the twentie pennie of their Annual-rentes: but they shall bee lyable in payment thereof, as others his Majesties Lieges are. AT T O U R, The saids ESTATES annul and discharge all priviledges and immunities whatsoever, whereby any persons may thinke themselves free of payment of any parte of this present Extraordinarie Taxation: The Priviledges and Immunities granted to the Ordinarie Lords of Session, with the Annual-rentes due to be payed to Colledges, Schooles, and Hospitales, or mortified for sustentation and up-holding of Kirkes and Bridges, with the Annual-rentes which may bee claymed of poore people, whose stocke exceedeth not the summe of five hundredth markes onely excepted. AND the saids ESTATES discerne and ordaine the extraordinary Lordes of the Session, together with the whole Advocates, Clerks of the Session, Writers to the Signer, Privie and Great Seales, and other members of the Colledge of Justice, to contribute to the saids Taxations, such like as if they were not excoemed: And that of their owne consentes, and conforme to their voluntary offer made by them to his Majestie, and the saids Estates, upon this special provision, That their said voluntarie offer shall not prejudice nor impair their liberties; priviledges, and immunities in any time comming. Which offer the saids Estates accepted, and accept: And will, and declare, That their said Offer shall no wayes derogate to their priviledges, and immunities: But that their saids Priviledges and immunities shall bee kept; and observed unto them and their Successors in all times comming, unprejudged by the said Offer.

A C T III.

Anent the Collecting and inbringing of the Taxation, and reliefe to the Prelates.

FOR-ASMUCH as the ESTATES of this present Parliament, upon good and weightie considerations, which moved them, have freely and voluntarie offered and granted to the Kinges most Excellent Majestie, OUR SOVERAIGNE LORD, for supplying of a part of the great Charges and Expenses which His Majestie hath been constrained, even by the straytest bandes of Religion, to undergoe of late, and by all lykely-hood shall lye under a long time, by procuring by treatie, or Armes, ease and libertie to those who suffer for the Gospel of JESUS CHRIST, professed in this Land, A Taxation to be payed, collected, and uplified, in manner, and at the foure Tearmes following: That is to say, For the Barrons and Free-holders partes of the same Taxation, Thirtie shillings Scots money, to be uplified of every pound land of old Extent within this Realme: pertaining to Earles, Lordes, Barrons, Free-holders, and Fewares, of our Sovereaigne Lordes proper landes, holden by them immediately of His Majestie, and payed by them at every one of the four severall Tearmes following: THAT IS TO SAY, The summe of Thirtie shillings money, at the Feast and Terme of Candlemesse next to come, in the yeare of GOD, one thousand, six hundredth, twentie and two yeares. The summe of other thirtie shillings money at the Feast and Terme of Martinmesse, in the yeare of GOD, 1622. yeares. The summe of other thirtie shillings money, at the Feast and Terme

of Martinmesse, in the yeare of our GOD, 1623 yeares. And the summe of or her thirtie shillings, money afore-said, at the Feast and Tearme of Martinmesse, in the yeare of our GOD, 1624. yeares. And for the Spiritual men, and the Burrowes partes of the same Taxation, That there shall be up-lifted of everie Arch-bishopricke, Bishopricke, Abbacie, Priorie, and other inferior benefice: and of everie free Burgh within this Realme, at everie one of the saids foure Tearmes of payment, the just Taxation thereof, and as they have been accustomed to be taxed unto in all times bygone, whensoever the Temporal landes within this Realme were stented to thirtie shillings money the pound land of old extent: And the same Taxation to be payed at every one of the foure severall Tearmes above-written. AND for In-bringing of the Spiritual mens parts of the same Taxation, Ordaines letters to be directed, charging all and sundry Arch-bishops, Bishops, Abbots, Priors, as likewise all Noble-men, and others, in whose favour the Ereccion of any Prelacie, or other inferior Benefice, or any part or portion thereof, bee it landes, Kirkes, or Teynds, or in whose favour the Patronage of any Benefice, Kirkes, of Teyndes, is past, and all other beneficed persons contained in the Tax Rolles, their Chalmerlains, factors and introuctours with their Rents and living to make payment of that summe that they and every one of them are taxt unto for every one of the said foure Tearmes payment to the Collector General to be appointed by His Majestie, for receiving of the said, whole Taxation, or to his Deputes, and Officiars in his name, having his power to receive the same at the particular Tearmes above-written, under the paine of rebellion, and putting of them to the Horne. And if they faillie therein at the by-passing of every one of the saids Tearmes, to denounce the Disobeyers Rebelles, and put them to the Horne: and to escheate, &c. And that the Prelates, and beneficed persons, and such Noble-men, and others, in whose favours the Ereccions and Patronages above-written, are past for their reliefe, have Letters, charging their Vassalles, Sub-vassalles, Ladies of Terce, Conjunct-secars, Life-renters, Fewars, Tackes-men, and Pensioners, to make payment of their partes of the saide Taxation, each one of them [*pro rata*] according to the summe that they shall be taxed unto: To the saids Prelates, and other beneficed persons, and to the saids Noble-men and others, having power to receive the same, within twentie dayes next after the charge, under the paine of rebellion, &c. And if they faillie, to denounce, and Escheate, &c. And to poind and distraine therefore, as they shall thinke most expedient: Providing always, That the first Tearmes payment of the said Taxation be ever past, before the next Tearmes payment be charged for. Always declaring, that the production of sufficient Hominges against the saids Vassalles, Fewars, Tackes-men, and Pensioners, shall be a reliefe to the saids Prelates, Lordes of Ereccions, and beneficed persons: And shall exoner them [*pro tanto*] from payment of the said taxation: providing that the same Hominges, with their Taxed Rolles, authentickly made, and subscribed by the saids Prelates, Lordes of Ereccions, and beneficed persons, and by their Fewars, Vassalles, Tackes-men and Pensioners, in manner hereafter prescribed, containing the particular summe which each one of them are taxed unto, be delivered to the Collector of the same taxation, within the space of threecore dayes after every Tearme: Otherways he shall be nowayes obliged to receive the same. Neyther shall the Prelate, Lord of Ereccion, & beneficed person, be exonered, by production of the same, at any time thereafter. AND FURTHER, That the saids Prelates, and such Noble-men, and others, in whose favours the Ereccions and Patronages above-written, are past, and all other beneficed persons, may have their reliefe of their saids Vassalls, Sub-vassalls, Ladies of Terce, Conjunct-secars, Life-renters, Fewars, Tackes-men, and Pensioners, to the greater ease, and lesse trouble to their saids vassalls, and others foresaids.

AND, to the effect that every one proportionally may paye his part of the said taxation, according to the quantitie and avails of the free rent which he hath of his Benefice, Landes, Pension, Kirkes, and Teindshaves pertaining to him, as well the Prelate, Lord of Ereccion, Patron, and other beneficed persons, themselves, as the Fewar, Tackes-man, pensioner: IT IS thought expedient, statute, and ordained, That the saids Prelates, and others above rehearsed, every one of them severally shall conveye his whole Fewars, Vassalles, Tackes-men and Pensioners, at the particular places hereafter designed: THEY ARE TO SAY, the Arch-bishop of *Sanct-Andrewes*, at the Citie of *Sanct-Andrewes*: The Arch-bishop of *Glasgow*, at the Citie of *Glasgow*: The Bishop of *Orkney*, at the Towne of *Kirke-wal*: The Bishop of *Caitnes*, at the Towne of *Dunnoch*: The Bishop of *Ross*, at the Towne of *Chaurie of Ross*: The Bishop of *Murray*, at the Towne of *Elgin*: The Bishop of *Aberdeen*, at the Burgh of *Aberden*: The Bishop of *Brechin*, at the Burgh of *Brechin*: The Bishop of *Dunkeld*, at the Towne of *Dunkeld*: The Bishop of *Dumblane*, at the Towne of *Dumblane*: The Bishop of *Galloway*, at the Towne of *Wigton*: The Bishop of *Argyle*, at the Burgh of *Inverary*: The Bishop of the *Yles*, at the Burgh of *Rothsay in Bate*: The Abbot of *Icolmkill*, at the Burgh of *Invernesse*: The Prior of *Archtattane*, at the Burgh of *Inveraray*: The Abbot of *Ferne*, at the Burgh of *Thayne*: The Lord of *Bewlie*, at the Burgh of *Invernesse*: The Lord of *Kinlosse*, at the Burgh of *Fores*: The Prior of *Pluscarden*, at the Burgh of *Elgin*: the Lord of *Deir*, at the Towne of *Peter-head*: The Prior of *Fyvie*, at the Towne of *Yrroff*: The Prior of *Monymuske*, at the Towne of *Monymuske*: The Lord of *Arbroith*, at the Burgh of *Arbroith*: The Lord of *Scoue*, at the Burgh of *Pearth*: The Lord of *Cowper*, at the Towne of *Cowper*, in *Angus*: The Prior of *Restenmeth*, at the Burgh of *Forfar*: the Collector of the Taxation, in place of the Prior of *Charter-house*, the Seate now vacand, at the Burgh of *Pearth*: the Prior of *Elcho*, at the same Burgh of *Pearth*: the Prior of *Strathbillane*, at the Burgh of *Inveraray*: the Lord of *Inchaffray*, at the Burgh of *Pearth*: the Prior of *Inchmahome*, at the Burgh

Burgh of *Sterling*: the Prior of *Saint-Andrewes*, at the Citie of *Saint-Andrewes*: the Baillie of the Regalitie of *Dunfermling*, at the Burgh of *Dunfermling*: the Lord of *Balmerinloch*, at the Burgh of *Cowper* in Fyfe: The Lord of *Lindores*, at the Burgh of *Cowper* in Fyfe: The Masters of *Saint-Leonards* Colledge, in *Saint-Andrewes*, for the Prior of *Portmooke*, at the Burgh of *Cowper* in Fyfe: the Prior of *Pettin-weyme*, at the Burgh of *Pettin-weyme*: the Lord of *Saint-Colme*, at the Burgh of *Inverkerbing*: the Lord of *Culros*, at the Burgh of *Culros*: the Abbot of *Cambuskynnech*, at the Burgh of *Sterling*: the Lord of *Torphichin*, at the Burgh of *Linlithgow*: the Prior of *Mannell*, at the Burgh of *Linlithgow*: the Lord of *Holy-rude-House*, at the Burgh of *Edinburgh*: the Lord of *Newbottle*, at the Burgh of *Edinburgh*: The Prioreesse of *Haddington*, at the Burgh of *Haddington*: The Lord of the Temporal landes of the Priorie of *North-berwick*, at the Burgh of *North-berwick*: The Patron, & Parson of the Kirk of *Kynneswar*, dissolved from the Priorie of *North-berwick*, at the Town of *Ely*: The Patron, and Parson of the Kirk of *Largo*, dissolved from *North-berwick*, at the Town of *Largo*: The Patron, and Parson of the Kirk of *Mayboil*, dissolved from *North-berwick*, at the Burgh of *Mayboil*: The Patron and Parson of the Kirk of *Logy*, dissolved from *North-berwick*, at the Burgh of *Sterling*: The Lord of *Kelsö*, at the Town of *Kelsö*: The Lord of *Coldingbame*, at the Town of *Eymouth*: The Lord of *Dryburgh*, at the Town of *Dryburgh*: The Prior of *Eclis*, at the Town of *Dunf*: The Prior of *Cauld-freame*, at the Town of *Dunf*: The Lord of *Jedburgh*, at the Burgh of *Jedburgh*: The Lord of *Melros*, at the Town of *Melros*: The Lord of *Paisley*, at the Town of *Paisley*: The Lord of *Blantyre*, at the Burgh of *Glasgow*: The Lord, and Baillie of the Temporal landes of *Kilwynning*, at the Burgh of *Irwing*: The Patrons, and Parsons of the Kirks of *Kilwynning*, dissolved from the Abbey of *Kilwynning*, at the said Burgh of *Irwing*: The Abbot of *Corraguel*, at the Town of *Mayboil*: The Prior of *Whiteborne*, at the Burgh of *Whiteborne*: The Abbot of *Saulst*, at the Burgh of *Whiteborne*: The Prior of *Saint-Marie Yle*, at the Burgh of *Kirkcudbright*: The Lord of *Dundrenane*, at the Burgh of *Kirkcudbright*: The Lord of *Glenluce*, at the Burgh of *Wigton*: The Abbot of *Toungland*, at the Burgh of *Wigton*: The Abbot of *New-Abbey*, at the Burgh of *Dumfries*: The Abbot of *Holy-wood*, at the Burgh of *Dumfries*: The Prior of *Cannobie*, at the Burgh of *Amnand*: The Barron, and Baillie of the Barronie of *Broughton*, dissolved from the Lordship of *Holy-Rude-house*, at the Burgh of *Edinburgh*: The Heritours of the one hundredth pound Land of the Barronie of *Moukland*, dissolved from the Lordship of *Newbottle*, at the Citie of *Glasgow*: The Ministers of *Felford*, at *Aire*: *Scotlandwel*, at *Saint-Andrewes*: *Peibles*, at *Peibles*: The Patron, and Parson of the Kirk of *Dandie*, dissolved from the Abbacie of *Lindores*, at the Burgh of *Dundie*: And all other small beneficed Parsons, at the Paroch Kirkes of their particular Benefices. And that they conveye, to the effect above-written, upon the penult day of October next-to-come, in the yeare of GOD, one thousand, six hundredth, twentie one yeares: which is declared to be the precise day appointed for all their Vassalles, Fewars, Tacksmen, and Pensioners, to keep the said Meeting. And that no farther Citation, nor Summoning, shall be requisite, than the Proclamation and Publication of this present Act, at the Market-Crosses of the Head-Burrowes of this Realme.

AND HEREWITH It is resolved, by the saids ESTATES, That if any Vassal, Sub-vassal; Fewar, Tackf-man of Teyndes, Pensioner, or any other, justly bound to make reliefe to the Prelate, Lord of Ereccion, Patron, or other Beneficed Person, of any part of the said Taxation: Shall send any procuratours in his name, sufficiently authorized, to the said Meeting: The same shall not onely excuse the absence of the principal partie: but the procuratour in all things shall bee admitted, and received, to doe, and performe, in the Distribution of the said Taxation, what could, or lawfully might have been done by him who sent him. IT IS in like manner declared, That the Prelate, Lord of Ereccion, Patron, or other beneficed person, impeded by disease, or distracted upon some other necessarie occasion, from attending that Meeting, having his absence supplied that day, by any sufficient, worthy person, whom hee shall appoynt, and authorize, to that effect, shall bee as lawfull, as if hee were personally present himselfe. And the partie so authorized, shall bee admitted, and received, in all thinges to doe, and performe in the distribution of the same Taxation, what could, or lawfully might have been done, by him who sent him. IT IS Further statuted, and ordained, That at the said day of Meeting, the saids Prelates, Lordes of Ereccion, Patrones, and other beneficed persons, shall by themselves, or their Procuratours lawfully authorized, as said is, sence and holde a Court, call by Name, and Sur-name, upon every one of their Vassals, Sub-vassals, Fewars, Tackf-men of Teynds, pensioners, and others, obliged to relieve them of any part of the same Taxation: And lawfull time of day beinge bidden, shall shew to their saids Vassalles, Fewars, Tackf-men, and Pensioners, or their procuratours compeiring for them, the quantitie of the Taxation imposed upon their Prelacie, erected Lordship, or other Benefice, authentickly subscribed by the Clerk of the same Taxation. And they all, at the least to many of them as shall convene for this effect, with one consent, shall distribute the same to be payed by every man, as well by the Prelate, Lord of Ereccion, and present possessor of small benefices, for the free rent that every one of them hath of their Prelacies, erected Lordships, and small benefices, as by the Vassal, Fewar, Tackf-man, and pensioner, according to the great or smal quantitie of free rent which every one of them hath, either of their Landes, Teinds, or pensions. Which Certification to any of the saids persons, Fewars, Vassalles, Tackf-man, or pensioner, that compeireth not by themselves, or their procuratours, at the day and places above specified, to

the effect aforesaid: That such as shall convene with the saids Prelates, Lords of Erections, Patrones, and other beneficed persons, or their procuratours, shall proceed in the equal distribution of the same Taxation, as well amongst them that are absent, as present: And shall make, and subscribe, an authentick Tax-rolle there-upon. And in case, that none of the saids Vassalles, Fewars, Tackf-men, and Pensioners, shall convene at the day and places above specified, to this effect, by themselves, or their procuratours, but shall wilfully absent themselves from the said Meeting, It shall be lawful for the saids Prelates, Lords of Erections, Patrones, and other beneficed persons, being present, by themselves, or their procuratours, at the day and places above specified, to make, set downe, and subscribe the same Tax-rolle. And in case any of the saids Prelates, Lordes of Erections, Patrones and other beneficed persons, shall not convene, by themselves, or by their procuratours, at the day and places above specified, particularly designed to every one of them, It shall be lawful for the saids Vassalles, Fewars, Tackf-men, and pensioners, at the least so many of them as shall convene, by themselves, or their procuratours, to make, set downe, and subscribe the said Tax-rolle. Which Tax-rolle shall containe the particular summe that every one shall be found justly to bee addebred to pay, the parties name addebred to pay the same, and the cause wherefore the same ought to be paycd. And being so set downe, either by the Prelate, Lord of Ereccion, patron, or other beneficed person, or their lawful procuratours, with so many of their Vassalles, Sub-vassalles, Fewars, Tackf-men of Teinds, pensioners, and others obliged to relieve them of any part of the same Taxation, as shall convene with them to this effect. And in case that none shall convene with them, the same Rolle being then set downe by the Prelate, Lord of Ereccion, patron, or other beneficed person, or their lawful procuratours: Or in case of their absence, being set downe, made, and subscribed by so many of the saids Vassalles, Fewars, Tackf-men, and pensioners, as by themselves, or their procuratours, shall convene themselves for this effect, THE SAIDS ESTATES Decernes to bee as lawful in all respects, as if the whole number of persons having intres therein, had convened, made, set downe, and subscribed the same. Which Tax-rolle being so set downe, made and subscribed, in manner above-written (and no otherwise) and delivered to the Clerke of the Taxation: The saids ESTATES ordaines him to give the warrant for giving of letters of Reliefe there-upon, Discharging him in any case to give warrant for giving of letters of Reliefe upon any Rolle presented unto him, nor made, and authentickly subscribed, in forme above-written, as hee will answer to the contrary, upon his perill.

IT IS likewise statuted, and ordained, that tackef-men of Teinds shall have reliefe upon their Sub-tackef-men, [*pro tanto*] respect being had to the gerfome payed by the saids Sub-tackef-men. And for in-bringing of the Barrones and Free-holders partes of the same taxation, and of the Fewars and rentalles of OUR SOVERAIGNE LORDES proper lands, their partes thereof, Ordaines letters to be directed, charging all and sundry Shireffes, Stewards, Baillies, their Deputies, and Clerkes, Fewars, Chamberlaines, and Receavers of OUR SOVERAIGNE LORDES proper landes, That they, and every one of them, within the boundes of their Offices, rayse, and up-lift the summe of Thirtie shillings, money of this Realme, of every pound land of old Extent, lying within the boundes of their Jurisdictions, for every one of the foure tearmes above specified: and in-bring and deliver the same unto the Collector aforesaid, or to his Deputies, and Officiars in his name, having his power to receive the same, at the particular tearmes above specified, under the paine of rebellion, &c. And if they faile at the by-passing of every one of the saids tearmes, to denounce, and escheate, &c. And for their reliefe, that letters be directed, Charging all, and sundry Earles, Lordes, Barrones, Free-holders, Fewars, and Rentallers, of OUR SOVERAIGNE LORDS proper landes, personally, or at their dwelling places: And by open proclamation, at the Mercat-Crosses of the head Burgh of the Sheriffdome, Stewardrie, or Baillierie, where their lands lye, if they be within this Kingdome: And if they be without this Kingdome, by open proclamation, at the Market Crosse of *Edinburgh*, *Piere* and shoare of *Leith*, upon threescore dayes warning, to make payment unto the saids Shireffes, Stewards, and Baillies, their Deputies, and Clerkes, Chamberlaines, and Receavers of OUR SOVERAIGNE LORDES proper landes, every one of them for their owne partes [*respective*] of the said summe of thirtie shillings money foresaid, for every pound lande of old Extent pertaining unto them for every one of the saids four tearmes payment, within twentie dayes next after they be charged thereto, under the paine of Rebellion, &c. And if they faile, to denounce, and escheate, &c. And if neede bee, that the saids Sherifffes, Stewards, Baillies, their Deputies, and Clerkes, Chamberlaines, and Receavers of OUR SOVERAIGNE LORDES proper landes, poynd and distraine the readiest Goods and Geare being upon the saids landes therefore, as they shall think most meete and expedient. And that the saids Earles, Lordes, Barrones, Free-holders, Fewars, and Rentallers of OUR SOVERAIGNE LORDES proper landes, have letters for their reliefe, to charge their Vassalls, Sub vassalles, Ladies of Terce, Coniunct-feares, and Life-renters, to make payment of their partes of the said Taxation, within twentie dayes next after the charge, under the paine of rebellion, &c. And if they faile, to denounce, and escheate, &c. And if neede bee, that they poynd, and distraine: providing alwayes, that the first tearmes payment of the said Taxation be ever past before the next tearme bee charged for. And for in-bringing of the Burrowes parte of the same taxation, Ordaines letters to be directed, Charging the Pfovest, and Baillies of each Burgh, to make payment of the Taxt and Stent thereof, to the Collector General foresaid, his Deputies, and Officiars, in his name, having his power to receive the same at the particular tearmes above

they, and everie one of them, by North the River of *Dee*, within the space of fifteene dayes after every Tearme of Martinmesse and Whitfunday: and that they, and everie one of them, by South the River of *Dee*, within the space of ten dayes after every Tearme of Martinmesse and Whitfunday, deliver to his Majesties said Collector General, a true and just Account and Inventor, of the whole summes of money due to be payed by any person within the boundes of their Jurisdiction, for his part of the said Extraordinary Taxation: And that they give up the same Compt and Inventor upon their Oath, solemnly sworne, that the same is just and true: And make payment unto his Majesties said Collector General, or to his Deputy in his name: having his power to receive the same of the whole moneys due to be payed to his Majesty, conforme to the said Compt and Inventor, within Twentie dayes after each Tearme, under the paine of Rebellion, &c. And in case the saids Sherriffes, Stewardest, Baillies, Baillies of Regalities, and Clerkes faile, to denounce and escheate, &c. For whose reliefe, that Letters bee directed, Charging all and sundry the saids Annual-renters, to make payment to the saids Sherriffes, Stewardest, Baillies, Baillies of Regalities, Clerkes, Provest and Baillies of Burrowes, of the saids twentie pennie of all Annual-rentes, due and payable to them, within Twentie dayes next after the charge, under the paine of Rebellion, &c. And if they faile, to denounce and escheate, &c. And if need bee, that the saids Sherriffes, Stewardest, Baillies, Baillies of Regalities, Clerkes, Provest and Baillies of Burrowes, poynd and distraine therefore, as they shall think most meet and expedient.

AND His HIGHNES, and ESTATES foresaid, Ordaines the Lordes of Session to bee only Judges to all suspensions to be craved and suted by any of OUR SOVERAIGNE LORDS Lieges, touching the saids Taxations, Which suspensions his Majestic and Estates foresaid finds, may be granted upon lawfull and equitable reasons to bee considered by them, and discharges all other Judges within this Realme, of granting of any suspensions thereanent. With power to the saids Lords to delegate five at the least of their ordinarie number, as they think expedient, To sit, cognosce, and decide the saids suspensions, in time of Vacance, if need bee.

ACT IV.

An Act of Ratification, in favour of the PRINCE His Highness.

OUR SOVERAIGNE LORD With Advise and Consent of the Estates of Parliament, Ratifies, Approves, and for Him and His Successors, perpetually confirms all and whatsoever Infeffments, Gifts, Donations, and other Rightes, and Titles, made, or granted by His MAJESTIE, or any other His most Noble Progenitours to His Highnesse, CHARLES, PRINCE and STEWARD of SCOTLAND, His MAJESTIES Dearest Sonne, or any other His Highnesse the Prince, his Predecessours, Princes, and Stewards of SCOTLAND, of whatsoever Lands, Lordships, Barronies, Superiorities, Offices, Annual-rents, Advocations, Donations and Rights of Patronage of Kirkes, Benefices, Chaplainries, Alters, and others whatsoever, where ever they lie within this Kingdome of SCOTLAND: together with all Actes of Parliament, other Actes, Lawes, Statutes, Consuetudes, Immunities, Honours, Priviledges, Prerogatives, and Liberties, whatsoever made, introduced, or Joyced, by his Highnesse the Prince, or any His Highnesse Predecessours, Princes of SCOTLAND, in any time by-gone. Notwithstanding whatsoever Actes of Parliament, other Actes, Lawes, or Constitutions, which may appeare to derogate to the same, or that may or can be extended, or bee interprete in the contrary thereof, either special or general. AND FURTHER Declares, that this general Ratification shall bee as effectual, as if all and sundry the saids Infeffments, Gifts, Donations, Actes, Priviledges, Immunities, Prerogatives, and others foresaid, were at length herein expressed, named, and numbred. Anent the which His Majestic, with advise and consent of the Estates, have dispensed, and dispense, by these presents: Reserving alwayes the Landes, and others, assigned for the entertainment of the Castell of *Dumbartane*, to be applyed to that use, until some other provision be made thereto, in place of the same.

ACT V.

Anent the Plantation of Kirkes, as yet unplanted.

OUR SOVERAIGNE LORD understanding, that there bee divers Kirkes within this Kingdome, which by the late Commission appointed for plantation of Kirkes, in the Parliament holden in Junij, 1617. were not setled nor provided with constant Stipendes: But which yet remaine disfurnished, and unprovided of competent meanes to be given to the Ministers, who shall be provided to the charge and function of the cure of the same. AND THERE WITH also His Majestic considering, That there have been heretofore sundrie Kirkes united together, and conjoynd in one: albeit upon good considerations, it may be found more expedient, That the same union bee dissolved, and that the saids Kirkes bee provided severally, with distinct Functions, and separate serviees, at such places where the commoditie

may afforde, in the same manner, as if no such union had been made. And such like, because there be some Kirks, wherof the Parochine is of so large bounds, that many of the Parochiners, dwelling in townes of the Parochine so remote from the Kirk: who for the great distance of the Place, or for the interjecting of Waters betwixt their townes and the Kirks, which oftentimes, and especially in Winter, are not passable, or for some such other known impediment, cannot have access and repair to the Parochie Kirks at the ordinary times appointed for Divine Service and Worship, and enjoy the comfort of the Exercise thereof. AND OUR SOVERAIGNE LORD, according to the Princelie and Godly Indewments, wherewith His Majesty is singularly blessed, being most careful to establish all good, and propagate the Religious and true worship of GOD, universally throughout all this whole Kingdom: Where-throw all His People may have occasion to participate the benefite of the Word, without feeling of any of these Prejudices, growing from the above-written occasions: Which his Majestie, in his Royal and Fatherly care over his People, is most desirous to have removed: THEREFORE, his Majesty, with expresse advice, and consent of the Estates of Parliament, Hath graunted full power and Commission, to the Lord Chancellor for the time: And to the reverend Fathers in GOD, *John*, Arch-bishop of *Saint-Andrews*: *James*, Arch-bishop of *Glasgow*: *Alexander*, Bishop of *Dunkell*: *Adam*, Bishop of *Dumblane*: *Andro*, Bishop of *Galloway*: *John*, Bishop of *Caitness*: Six persons nominate for the Clergie, and Prelates. And in case of decease of any of them, to *Patrick*, Bishop of *Rosse*: and *Patrick*, Bishop of *Aberdene*. Which two persons the Estates have nominated, to supply, and become in the place of any of the other six aforesaid, if any of them shall happen to decease before this Commission be finished. TO WIT, The first of the two, in place of the first of the six deceasing: To *John*, Earle of *Winton*: *Robert*, Earle of *Louthiane*: *Thomas*, Earle of *Melrose*: *John*, Vicount of *Lauderdale*: *John*, Lord *Belmerino*: *David*, Lord *Carnegie*: Six persons nominate for the Nobility. And in case of any of their decease, To *John*, Earle of *Wigton*, nominate to become in the place of the first deceasing: And *Walter*, Earle of *Buckeleuch*, nominate to become in the place of the second. To the Commissioners under-written, nominate for the Barons: To wit, Sir *Richard Cockburne* of *Clerkintoun*, Knight, Lord Privy Seale, Sir *William Levingstoun* of *Kilsythe*, Knight: Sir *Iames Dondas*, of *Arnestoun* Knight: Sir *Archbald Napier* of *Merchingstoun*, Knight: Sir *Andro Ker*, of *Phairnebirst*: *Alexander Lauder* of *Haltoun*. And in case any of their decease, To *David Crichtoun* of *Lugtown*: and Sir *John Hamiltoun* of *Prestoun*, persons nominate, to become in order, as they are named, in place of any of the six deceasing. And to *John Byres*, burgesse of *Edinburgh*: Master *William Fergusone*, burgesse of *Dondie*: *Andro Bell*, burgesse of *Linlithgow*: *Robert Taylor*, burgesse of *Saint-Andrewes*: Master *Iames Cockburne*, buagesse of *Haddingtoun*: and Sir *George Bruce* of *Carnock*, Knight, burgesse of *Culros*: Six persons nominate for the burrowes. And in case of any of their decease: To *Alexander Clerk* Merchant, burgesse of *Edinburgh*: And Master *Alexander Wedderburn*, Clerk of *Dondie*: persons nominate, to supply in order, any of the other six Commissioners foresaid deceasing. WHICH foresaid Commissioners, or any foure of each Estate nominate, as said is, consenting and agreeing in one voice, shall have power to consult, conveye, and determine, upon the matters, and in manner under-written: Providing alwayes, That there is, and shall be requisite to the validitie of any Act, Conclusion, Ordinance, and Determination of the saids Commissioners, The conjunct assent of foure of every one of the saids four Estates, all agreeing together in one voice. Without the which consent of the said foure of every Estate to agreeing, The rest of the saids Commissioners shall have no power to make any valide, or effectual conclusion, by vertue of this present Commission: But whatsoever shall be otherwayes done, is declared to be of none avails, force, nor effect.

THAT IS TO SAY, Our Sovereign Lord, and Estates of Parliament, by the Tennor hereof gives, grauntes, and committes, full power and authoritie to the saids Commissioners, to meete, and conveye, in the Towne of *Edinburgh*, at such time, and times, as they shall appoint, and finde convenient: And thereto call, and summonde before them, all Patrones, Tackes-men of Teynds, great and small, and others, having Right, by whatsoever Title of the Teyndes of any of the Kirks within this Kingdom, which are not already planted by the foresaid first Commission: and which shall any wayes be meddled with by this present Commission, as they shall think necessary, and expedient, To exhibite, and produce before them, their Rights and Titles, whereby they claime the said Teynds, to be seen, and considered, by the saids Commissioners: With power unto them, out of the saids Teynds, of every Parochine and Kirke, not already planted: To appoint and assigne, at their discretions, a perpetual local Stipend to the Ministers present, and to come, at all the saids Kirks, unprovided, as said is: AND that notwithstanding any Right or Title pretended by the saids Tackesmen, or others, in whose favours Teyndes have bene erected: With power also, to the saids Commissioners, to dis-unite such Kirks, one or moe, as were united before, and appointed to be served by one Minister. And as they upon good considerations shall finde requisite to appoint the same to be served by several functions, and charges, as distinct parochines, after such manner as shall be found by them most expedient. Providing alwayes, That all parties having interese in the union, and dis-uniting of the saids Kirks, and plantation thereof, give their expresse warrand and consent thereunto.

IN the which case of Plantation, and provision of the Kirks which shall be dif-joynd, as said is, the presentation of the Ministers shall be appointed by the saids Commissioners, to pertain to the Patrons, conform to their rights thereof, to be produced before them. And as the saids Lords Commissioners shall finde most agreeable with reason and equity. With power likewise to the saids Commissioners to appoint and set down such solide order, for erecting and building of new Kirks, in any Parochines, where they shall finde necessitie and conveniencie to do the same, and where the Parochiners are not presently well and commodiously served at the present Kirks of the Parochine, as they shall finde most expedient. And the saids Kirks, being erected, with power to the saids Commissioners, to provide the same with such proportion of Stipends, as they shall finde may be with least prejudice, and best commoditie, made out of the fruites of the saids Parochines, to the Ministers, to be appointed to serve at the saids new builded Kirkes; To the which building and making of new Kirks, and providing of the same with competent Stipends, The saids Estates findes and declares, that it shall be expresse necessarie, that the Patrons, Tackf-men, and other parties having Interesse in the Ereccion and building of the saids new Kirks, and in the planting and provision thereof foresaid, give their expresse warrant and consent thereunto. Which being so had, and obtained, With power to the saids Commissioners, to proceede therein as is most agreeable with reason.

IT IS always declared, that in all, and every one of the cases above-written: that is to say, either in providing of Kirks not planted of before, or in dis-uniting of kirks formerly joynd: and appointing of severall and distinct Stipends to the same: Or in the Erecting of new kirks, and provision of them with Ministers, and stipends, The saids Commissioners shall have expresse power and warrant to determine, and appoint such proportion and quantity, as they shall finde expedient, either amounting over the sum of five hundred Merks, or beneath and under the same, as they shall finde may most conveniently & commodiously be had: after the consideration of the quantity and estate of the fruits of the kirke, and the case wherein the same is: And as may be with least prejudice spared out of the same. AND the saids ESTATES findes and declares, That the saids Commissioners shall have no power, by vertue of this Commission, to alter, or meddle with any kirk, which was setled by vertue of the foresaid Commission, graunted in Anno 1617. yeares; Or to change the estate thereof in any wayes: Or yet to erect, build or provide any new kirke without the special and expresse consent of all parties, having Interesse, had, and obtained thereunto: Without whose consents, it shall not be lawful for the saids Commissioners, in any wayes, to touch the saids Kirks so provided: But the same are expressly excepted (Except in case of consent foresaid) out of this present Commission.

AND ALSO, Forasmuch as the saids ESTATES of Parliament, considering the particular Petitions and supplications after specified, given in to them by the persons under-written, to the effect following: to wit, a petition given in by *Thomas Burnet of Leye*; Desiring a new Kirk to be erected, and builded, within the Parochine of *Fetteresso*, upon any part within the same Parochine, most ewest for the instruction of the Parochiners of *Fetteresso*, who dwell most remote from the present Kirk thereof. Item, a Supplication given in by the Gentlemen and Parochiners of the Parochine of *Roisnethe*; Desiring that the Kirke of *Roisnethe*, for the causes specified in their Supplication, founded upon the incommodious situation of the said Kirk, might be transported out of the Yle of *Roisnethe*, where it presently standeth, to that part of the maine Land of the said Parochine, called the lands of *Ardincomel*, as place most convenient, and indifferent for the whole Parochiners to resort unto. Item, a Petition given in by *John Earle of Wigton*, *Lord Fleeming*, and *Cumbernauld*, and remanent Parochiners of the Parochine of *Leinzie*: craving licence to transport, found, build, and erect, the Kirk of the said Parochine of *Leinzie*, presently standing at the West end of the Parochine thereof; to any other part of the same Parochine, near the middelt thereof, most convenient for the ease of the whole Parochiners: And being builded, to be declared to be the only Kirk of the said Parochine of *Leinzie*. Item, two Warrants given in under His HIGHNESS Hand, concerning the appointing and determining, which of the two Kirks of *Larbaire* and *Donspace* formerly united, should be the ordinary place of publick Divine Service of the saids two Parochines, As in the same two Patentees containing their own severall desires at more length is contained. Item, a Petition given in by the Parochiners of the Parochines of *Kilcarrane*, *Kilmichael*, and *Kilcullane*, united by the former Commission: and of the Parochines of *Kilcormkil*, and *Kilblane*, also united by the same Commission: all lying within *Kintyre*: Desiring Libertie for building and erecting of a Kirk for serving of the first three Parochines, with another Kirk for serving of the two last Parochines, both united as said is. Item, a Supplication given in by *John*, *Lord Hay of Zester*, and the possessors of the Lands of *Rodouno*: Desiring, that the same Lands of *Rodouno*, with the Pertinents, should be declared to have been, and to be in time coming, a part of the Parochine of *Lyns*, as also craving, that it might be lawful to the said *John*, *Lord Hay*, of *Zester*, to build a Kirk upon the most commodious place of his lands of *Rodouno*, or *Megget*, for serving of the Inhabitants thereof, at such times as they should be impeded by storme of weather, from coming to the Kirk of *Lyns*. Item, a supplication given in to the saids ESTATES Desiring, that the dissolution of the fourty pound land of *Buchanane*, from the Kirk of *Luffe*, and union thereof, to the Kirk and Parochine of *Iusbealzieoeche*, done by the former Commission, might be now ratified: and the same fourty pound land, declared to remaine in time coming, as a part of the parochine of

of *Insolentzicobe*. Item, a Petition given in by *Patrick*, Bishop of *Aberdene*: Desiring the ESTATES, to give power to the foresaids Commissioners, to ratifie and approve the voluntary Dissolutions of the former unions of these Kirks within his Diocie, to the severall provisions, whereof the parties having Interests therein, have consented, and to admit these who make offer at the sight of the Bishop and Presbyterie, where the Kirks lye, to provide the same severally, Albeit they shall not make out the full rate and stipend appointed by the last Commission. And last, a petition given in, by the Minister at the Kirk called *Chwiffs Kirk*, at *Udwey*: craving the same Kirk to be sufficiently planted, and provided, with a constant and local stipend, and the same made sure to the Minister serving the cure at the said Kirk, as the foresaids Supplications, Petitions, and Patents [*respective*] above-written, in themselves more fully ports.

AND Finding the Desires foresaids reasonable, Our said Sovereigne LORD, and ESTATES of Parliament, Gives, Graunts, and commits full power and authority to the saids Commissioners, to appoint, determine and set down, such solid Order anent the whole particulars above-mentioned, and every one of them, as they after consideration and tryal had, and taken by them thereanent, shall finde most expedient, and agreeable with reason. To the doing whereof, in every one of the particulars foresaids, (Except anent the building of a new Kirk within the Parochine of *Fetteresso*, as is desired by the Laird of *Leyes*) THE ESTATES findes, and Declares, That it shall be only necessary to summond all Patrones, Tackf-men, and other parties whatsoever, having interesse in the particulars foresaids, to hear and see order taken in the premises thereanent: That after citation, the Commissioners may consider of the Interesse and prejudice, if any shall be qualified by any person before them, anent the particulars above-mentioned: and may then proceed therein, as they shall finde most expedient. But the ESTATES findes, and declares, That in the settling and determination of the first particular above-mentioned, anent the building of a new Kirke within the Parochine of *Fetteresso*, There shall be expressly requisite, the speciall and expresse consent and warrant of the Parties, having Interesse therein: By, and beside the citation and summonding of them to that effect: AND findes, and declares, That the Decreet and Sentence of the saids Commissioners, to be given by them in all the particulars foresaids, and every one of them shall have the strength, force, and authority of a Sentence, and Act of Parliament, such like as the same had been done, and determined by the saids Estates themselves.

AND Because Reason and Equity craveth, That recompence should be made unto the Tackf-men, and other persons whatsoever, who shall be by the sentence of the saids Commissioners, hurt and prejudged of their present profite, which they may lawfully bruike, by vertue of their Tides and Rights, established in their persons: and upon whom, by vertue of the said Sentence, any Burthen of the Sustentation and provision of the saids Kirks and Ministers is to be imposed: THEREFORE, Our Sovereigne LORD, and ESTATES of Parliament, Gives full power, and commission, to the saids Commissioners, so to proceed in the determining of the said recompence, that in case the Lord, or any other, having right to erected Prelacies, who shall be cited before them, refuse to take the Burthen of Plantation of any Kirks belonging to the saids erected Prelacies, which are in any of the cases above-written: And that upon their refusal, (The same refusal being first found reasonable by the saids Commissioners) the burthen of the said plantation shall be laid and imposed by the saids Commissioners, in whole or in part, either it upon the principal Tackf-men of any of the fruites of the saids Kirks: Or in case of the Tackf-mens refusal, the burthen be imposed upon the Sub-Tackf-men thereof: The saids Commissioners shall have power to decerne, appoint, and ordain, such particular recompence to be given unto the saids Tackf-men, or Sub-Tackf-men; by renewing of their Tacks, or Sub-Tacks, after the expiring thereof, upon such conditions, as the saids Commissioners shall finde reasonable; Respect being had to the quality and proportion of the burthen to be imposed upon them, within the time of their Tacks and Rights, farther than they are astricted by their saids Rights: or by appointing such other reasonable satisfaction, as they shall finde the said burthen and distresse undergone by any of them, shall deserve, and require.

LIKE AS the saids Commiisloners shall have such like power to determine, decerne, and appoint such particular satisfaction, and recompence, to be given either to the Laicke-patrones, or to the Tackf men of the Fruites of the Kirks, belonging to the like Patronages and Sub-Tackf men thereof, as they shall thinke may be answerable to the burthen to be imposed upon either of them, for the cause above-written proportionally. IN THE prescribing of the which recompence, The saids Commissioners shall have speciall respect, what consideration they finde reasonable to be given to the saids Patrones, for their consents to the Tacks, if any shall be appointed, and decerned to be sette, and given unto the saids Tackf men, for recompence foresaid. AND if any beneficed person, upon just and reasonable causes, refuse to provide any Kirk belonging to their benefice, according to the order hereby prescribed, whereby the burthen of plantation, or farther provision of the Kirk, must necessarily lye upon the Tackf-men, or Sub-Tackf-men of the fruites thereof: The saids Commissioners, in that case also, shall decerne such recompence to be given to the saids Tackf-men, and Sub-Tackf-men, for their losse and prejudice sustained, as the saids Commissioners shall finde the same shall merite, by renewing of Tacks unto them, upon such conditions as may requite their losse: Or by finding out some other reasonable meane, which may repaire the same.

AND OUR said Sovereigne LORD with advise and consent of the saids ESTATES, Declares, statutes, and Ordaines, that all Tackes, which shall bee decerned by the saids Commissioners, to bee given in recompense to any person whatsoever, for the causes above-written: and which shall be set for obedience, and conforme to the said Decreete, and sentence, whatsoever yeares, or long space the saids Tackes shall comprehend, shall be good, lawful, and sufficient securities, to the persons in whose favours the same are appointed to be given, and concealed. Neyther shall the same be any wayes prejudged, by the Act made in the Parliament holden in Anno 1617. By the which it is statuted, THAT no Arch-bishop, Bishop, or Prelate, should sette in Tacke any part of their Patrimonie, for longer space nor nineteene yeares: AND, That no inferiour beneficed persons shall sette in Tacke any part of their Benefice for longer space nor their owne life-times, and five yeares there-after, as the said statute proports: From the which statute the saids Tackes so appointed to bee set, and given in recompense, are, and shall be excepted, and reserved, and shall no wayes come under the compasse of the same Act and statute, nor of any thing therein contained. But the same shall remaine, and abide, valide, and sufficient rights, for the whole space and yeares appoynted therein, according to the Tennor thereof: notwithstanding of the said Act and Statute. And because it may fall fourth, That in the recompense to bee appoynted by the saids Commissioners, to the Patrones, Tackef-men, and Sub-Tackef-men, for the aforesaid burthen to bee imposed upon them, Moc yeares may bee assigned for prorogation of their present Tackes, nor may lawfully, or conveniently be set, by the present beneficed persons, to whom by Law the setting of Tacks of Teynds belongs.

FOR REMEED Thereof, OUR Sovereigne LORD, with advise and consent of the saids ESTATES, Declares, Statutes and Ordaines, that it shall be lawful for the Commissioners foresaids, to appoynt as many yeares after the expyring of the present Tackes, to the Tackef-men of the saids Kirkes, and Teyndes: Or to the Patrones or Sub-tackef-men (*respective*) for bruiking of the saids Teyndes, for recompense of the said Burthen, as they shall thinke reasonable: Which shall be as good, valide, and sufficient Rights, to the saids Patrones, Tackef-men, or Sub-tackef-men, (*respective*) and unto their Heires and Assignays, for bruiking, possessing, and disposing on the saids Teyndes, during the saids yeares of Prorogation: As if good, lawful, and valide Tackes and Rights of the saids Teyndes had beene sette, and made to them, by the Titulares of the Benefices, to whom the same belonged, With consent of all parties having Interesse. WITH expresse provision and declaration, That at the expyring of all the saids yeares, the right of the saids Teyndes, and power to sette Tackes thereof, shall returne, and appertaine to the aforesaid Titulares of the foresaids Benefices, as they did before the making of this present Act. AND OUR said SOVERAIGNE LORD, with advise of the ESTATES, Declares, and Ordaines this present Commission to beginne upon the tenth day of Januarie, next-to-come: with continuation of dayes: and to last and endure, during the space of year and day thereafter. After the which time, the same shall cease and expire: And ordaines the Decreete, and Sentence of the saids Commissioners in all the particulars foresaids, and everie one of them, to have the strength, force, and authoritie of a Decreete, Sentence, and Act of Parliament. For obedience whereof, the Lordes of Session shall direct and grant Letters in forme as effectres, and according as shall be necessarie, Which Commission above-written, taking force, and full effect, in all the saids particulars therein contained, as the same are set downe, and comprehended therein, by pronounciation of decreete and sentence upon the same, conforme to the power therein comprehended, given unto the saids Commissioners.

OUR SOVERAIGNE LORD with expresse consent, and assent of the ESTATES, in that case, findes, and declares, That no person, in whose favours the Teyndes of Kirkes, and Benefices, are erected: nor no other whatsoever, bruiking Teyndes, by vertue of rights lawfully made to them of the same, according to the Lawes of this Realme then standing, shall be ever farther altered, or quartered in any of their saids rights in any time to come, further then shall be appoynted by the said decreet and sentence to follow upon this present Commission. But the saids rights and securities in-case foresaid, shall remaine in their owne strength, force, and effect, as good, lawful, and sufficient rights, and securities, unto them, and every one of them, for their owne parts, for bruiking and enjoying the saids Teyndes, conforme to the tennour of the saids rights, for now, and for ever.

ACT VI.

Auent Comprisings.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, considering that his Majesties Lieges are greatly damnified, and prejudged, by the abuse and evil custome, which heretofore hath been observed in Comprisings: whereby Lordships, Baronies, and other great portions of Landes are comprised for small summes of money: and thereby the compriser hath right to the mailes, duties, and profits of the Landes: notwithstanding that they farre exceede the profite of that summe of money for the which the saids Landes are comprised. FOR remeede whereof, It is statuted and ordained, That the compriser shall have no further right to the mailes, fermes, and duties of the comprised landes, by vertue of

of the comprising led at his instance, during the yeares and space that the same is redeemable, but onely to such part and quantitie thereof as will corresponde to the Annuel-rent of the summe, at ten for the hundredth, for the which comprising is led, with this provision alwayes, and expresse declaration, That if the mailes and duties of comprised landes exceede the proportion of the annuel rent of the foresaid summes, for the which the comprising is deduced, and that the compriser please to intromet therewith, and according thereunto, that he have intromission with the same, in that case his foresaid further intromission, which shall extend to any greater quantitie then will justly satisfie him of the foresaid Annuel-rent, shall be ascribed in payment and satisfaction of his principal summes, [*protanto*]

LIKE AS THE ESTATES findes and declares, That the same further intromission shall be ascribed in that payment of the said principal summe: So that if it shall happen, that the quantitie of the mailes and duties to be intromitted with by the compriser, to extend unto as much as will satisfie the whole principal summes, with the ordinary Annuel-rent thereof, according to ten for each hundredth, and the expenses bestowed by the Compriser, in passing, and obtaining Infetment of the Superiour, of whom the Landes are holden: together with the Annuel-rent of the saids summes, so given by the Compriser to the Superiour, for enting of him to the comprised lands, and the necessarie expenses and charges waired and bestowed by the said Compriser, in leading and deducing the said comprising, in that case, thereafter the comprising to expyre [*ipso facto*] and to cease in all times following.

AND IF that the person against whom comprising is led, be Minor, and of lesser age, IT IS staturd and ordained, That it shall be lawful to him at any time within his perfect age of twentie five yeares compleate, to redeeme the saids comprised landes, by payment of the summes, for the which the said comprising was led, and of the lawful annuel-rentes thereof, according to ten for each hundredth; Together with the expenses bestowed in passing and obtaining of the Infetment from the Superiour, and ordinary annuel-rent of the same: together also, with the necessarie expenses bestowed in leading and deducing of the said comprising, as is above-written. And that notwithstanding of the preceeding Lawes, and Practique of this Kingdome, by the which the Legal reversion of comprised Landes, expired within seven yeares after the leading of the comprising: From the which His Majestie and Estates hath, by this present Act and Statute, excepted Minors, in all times coming, declaring the same no-ways to run against them. BUT IT IS Declared, that if a Minor redeeme not Landes comprised, (the right of reversion whereof is competent in his person) within seven yeares after the leading of the said comprising, but according to the benefite granted unto him by this present Act, suffer the comprised Landes to remaine unredeemed, with the compriser, during all the yeares of his Minoritie, and lesse age: then, and in that case, the compriser shall have good right, to meddle, and intromet with the whole Mailes and Duties of the comprised Landes of all these yeares subsequent, after the expyring of the saids seven yeares, and intervening betwixt them, and the saids yeares of his Majoritie, and perfect age of twentie five yeares compleate: Notwithstanding that the duties of the landes extend to more then will answere to the annuel-rent of the money for the which the land is comprised. And if it shall happen a Minor, having right to redeeme comprised landes, as said is, to deceasse before he be of perfect age of twentie five yeares, and that another Minor bee Heire, or Succeede unto him in his right of reversion, and title, competent to him, for the redemption of the saids comprised landes: that Minor so succeeding in the rights, shall have the same libertie and privilege above-written, for redemption of the saids landes, sicklike, and in the same manner, as if they had been comprised from himselfe, wherein he shall nowayes be prejudged by the yeares which ran after the comprising, in the life-time of that person Minor in whose right he succeedeth, but that he may sicklike lawfully redeeme the same at any time before his Majoritie, as said is.

AND IT IS Declared, That in case any Minor, having the right of the said reversion competent unto him, shall happen to deceasse after the expyring of seven yeares out-run, after the said comprising, and that a person of perfect yeares succeed to the said Minor, in the right of his reversion aforesaid: in that case the said person Major so succeeding, shall be holden and astricted to redeeme the saids comprised Landes, within the space of year and day after the deceasse of the said Minor, in whose right he succeedeth. Otherways, the said Redemption not being used by him within that space, he shall bee perpetually secluded from the benefite, which hee may claime by the reversion and succession there-unto foresaid, and all power of Redemption of the saids Landes, by vertue thereof. But if at the time of the Minors deceasse, all the saids seven yeares were not expyred, It shall be lawfull for his said successor (being Major) to redeeme, within the space of so many of the saids seven yeares, as were not out-run the time of the Minors deceasse: such like as if the saids Landes had been comprised from the said Minor himselfe. Which time being expyred, and hee doing no diligence, hee shall bee excluded from the benefite of his reversion.

AND IT IS specially provided, That in all the above-written cases; if the comprised Landes bee not worth such yearly quantitie of Maile and Dutie, as will proportionally effeire to the Annuel-rent of the said Money, at ten for every hundredth, for the which comprising is led: or being worth that the same is exhausted by other lawful deeds: which may render the same unprofitable to the compriser, and unanswerable to the Annuel-rent of the summes, for the which he hath comprised, either in whole, or in part: then, and in that case, the redeemer (whether he be Major, or Minor) shall be holden, before hee can re-deeme, or out-quite the saids Landes, from the compriser, to refund and pay to him, the full Annuel-rent

rent and profite of the summes, for the which the landes were comprised, so farre as he wanteth, and lacketh, by the benefite of his said comprising. And if the rent of the Land so comprised, consist in victual, The estimation and consideration thereof, shall be had according to the common prices of victual in those Shyres where the considered landes lye: according as the same giveth betuixt Zuile and Candlemesse. AND the saids ESTATES Declares, That this above-written Statute shall no-ways extend, nor be prejudicial to comprisings, which are already prescribed before the date of this present Act.

ACT VII.

Anent Adjudications.

OUR SOVERAIGNE LORD, AND ESTATES of PARLIAMENT, Considering the great prejudice sustained by diverse and sundry Creditours, by decease of their Debtors: who being prevented by the diligence of their Concreditors, by obtaining of Sentences of Adjudication of their defunct Debtors, Landes, and Estate, in respect of the refusal of the nearest of Kin, to enter Heires to them, are excluded from participation of any part of the landes and goods pertaining to their saids defunct debtors: they being common debtors to the saids whole Creditors, contrarie to all equitie and reason. FOR REMEED whereof, It is Statute, and Ordained, THAT All Adjudications to be obtained by any person at any time hereafter, of any of their defunct debtors landes, and Estate whatsoever, with all rights and Insefments following there-upon, shall be redeemable from the partie obtainer of the saids Sentences of Adjudication, their heires and assignays, at any time after the pronouncing of the same, AT the instance of any Concreditor of the said defunct debtor, or of any Creditor of the said person, who renounceth, To be Heire to his predecessors, who shall happen thereafter to obtaine decreet of Adjudication, against the appearing Heire of the defunct debtor: And that within the space of seven yeares, next and immediately following the obtaining of the saids Sentences of Adjudication, by payment of the summes of money specified in the saids Sentences: Together with the Annuel-rent of the same summes, according to ten for each hundredth thereof, during the time of the not-redemption of the same: and of the expenses sustained by them in obtaining of the saids Sentences, to be taxed, and modified, by the Lords of Council and Session. By payment of the which summes, the said Concreditor shall come in the place and right of the partie from whom he redeemeth: And shall bruike the same by vertue thereof, perpetually thereafter: Except it shall happen another Concreditor, who shall obtaine the like sentence of Adjudication to redeeme the same from him, within the space above-written. In the which case, it is declared, That the partie redemeer, in the second, thrid, or fourth rowme, and so fourth, so long as there are any Concreditors, shall be obliged not only to pay the summes contained in the adjudication, obtained at the instance of the partie from whom he redeemeth: But also the whole summes, which were payed by him unto the former Concreditors, for redemption of their Adjudication, with the annuel-rent, and expenses in manner above-specified.

IT IS alwayes Declared, That if the partie from whom the saids Adjudications shall be redeemed, did up-lift the Fermes, and duties of the landes and others, contained in the Adjudications: That then, and in that case, the partie redemeer shall not be holden to pay any annuel-rentes, or expenses: but in so farre as the same annuel-rentes, and expenses, exceede, and are more, than the Mailes, Fermes, and duties, intromitted with by the partie from whom the same is redeemed. AND if the saids Mailes, Fermes, and Duties, exceede both the annuel-rent and expenses, IT IS Declared, That the super-plus shall be allowed in the principal summe, by the sight of the Lords of Council; Consideration being had of the pryces of the Fermes, and Victual, as the same were commonly sold betwixt Zuile and Candlemesse, in the Sherifsdome where the lands lye. IT IS alwayes declared, That these presents shall no-ways be extended to Decretes, and Sentences of Adjudication already recovered.

AND sicklike, it is Declared, That in-case any Minor, who hath renounced in his Minoritie, be reponed [*in integrum*] against the same renunciation: That then, and in that case, he shall have place to redeeme from the whole Creditours, by payment of the saids whole summes owing unto them, and where-upon they obtayned Adjudication in manner, and with the provisons above-specified. And all the rest of the Priviledges granted to Minors, in Comprisings, to be likewise granted in Adjudications: which are here holden as repaired.

ACT VIII.

Anent the Extracts of Insefments, pass upon Comprisings, fourth of the Privie Seale: where the same are not registrated at the Great Seale.

OUR SOVERAIGNE LORD, and ESTATES of this present Parliament, Understanding that sundrie His Majesties Lieges, who for great summes have comprised their debtors landes, are hevilie prejudged, through the fraudul abstracting, or destroying of the Writtes, Insefments, or Confirmations of the saids comprised Landes: the saids Writtes, Insefments, and Confirmations, not being registrated

registrated in the Register of the Great Seale. HEREFOR, whereas any Creditour hath comprised lands holden of His Majestie, and cannot recover fourth of the persons hands, from whom the same are comprised, the KINGES right, and confirmation of the same Infestment, given unto them thereof, Lest the negligence of the partie, not registrating the Infestment, or Confirmation, after the passing thereof at the Great Seale: Secunded with the subsequent fraude, in abstracting and destroying the principal Right and Confirmation, should unjustly in damage the true Creditor, and Compriser: HIS MAJESTIE, with advice and consent of the saids ESTATES, willes, and declares, That if the saids Infestments, and Confirmations of the saids persons, from whom the saids lands are comprised, have past the Privie Seale, and be registrated in the Register thereof: That notwithstanding the want of the Infestment and confirmation under the Great Seale, or the Extract thereof: the Extract of the said Infestment, or Confirmation, fourth of the Register of the Privie Seale: The same thereafter being past the Great Seale, at any time shall be a sufficient right to the Compriser, whereby to possesse and enjoy the landes comprised: conforme to the Lawes made anent Comprisings: as freely in all respectes, as if the saids Infestments and Confirmations were extant, and registrated in the Register of the Great Seale. Providing alwayes, That this present Act shall no wayes hurt nor prejudice any third person, who hath Infestment or Confirmation of the saids comprised lands, past the Great Seale; of an antierour date to the said Infestment, so past the Great Seale, in manner aforesaid: but shall be onely of force and effect against that person, from whom the landes are comprised, his Heires, and Successours.

ACT IX.

Anent giving of Licence to Bishops to set their Warde Landes in Few-Ferme.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, understanding, That a good number of Kirk-landes, pertaining unto Bishopricks, and their Chaptours, are disposed of olde to be holden by Service of Warde, and Reliefe; Which forme of holding yeeldes no present nor constant rent and commoditie: but is onely a casualty which vaketh not often: and when it vaketh, is gifted and disposed by the present Titulars, to their owne particular use, without any benefite to rheir Successours. WHEREAS, if the saids Kirk-Landes were sette in Few-Ferme for a competent yearly Duerie, the same would not onely augment, and meliorate the Estate of the Benefice; but also diminish the occasion of applying of Kirk-rentes to particular uses. AND HIS MAJESTIE, out of his Royal care, and Princely disposition, intending the preservation of the Estate of the saids Bishopricks, and their Chaptours: and therefore being most earnest to avoyde and remove this evil: HIS MAJESTIE, and ESTATES, statutes and Ordaines, That it shall be lawful for all Bishoppes, and Members of Chaptours, who have Landes holden of them by Service of Warde and Reliefe, to set the same in Few-Ferme; for payment of a competent Few-Ferme dutie, and doubling the same at the entry of the Heire: Providing that the said Few-Ferme dutie be answerable to the retoured dutie of the landes: And where the landes have not been retoured, that the retoure be ruled according to the custome of retoures of landes in the countrey of the like valour, where the saids landes lye: And declares, That this present Statute shall remaine in full force and effect, for the space of three yeares after the date hereof onely, and no longer, while farther order be taken thereanent.

ACT X.

Declaring summes Grafs, given to the Ministers, for their Gleybes to be Teynd-free.

OUR SOVERAIGNE LORD, and ESTATES of this present Parliament, considering in the fifth Parliament holden by his MAJESTIE, upon the twentie five day of Julie, in Anno one thousand, five hundred, threescore, and eighteeen yeares: Chap. 62. His Highness with advice and consent of the ESTATES, Found, and declared, That the Ministers and Readers ought and should pay no Teynd for their Gleybes, and Kirke-landes, extending to foure Ackers of Land, designed unto them conforme to the Act of Parliament: But decerned and declared them to be free of their saids Teyndes, and discharged them [*Simpliciter*] thereof in all time coming. LIKE AS in the Parliament holden at Perth, the ninth of Julie, in Anno one thousand six hundred, and six yeares, Chap. 7. It is Ordained, That there shall be designed to the Ministers serving the cure at Kirkes, where there is no arable land adjacent there-unto, the number of four Summes Grafs for every Acker, of four Ackers of Gleybe, extending to sixteen summes Grafs, for the foure Ackers of Land, and that of the most commodious and best pasturage of any Kirk-landes, lying next adjacent, and most ewest to the Kirk: And ordained letters to be directed, for removing the possessours there-from: in sicklike forme as against the possessours of Manfs and Gleybes. And in respect that the Ministers Gleybes are Teynd-free, and that by consequence the summes Grafs above-mentioned, designed in steade thereof, where no arable land is adjacent unto Kirkes, ought likewise of all equitie and reason to be Teynd-free, in respect the same is dedicated and appointed ad
pro usus.

HERE

HEREFORE, Our said Sovereigne LORD, with advice and consent of the whole Estates of this present Parliament, by the tennour hereof, declares, That the Ministers and Readers ought, and should pay no Teynd for their fumes Grafs, designed unto them in place of their Gleybes, where no arrable landes are adjacent to Kirkes. And decernes and declares them to be free of their Teynds, and discharges them [*Simpliciter*] of all payment thereof, in all time comming.

ACT XI.

Ratification and addition, to the Act of Parliament made anent Restitution of Chaptours.

OUR SOVERAIGNE LORD, and ESTATES of this present Parliament, ratifies, and approves the Act of Parliament made in the moneth of Junij, in the yeare of GOD one thousande, fixe hundredth, seaventeen yeares, anent restitution of Chaptours of Cathedral Kirkes, in all the Heads, Clauses, Exceptions, Limitations, and restrictions thereof. And further, Ordaines, and declares, That all Deeds, done since the date of the said Act, or to be done hereafter, whereby any member of any Cathedral Kirke, being an Office or dignitie, hath or shall be suppressed, or any Land Parsonage, Vicarage, or other Living, belonging to the said dignitie dissolved from the same, without ane expresse warrand from his Majestic, and consent of Parliament, are, and shall bee, with all that have followed, or shall follow thereupon, Null, and of no force, nor effect: and shall be so founde in all time hereafter, by way of Action, exception, or replye. Providing alwayes the Marquesse of HAMILTON His right to the Parsonage of *Hamilton* and *Dalserffe*: the Earle of *MARRE* His right to the Parsonage of *Carnwoth*: and any other Parson having lawful rights conforme to the Lawes of the countrey, before the Act of Parliament, in *Anno* one thousand, fixe hundredth, and seaventeen yeares, be no wayes hurt, or prejudged herein.

ACT XII.

Anent Packing, and Peyling.

FOR AS MUCH As by divers Actes of Parliament it is statued and ordained, That no petson use Packing nor Peyling of Wool, Hydes, nor Skinnes, losse nor layd out-with Free Burrowes, and Priviledges of the same: Notwithstanding whereof, divers strangers, and other Inhabitantes, within this Realme, doe continually resort to the Yles, and other places thereabout, with their Shippes, Barkes, and Crears, and other Vessels: and doe not only packe and peyle Skinnes and Hydes; but also do transport from thence Butter, Tallonc, and other forbidden Goods, to the great contempt of the saids Lawes, and manifest defraud of Our Sovereigne Lord his customes.

For remeed whereof, OUR SOVERAIGNE LORD, With advice and consent of the ESTATES of this present Parliament, statutes, and ordaines, that no strangers, nor Inhabitantes within this Realme, take upon hand to packe or peyle any Hydes or Skins in the saids places of the Yles, out-with the Free-Burrowes: nor that they transport, take away, or carrie forth of this Cuntrey, any Butter, Talonc, or other forbidden Goods, under the paine of tinsel and confiscation of the Hydes and Skinnes so packed and peyled by them: and of tinsel and confiscation of the shippe and whole goods that the owner of the saids forbidden goods hath within the same. AND ORDAINES The Shirreffes of the Shires and their Deputies and Over-Lotdes of the Landes where the saids Skinnes and Hydes are packed, and peyled, or from whence the saids forbidden goods are transported, To put this present Act to execution, as they will answer to his Majestic, upon their Office and Obedience.

ACT XIII.

Anent the discharging of protections.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, Understanding that there may fundrie protections bee sought by Banckruptes and others, who are addebted in great summes of money: whereby the execution due unto the Creditor, by the Lawes of the countrey, against the Debtor, may be frustrate, To the great Damage of the Creditor, by the Lawes of the countrey, against the Debtor, may be frustrate, To the great Damage of the Creditor. FOR REMEEDE Whereof, IT IS Statuted, and Ordained, That hereafter the Lords of Session shall grant no protection from any Execution due and competent against any man of the Law. AND Declares, That if any shall be hereafter granted, the granter of the same shall be subject and lyable of the Law to the Creditor for the summe, from the which he hath granted protection.

A C T. XIII.

Act playing at Cardes and Dyce, and Horse-races.

OUR SOVERAIGNE LORD, And ESTATES of Parliament Considering the manifold evils, and inconveniencies, which ensue upon Carding and Dycing, and Horic-races, which are now over-much frequented in this Country, to the great prejudice of the Lieges. And because honest men ought not to expect that any winning had at any of the Games above-written, can do them good, or prosper: HAVE therefore, statued and ordained, That no man shall play at Cards nor Dyce in any common-house, Town, Hostellie, or Cookes houises, under the pain of fourty pounds, money of this Realme; to be exacted of the keeper of the saids Inns, or common houses, for the first fault: and losse of their liberties for the next. Moreover, That it shall not be lawful to play in any other private mans house, but where the Master of the Family playeth himself. And if it shall happen any man to winne any summes of money, at Carding or Dycing, attour the summe of an hundredth Merks, within the space of twenty four houres: or to gaine at Wagers upon Horse-races, any summe attour the said summe of an hundredth Merks; The super-plus shall be configned within twenty four houres thereafter, in the hands of the Thefaurer of the Kirk, if it be in *Edinburgh*: Or in the hands of such of the Kirk Session in the Countrey Parochines, as Collects and distributes money for the poor of the same; To be employed alwayes upon the poor of the Paroche, where such winning shall happen to fall out. And to the effect, that either excessie in play may be thus restrained: Or at the least, excessive winning may be employed as said is. OUR Sovereign Lord, by Act of his Supream Court of Parliament, Gives full power, and Commission, to the Bailies and Magistrates of Burrowes, the Sheriffs and Justices of Peace, in the Country, to pursue, and convene all such persons, for all winning at Cardes, Dyce, and Horse races, which shall happen to be made by any person, by and attour the said summe of an hundredth Merks, money aforesaid. And in case the Magistrate informed thereof refuse to pursue for the same, The party informer shall have action against the said Magistrate, for double the like summe: The one half whereof to be given to the poor, and the other halfe to the party informer.

A C T. XV.

Act declaring all Tacks set for longer space nor three years, without consent of the Patron, being persons under the degree of Prelates, since 1594. to be Null.

OUR SOVERAIGNE LORD, and ESTATES of this present Parliament, Understanding, That diverse beneficed persons, under the degree of Prelates, have taken occasion upon an Act made in our late Parliament, holden at *Edinburgh*, the twenty eight day of *Junii*, one thousand, six hundredth and seventeen years, Intituled, *Anent the setting of Tacks by Prelates, and other beneficed persons*: To sette Tacks and Affedations of Lands and Teynds of their saids Benefices, or some partes and portions thereof, unto diverse and sundry persons, for the said beneficed person his life time, and for the space of five years after his decease: without consent of the Patrone. Albeit the said Act of Parliament giveth no such liberty to any beneficed persons, under the degree of a Prelate, to sette such Tacks. But only declareth, for what spaces a Bishop or other Prelate may sette: and for what spaces a beneficed man, under the degree of a Prelate, may set. Which was done by the ESTATES, to restrict the unbounded libertie used in setting of Tacks for many life-rents, and nineteen years. And the said declaration no wayes taketh away the lawful solemnities, required to the setting of the said Tacks, either by consent of the Chapter, or Patrone. Which still remaineth in the own force, underogate. Otherwayes, it should be lawful for a Prelate, to set Tacks for nintene years, without consent of the Chaptour; which is altogether absurd.

And seeing by an expresse Act, made in our Sovereign Lords fourteenth Parliament, holden at *Edinburgh*, the eight day of *Junii*, 1594. IT IS found, and declared, That no beneficed man, under a Prelate, within this Realme, may in time thereafter, set longer Tacks of Teynds, or other pertinents of their Benefice, without consent of their Patrones, but for the space of three yeares only. Which Act standeth in full force, strength, and effect: and is no wayes annulled. nor taken away, by the said posterioir Act above specified.

THEREFORE, His Majestie and Estates foresaids, for eschewing of all controversie that may arise upon the said last Act, Declares, That the said last Act makes no derogation unto the said first Act: And that all Tackes sette by beneficed persons, under the degree of Prelates, since the said eight day of *Junii*, 1594. of any part of their saids benefices, longer then for the said space of three years, without consent of their patrones, are null, and of none availe, conforme unto the said first Act above-specified.

ACT XVI.

Ancient Mettes and Measures.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, considering, that by the Act of Parliament holden in Junij, 1617. there was a Commission granted unto certaine persons therein nominare, for appoynting and establishing a constant Mette and Measure, for buying and selling of victual within this Realme. Which Commissioners gave out their sentence and determination, declaring the Measure and Furlot of Linlithgow, to be the just and only Furlot, which should be used by all his Majesties Lieges, in buying and selling of victual. Notwithstanding whereof, there are many and great abuses committed in this Kingdome, contrarie to the said Act and determination of the saids Commissioners: To the prejudice of His Majesties Lieges.

FOR REMEED whereof, His Majestic, and Estates foresaids, have ratified, approved: and by the tenor hercof, ratifies, approves, and confirms, the Act and Statute [*respective*] above-written, in the whole Heads and conditions of the same: after the forme and tenour thereof. And commands and charges, all his Majesties Lieges, and subjectes, To acknowledge, imbrace, obey, and observe the same Act and Statute; [*respective*] in the whole heads and conditions of the same, in forme and manner specially and particularly mentioned and set downe therein, after the formes and tenours thereof, under all highest paine, charge, and offense, which they may incurre, through their disobedience, and as they will be answerable thereanent.

ACT XVII.

Ancient the discharging of a Peck to the Bow.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, understanding of the fraude and frequent abuse, committed by many of His Majesties subjects, buyers and blockers of victual: who knowing that there are constant and setled measures, lawfully established, by the Lawes and statutes of this Kingdome: by the which all sortes of victual universally ought to be bought and sold, according to the quantitie appointed by the saids mettes, without adding of any quantitie to the same, or diminishing therefrom. Yet not thelesse, when they make their bargaines and conditions anent the buying of any particular quantitie of victual, they by their undirect dealing, many times cause the Seller agree to super-adde, and deliver unto them, by and attour the true quantitie which is bought and sold at the prices conveyced upon, some certaine farder quantitie of Victual, lesse or more, as they may best move the seller to consent to, and for the which they are not subject in payment of any price, to the great prejudice of the Lieges, and the manifest abuse and elusion of the Law.

FOR REMEED Whereof, It is statuted and ordained, That it shall not be lawful for any of his Majesties subjects, to blocke, or agree upon the price of Victual, more or lesse, except they first agree and consent upon the price of the first boll of the bargain: which being so agreed upon, the said price shall rule the whole quantitie of the rest of the bolles to be received by the buyer, who shall have no eik, or addition of any further quantitie, except upon the payment of that same price, as is conditioned for the said first boll: And if any person contraven this present Act, hec shall pay the summe of Fourtie shillings for everie boll of Victual, received by him contrarie to the tenour of this Act: and that by and beside the prices of the Victual; the halfe of the said summe to his Majestic and his Thesaurer, and the other halfe thereof to the partie delator of the same.

ACT XVIII.

A Ratification of the Act of the Lords of Council and Session, made in Julie 1620. against unlawful Dispositions and Alienations, made by Dyvours and Banckrupts.

OUR SOVERAIGNE LORD, with advice and consent of the ESTATES, conveyced in this present Parliament, ratifies, approves, and for his Highnesse, and his Successours, perpetually confirms the Act of the Lords of Council and Session, made against Dyvours and Banckrupts, at *Edinburgb*, the 12. daye of Julie, 1620. and ordaines the same to have, and take full effect, and execution, as a necessarie and profitable Law, for the weale of all his Highnesse Subjectes: Of the which Act the tenor followeth.

THE LORDS Of Council and Session understanding, by the grievous and just complaints of many of his Majesties good subjects, that the fraude, malice, and fallhood of a number of Dyvours and bankrupts, is become so frequent, and avowed, and hath already taken such progresse, to the over-throw

throw of many honest mens fortunes, and estates; that it is likely to dissolve trust, commerce, and fair-ful dealing amongst Subjects: Whereupon must ensue the ruine of the whole Estate, if the godlesse deceites of those be not prevented, and remedied; who by their apparent Wealth in Lands and goods, and by their shewe of Conscience, Credite, and Honesty; drawing into their hands upon trust the Money, Merchandize, and Goods, of well-meaning and credulous persons, doeno wayes intend to repay the same: but either to live ryetously by wasting other mens substance: or to enrich themselves, by that subtil stealth of true mens goods, and to withdraw themselves, and their goods forth of this Realme, to elude all execution of Justice: And to that effect, and in manifest defraud of their Creditors, do make simulate and fraudulent alienations, dispositions, and other securities, of their Lands, Reversions, Teyndes, Goods, Actions, Debtes, and others belonging unto them, to their Wives, Children, Kind-men, Alieyes, and other confident and interposed persons; without any true, lawful, or necessarie cause: and without any just or true price intervening in their saids bargaines: Whereby their just Creditors, and Cautioners, are falsly and godlesly defrauded of all payment of their just Debts; and many honest Families likely to come to utter ruine.

FOR remeedy whereof, the saids **LORDES**, according to the power given unto them by His Majestie and His most Noble Progenitors, to set downe orders for administration of Justice: meaning to follow and practise the good and commendable Lawes, Civil and Canon, made against fraudulent alienations, in prejudice of Creditors, and against the authors and partakers of such fraude; Statutes, ordaines, and declares, That in all actions, and causes depending, or to be intended by any true creditor, for recovery of his just debt, or satisfaction of his lawful action and right: They will decreete and decerne, all alienations, dispositions, assignations, and translations whatsoever, made by the debtor, of any of his lands, teindes; reversions, actions, debtes, or goods whatsoever, to any conjunct or confident person, without true, just, and necessarie causes, and without a just price really payed, the same being done after the contracting of lawful debts from true creditors: To have bene from the beginning, and to be in all times coming, Null, and of none availe, force, nor effect: at the instance of the true and just creditor, by way of action, exception, or reply: without further declarator. And in-case any of His Majesties good subjectes (no wayes partakers of the saids fraudes) have lawfully purchased any of the saids Bankrupts landes or goods, by true bargaines, for just and competent pryses, or in satisfaction of their lawful debts, from the interposed persons, trusted by the saids dyvours. In that case, the right lawfully acquired by him who is no-wayes partaker of the fraude, shall not be annulled in manner foresaid. But the receiver of the pryce of the saids lands, goods and others, from the buyer, shall be holden and obliged to make the same forth-coming to the behoove of the bankruptes trew creditors, in payment of their lawful debts. And it shall be sufficient probation of the fraud intended against the creditors, if they, or any of them, shall be able to verifie by writte, or by oath, of the partie receiver of any securitie from the dyvour or bankrupt, that the same was made without any true, just, and necessarie cause, or without any true and competent price: Or that the landes and goods of the dyvour and bankrupt being sold by him who bought them from the said dyvour, the whole, or the most part of the price thereof was converted, or to be converted to the bankruptes profite and use. Providing alwayes, that so much of the saids landes and goods, or pryses thereof so trusted by bankrupts to interposed persons, as hath bene really payed, or assigned by them to any of the bankrupts lawful creditors, shall be allowed unto them, they making the rest forth-coming to the remanent creditors, who want their due payments. And if in time coming any of the saids dyvours, or their interposed partakers of their fraude, shall make any voluntarie payment or right to any person, in defraude of the lawful, and more timely diligence of another creditor, having served Inhibition, or used horning, arrestment, comprizing, or other lawful meane, duely to affect the dyvours landes, or goods, or price thereof to his behoove. In that case the said dyvour, or interposed person, shall be holden to make the same forth-coming to the creditor, having used his first lawful diligence: who shall likewise bee preferred to the concreditor, who being posterior unto him in diligence, hath obtained payment by the partial favour of the debtor, or of his interposed confident: and shall have good action to recover from the said creditor that which was voluntarily payed in defraude of the persuers diligence.

Finally, **THE LORDS** declares all such bankrupts, and dyvours, and all interposed persons, for covering or executing their frauds, and all others, who shall give counsel, and wilful assistance unto the saids bankrupts, in the devising and practising of their saids fraudes and godlesse deceits, to the prejudice of their true creditors, shall be reputed and holden dishonest, false, and infamous persons, incapable of all honours, dignities, benefices, and offices: Or to passe upon inquisitees, or Assyses: Or to beare witness in Judgement, or out-wit in any times coming.

ACT XIX.

*Ratification of the Act of Council, anent the pryces of Writtes, Seales, &c.
made 1606.*

OUR SOVERAIGNE LORD With Advice and Consent of the ESTATES of Parliament, Having considered the Act and Ordinance of Secret Council, made anent pryces, set down to be taken by all Writers, Clerkes, Keepers of Seales, and others, particularly expressed in the said Act. Which is of the date at *Edinburgh*, the fourth day of Februarie, one thousand six hundredth, and six yeares, Hath ratified and confirmed the same, in every poynt and Article thereof. Which all and sundry the premisses, OUR SOVERAIGNE LORD with advice and consent foresaid, ratifieth, and approveth, in all poyntes, in manner as the same proportes: and gives unto them the strength of Lawes, and Actes of Parliament: and ordaines execution to passe upon the same as effeires. Of the which the tennor hereafter followeth.

Apud EDINBURGH, quarto die mensis Februarij, 1606.

THE LORDES of Secret Council and Session, considering the great extortion used by the Writers and Clerkes of all Judicatories within this Realme, in extorting from the subjectes of the Countrey, such unreasonable and exorbitant pryces, for their Writtes, as ought not to be suffered in a well-governed Common-wealth: Procuring thereby not onely private grudges, but publicke exclamations, against the with-gate and libertie granted unto such shameful scafferie and extortion, highlie to his Majesties offence, and contempt, hurt and prejudice of His Majesties good subjectes, and to the reproach and slaunder of the Judges, under whose Office and Judicatories the saids Clerkes and Writers serve.

FOR Remeed wherEOF in times comming, The Lordes of Secret Council and Session, have set down the prices of all Letters, Actes, Inseftments, and Writtes, proper unto whatsoever Clerkship within this Realme: together with the prices of the Signet, Privie and Great Seales. Wberoby the subjectes of the Countrey may know, and understand, what prices they ought to give for everie Letter, Writte, Extract, and seale hereafter: and be no wayes subject to the indiscretion of the Writers, and Keepers of the Seales. Which prices now set down, by the saids Lordes, for the ease, benefite, and reliefe of the subjectes of the Countrey, The saids Lordes ordaines, and commandes, all, and sundrie Writers, and Clerkes, and the Keepers of the seales: everie one in their own severall Charge and Office. To observe and keepe, and in no wayes to exceede the saids prices, upon what soever colour or pretence: under the paine of Deprivation of the contraveener from the Office, and seale, which hee possesseth. And ordaines, and commandes, the saids Clerkes, and Writers, To write all their Letters, Actes, Writs, Registers, and such other things as passe thorow their Office and bandes, compactie: and in no wayes to abuse the People with disperse writing: under the paine to be censured and punished, as abusers of His Majesties subjectes, and as contraveeners of the saids Lordes Ordinance, now set down anent the saids prices. Commanding and charging also all and sundrie Clerkes and Writers, bearing publick Function and Charge within this Kingdome, That they, & every one of them, within the space of a Moneth after the date hereof, have the just and authenticke double of this Act, and of the pryces following thereupon, affixed in some publick and patent place of their Buith, and chamber where they write: where-thorow all his Majesties subjects having adoe with them, may have inspection of the same: and accordingly, know what to pay. And that the saids Writers, and Clerkes, shall write upon the backs of all Writs to be given out by them, the just and ordinarie price which they receive from the party for their pains: and subscribe the same with their bands, under the said paine of deprivation of the contraveener.

*The Pryces set down to the Clerkes of our Sovereaign Lordes Signet, to be taken hereafter
for all Signatures, to be formed, and written by them.*

A NE Signature of Escheat to pay	Ten shillings.
Ane Signature of Escheat and Life-ten,	xx. shillings.
Ane signature of Warde, <i>Non entres</i> , Reliefe, and Marriage,	xx. shillings.
Ane signature of Marriage onely, <i>Non entres</i> onely, or Reliefe onely,	x. shillings.
Ane signature of whatsoever Inseftment, Resignation, or Confirmation, or Erection, for the first sheet thereof,	xxx. shillings.
And for every sheet moe, beside the first sheere,	xx. shillings.
The Precepts upon the signatures to pay accordingly as the signature payeth.	
A Remission, or Respite,	x. shillings.
The Precept upon the Remission,	x. shillings.
Ane presentation to a Parsonage and Viearage,	xiiij. shill. iv. d.
Ane signature of a Bishopticke, or Abbacie, containing a sheete of paper,	xxx. shillings.

And

And for every sheete more than one, which the signature contains, xx. shillings.
 The Precept thereof to pay accordingly.
 Other common signatures of Penfions, Prebendaries, Chaplainries, or Giftes of Offices, . . . xij. shillings, iv. pennies.

Pryces set down to the Keeper of the Tresurers Register, to be taken hereafter of all such Gifts and Signatures as passe the said Register.

THE Escheat of any common man, vj. shillings, viij. pennies.
 And for every person moe that shall be contained in the signature, iij. shillings, iij. pennies.
 Providing that the payment [*per capita*] exceede not ten persons.
 Their Escheate and Life-rent to pay the double of the same summes.
 The Escheate of a Barron, xij. shillings, iv. pennies.
 And for every person moe of that ranke, contained in the signature, vj. shillings, viij. d.
 Providing that the payment [*per capita*] exceede not ten persons: and their Escheate and Life-rent, to pay the double of the same summes.
 The Escheate of a Lord of Parliament, xl. shillings.
 And for every person moe of that ranke, containyd in the signature, xx. shillings,
 Providing that the payment [*per capita*] exceede not ten persones: Their Escheate and Life-rent to pay the double of these summes.
 Ane Legittimation, xij. shillings, iv. pennies.
 Ane Remission, or respite to a common man, vj. shillings, viij. pennies.
 And for everie person moe of that ranke, containied in the said signature, iij. shillings, iv. pennies.
 Theremission, or respite of a Barron, xij. shillings, iv. pennies.
 And for everie person moe of that ranke, containyd in the signature, vj. shillings, viij. pennies.
 The remission, or respite of a Lord of Parliament, xl. shillings.
 And for everie person moe of that ranke, contained in the same signature, xx. shillings.
 Ane signature of Infestment of a Five pound land, or under, xx. shillings.
 Ane signature of Infestment of a Ten pound land, or under, xxx. shillings.
 Ane signature of Infestment of all other lands, under a Barronie, or Thirtie pound land, xl. shillings.
 The Infestment of a Barronie, l. shillings.
 The Infestment of an Earledome, or Lordship, iv. pounds.
 The Warde, Non entres, Reliefe, and Marriage of a Yeoman, xij. shillings, iv. d.
 Of a Barronie, xxvj. shillings, viij. pennies.
 Of a Lord of Parliament, iv. pounds.

Pryces set down to the Keepers of the Collectors Register, to be taken hereafter of all such Letters as passe that Register.

ANE Infestment of a Five pound land, or under, xx. shillings.
 Ane Infestment of a Ten pound land, or under, xxx. shillings.
 Ane Infestment of all other lands, under a Thirtie pound land, or Barronie, xl. shillings.
 The Infestment of a Barronie, l. shillings.
 The Infestment of a Lordship of Parliament, iv. pounds.

Pryces set down to the Keepers of the Register of Benefices, to be taken hereafter of all such Letters as passe that Register.

PRESENTATION to a Vicarage, with the Act of Caution, xx. shillings.
 Presentacion unto a Parsonage, with the Act of Caution, xl. shillings.
 Ane Abbacie, iv. pounds.
 Ane Bishopricke, vj. pounds.

Pryces set down to the Writers to the privie Seale, to be taken hereafter of all such Letters and Writtes as passe that Office.

THE Escheate of a Common man, xij. shillings, iv. pennies.
 And for everie person moe of that ranke, contained in the signature, vj. shillings, viij. pennies.
 Providing that their payment [*per capita*] exceede not ten persons: Their Escheate, and Life-rent, to pay the double of these summes.
 The Extract of the said Escheat, and Life-rent, xij. shillings, iv. pennies.

The Escheat of a Barron,	xxvj. shillings, viij. pennies.
And for everie person moe of that ranke, contained in the signature,	ix. shillings, iv. pennies.
Providing alwayes that the payment [<i>per capita</i>] exceede not ten persons.	
Their Escheat, and Life-rent to pay the double of this summe.	
The Extract of this Escheat, and Life-rent,	
The Escheat of a Lord of Parliament,	xx. shillings.
And for everie person moe of that ranke, contained in the signature,	iv. pounds.
Providing that the payment [<i>per capita</i>] exceed not ten persons:	xl. shillings.
Their Escheat, and Life-rent to pay the double of the said summe.	
The Extract of this Escheat, and Life-rent, to pay	
Signature of a Vicarage,	xl. shillings.
Signature of a Parsonage,	xx. shillings.
Signature of a Bishopricke,	xl. shillings.
Signature of an Abbacie,	x. pounds.
Ane Legitimation,	vj. pounds.
Ane remission, or respite, to a common man,	xx. shillings.
And for everie person moe of that ranke, contained in the signature,	x. shillings.
A remission, or respite, to a Barron,	v. shillings.
And for everie person moe of that ranke, contained in the signature,	xx. shillings.
Ane remission, or respite, to a Lord of Parliament.	x. shillings.
And for every person moe of that ranke, contained in the signature,	ij. pounds.
Ane Infestment of a Five pound land, or under,	xxx. shillings.
Ane Infestment of a Ten pound land, or under,	xxx. shillings.
Ane Infestment of all other landes, under a Thirtie pound land, or Barronie,	xl. shillings.
Ane Infestment of a Barronie,	ij. pounds.
Ane Infestment of a Lordship of Parliament,	iv. pounds.
The Warde, Non Entresse, Marriage, and Reliefe, of a common man,	vj. pounds.
Of a Barron,	xx. shillings.
Of a Lord of Parliament,	xl. shillings.
	v. pounds, vj. shillings, viij. pennies.

Pryces set down to the Director of the Chancellarie, to be taken hereafter of all such Letters and Writtes as passe that Office.

L egitimations,	xl. shillings.
Remissions to a Yeoman,	xl. shillings.
And for everie person moe then one contained therein,	xx. shillings.
Remission to a Barron,	iv. pounds.
And for every person of that Ranke, moe than one contained therein,	xl. shillings.
Remission to a Lord of Parliament,	vj. pounds.
And for everie person of that Ranke, moe than one contained therein.	ij. pounds.
The writting and registring of a Confirmation, or Infestment, of a five pound land, or under, with the	iv. pounds.
Precept of seasing there-upon: duely and orderly past the Quarter-seale,	iv. pounds.
The writting and registring of a Confirmation or Infestment of a Ten pound Land, or under, with the	v. pounds.
precept of seasing following there-upon, duely and orderly past the Quarter-seale,	v. pounds.
The writting and registring of a Confirmation, or Infestment, of all other lands, under a Barronie,	vj. pounds.
or Thirtie pound land, with the precept of Seasing following there-upon, duely and orderly past the	vj. pounds.
Quarter-seale,	x. pounds.
The writting and registring of an Infestment of a Barronie, with the precept of Seasing past the	v. pounds.
Quarter-seale,	xx. pounds.
And for everie Barronie, moe then one contained therein,	xx. pounds.
Providing that the whole payment exceed not,	xx. pounds.
The writting and registring of an Infestment of a Lordship, or Earledome, with the precept of Seasing	xx. pounds.
past the Quarter-seale,	v. pounds.
And for everie Barronie, moe then one contained therein.	l. pounds.
Providing that the whole payment exceed not	xl. shillings.
Commissions orderly past the Quarter-seale, for serving of Brieves in favour of a Yeoman,	ij. pounds.
Commissions sealed in favours of a Barron,	vj. pounds.
Commissions sealed in favours of a Lord of Parliament,	xl. shillings.
Tutorie Datives, duely and orderly sealed,	xl. shillings.
For the whole persons contained in the Tutorie.	
Presentations upon forefauler, or bastardie of small Annual-rents, or lands within Burgh: and of small	xl. shillings.
peeces of landes, for the writing and Quarter-seale;	And

And of other lands of greater availe,	v. pounds.
Ane Brieve,	v. shillings.
Ane Attornie,	ij shillings.
The registering of a Retour to a common man,	xij. shillings, iv. pennies.
To a Barton,	xxvj. shillings, viij. pennies.
To a Lord of Parliament,	xl. shillings.
Precepts upon the Retour for lands, under a Ten pound land,	xl. shillings.
And if the lands bee above a Ten pound, to pay accordingly: providing that the highest price exceed not	iiij. pounds.
The second and third Precepts,	xx. shillings.
The fourth Precept, conforme to the first Precept.	
Summons of Errour, past the Quarter-Sealc,	iv. pounds.
And in-case it containe many remissions, not to exceed,	vj. pounds.

Pryces set down to the Writers to the Signet, to bee taken hereafter, of all Letters; Summons, and Writtes, which passe their handes: Excepting alwayes Signatures, the pryces whereof are already set down.

A Dvocations, and Suspensions,	xij. shillings, iv. pennies.
For the first sheete: and for everie sheete moe, which it containeth, besides the first sheet,	x. shillings.
All common Letters,	x. shillings.
Contractes, for the first sheet,	xxx. shillings.
And for every sheet moe, which it containeth,	xx. shillings.
Summons, of a sheet of paper,	xij. shillings, iv. pennies.
And for everie sheet moe, which it containeth,	x. shillings.

Pryces set down to the ordinarie Clerkes of the Session, to be taken hereafter of all such Letters, Actes, and Writtes, as passe that Office.

T HE Registring of an Obligation,	xij. shillings, iv. pennies.
The Extract thereof,	xij. shillings, iv. pennies.
Act, and Letters,	xx. shillings.
An Act of <i>Litis Contestation</i> , in summare and common causes, for everie sheet of the Act, and of the Decreet,	xx. shillings.
And in matters of contentious Disputation, heard in presence of the saids Lotdes, The pryce of the Act of <i>Litis Contestation</i> , to be at the discretion of the partie.	
Common and ordinarie Extracts, for every sheet extracted,	xij. shillings, iv. d.
The registration to pay as much.	

Pryces set down to the Clerke of the Billes, before the Session, to be taken hereafter of all Billes and Actes proper to that Office.

B ILLES,	iv. pennies.
Actes of Caution, with the reliefe,	xx. shillings.
Commissions,	xij. shillings, iv. pennies.
Dispensations in favours of a partie,	iv. pennies.
And for a Sherrifdome, Stewardrie, or Burgh,	vj. shillings, viij. d.
Actes of Law-burrowes, For everie person contained in the Act.	vj. shillings, viij. pennies.
Advocations,	xx. shillings.
Relaxations (<i>per se</i>)	vj. shillings, viij. pennies.
And for everie person contained therein accordingly.	

Pryces set down to the Clerke of Privie Council, to be taken hereafter of all such Letters and Writtes as passe that Office.

L ETTERS of Complaint, containing a sheet of Paper,	xx. shillings.
And for everie sheet arour the first sheet,	x. shillings.
	Letters

Letters of Law-burrowes,	xij. shillings. iv. pennies.
An Act of Caution, with the reliefe,	xx. shillings.
An Act of Law-Burrowes, for everie person contained in the Act,	vj. shillings, viij. pennies.
Decretes of a sheet of paper,	xxvj. shillings, viij. pennies.

Pryces set down to the Clerkes of the Exchequer, to bee taken hereafter of all writs which passe that Office.

I TEM, for writing, rolling, and extracting of a Sherriffes Compt,	iiij. pounds, vj. shillings, viij. p.
Item, for writing, rolling, and extracting of a Chamberlaines Compt,	iiij. pounds, vj. shillings, viij. p.
Item, for writing, rolling, and extracting of a Burrow compt,	xx. shillings.
Item, for writing an Extract of a Rental,	vj. shillings, viij. pennies.
Item, for writing of a compt unto any person, fourth of the compt-roller, or Treasurers compts,	vj. shillings, viij. pennies.
Item, for allowance of a Gift in the Exchequer,	vj. shillings, viij. pennies.
Item, for writing, rolling, and extracting of a Custome compt,	xx. shillings.

Pryces set down to the Keeper of our Sovereigne Lordes Signet, to bee taken hereafter, for all Letters, and writtes, which passe the Signet.

F OR Summondes, of whatsoever qualitie,	x. shillings.
For letters of Inhibition, and arreastment,	xvj. shillings, viij. pennies.
For letters of Law-burrowes, and criminal letters, how many persons soever be insert,	x. shillings.
For Ministers Letters,	x. shillings.
For all letters of Horning, of whatsoever qualitie: Except letters of Law-burrowes, and criminal letters,	xxxj. shillings, viij. pennies.
A Relaxation,	x. shillings.
And accordingly for everie person relaxed: or composition, at the discretion of the Keeper of the Signet.	
For a Legitimation,	xx. shillings.
For ane Infeftment, or Confirmation, of a five pound land, or under,	xxx. shillings.
For ane Infeftment, or Confirmation, of a Ten pound lande, or under,	xl. shillings.
For ane Infeftment, or Confirmation of other landes, under a Thirtie pound land, or Barronie,	l. shillings.
For ane Infeftment of ane Barronie,	iiij. pounds.
And of so many more different Barronies as are contained in the Signature,	iiij. pounds.
For ane Infeftment of ane Earledome, and Lordship of dignitie,	vj. pounds.
And for everie Barronie, beside, contained in the Signature,	iiij. pounds.
For comprysings,	xl. shillings.
For an Abbacie,	vj. pounds.
For a Bishopricke,	x. pounds.
For an Arch-bishopricke,	xij. pounds.
And if an Abbacie be included, to pay	vj. pounds.
For a Remission to a common man,	xx. shillings.
And accordingly for every person contained in the same remission, and for every crime.	
For a Remission unto a Barron,	xl. shillings.
And accordingly, for every person of that ranke, and for every cryme contained in the Signature.	
For a Remission to a Lord of Parliament,	iiij. pounds.
And accordingly, for every person of that ranke, and for everie cryme contained in the Signature.	
A Patronage being insert in a Barronie, to pay the halfe price that the Barronie payeth at the Signet.	
A Taxt Warde being insert, to pay likewise the halfe price that the Landes or Barronie payeth at the Signet.	
A Regalitie to pay the whole pryce that a Barronie payeth at the Signet.	

Pryces set down to the Keepers of the Privie Seale, to be taken hereafter for all Letters and Writtes that passe the seale.

FOR the Escheate of a common Man,	xxvj. shillings viij. d.
And for every person moe contained in the Signature,	xiiij. shillings. iv. pennies.
The life-rent, and Escheate to pay the double of this summe.	
For the Escheate of a Barron,	liij. shillings. iv. pennies.
And for every person moe of that ranke, contained in the Signature,	xxvj. shillings. viij. pennies.
Their Escheate and life-rent to pay the double of this summe.	
The Escheate of a Lord of Parliament,	viiij. pounds.
And for every person moe of that ranke, contained in the Signature,	iv. pounds.
Their Escheate and life-rent to pay the double of this summe.	
For a Vicarage,	xl. shillings.
For a Parsonage,	iv. pounds.
For an Abbacie,	xij. pounds.
For a Bishhopricke,	xx. pounds.
For an Arch-bishopricke,	xxiv. pounds.
And if an Abbacie be included, to pay	xij. pounds.
For a Legittimation,	xl. shillings.
For a Remission, or Respite, to a common man,	xl. shillings.
And accordingly, for everie person, and every crime, contained in the Signature.	
For a remission, or respite, to a Barron,	iiij. pounds.
And accordingly, for every person moe of that ranke, and for everie crime contained in the signature.	
For a respite, or remission, to a Lord of Parliament,	vj. pounds.
And accordingly, for every person of that ranke, and for everie crime contained in the signature.	
For one Infestment, or Confirmation of a five pound Land, or under,	iiij. pounds.
For the Infestment, or Confirmation of a Ten pound Land, or under,	iv. pounds.
For the Infestment, or Confirmation, of all other landes, under a Thirtie pound land, or Barronie,	v. pounds.
For an infestment, or confirmation of a Baronie,	vj. pounds.
And for every Bartony moe contained in the said Infestment,	iiij. pounds.
For an Infestment, or Confirmation, of an Earledome, or Lordship of Dignitie,	xij. pounds.
And for every Baronie Beside, contained in the Infestment,	vj. pounds.
For a Comproyng,	iv. pounds.
For a Patronage, insert in a Barronie, the halfe price of the Privie Seale.	
For a Taxt Ward, the halfe price that the Land or Barronie payeth at the Privie Seale.	
For ane Regalitie, the whole price that the Bartonie payeth at the Privie Seale.	
For the Warde, Non Entresse, Reliefe, and Marriage of men under Barrones,	xl. shillings.
For the Warde, Non Entresse, Reliefe, and Marriage of a Barrone,	iv. pounds.
For the Warde, Non Entresse, Reliefe, and Marriage of a Lord of Parliament,	x. pounds.
For the Watde only of a meane man,	xxx. shillings.
For the Warde only of a Barrone,	iiij. pounds.
For the Watde only of a Lord of Parliament,	v. pounds.
For the Non Entresse only of men under Barrones,	xx. shillings.
For the Non Entresse only of Bartonies,	xl. shillings.
For the Non Entresse only of Earles and Lords,	iiij. pounds.
For the Marriage only of Men under Barrones,	xxx. shillings.
For the Marriage only of Barrones,	iiij. pounds.
For the Marriage only of Lords of Parliament,	v. pounds.
For common Giftes of Prebendaries, Chaplainries, Pensions, or Offices,	xxx. shillings.

Pryces set down to the Great Seale, to be taken hereafter for all such Infestments and Writtes, as passe that Seale.

THAT The Keeper of the Great Seale exceede not the Quadruple of the Privie Seale: but conforme himself thereunto in all poyntes.

Ancient Chamber Fees.

THE Lords of Secret Council, and Session, findes, that in times by-gone, when the duty of the Chamber Fees first came in custome, That no Infeiment, or signature payed chamber Fee: except only Resignations made in the KING'S Hands. And therefore the saids Lords declare, statute, and ordaine, That in all time coming, no Infeiment, nor Signature, shall pay Chamber-fee: Except only Resignations of lands holden of his Majestic. And that the duetie of the Chamber-fee to be taken for the saids Resignations, shal be equal, and proportional unto the duetie and price due to the Privie Seale for the lands which shall be resigned. Commanding hereby, his Majesties Usheres, and their Deputies, appointed for collecting of their said Fee; That they in no wayes violate this present Act: but conforme themselves therunto in all poynts, as they will answer upon their obedience. And that the keeper of the Signet and Privie Seale, in no wayes stay nor hinder any Letter, or Writte, at their Scales, for alledged non payment of the Chamber Fee, under the paine of deprivation.

Pryces set down to the Procurators Fiscal, to be taken hereafter for forming of Testaments.

FOR small Testaments, wherein there is little Geate, and a meane Quote, xij. shillings, iv. pennies.
 For Testaments wherein there is much Geare, and a great Quote, xx. shillings.
 For the Testaments of Earles, Lordes, and great Barrones, for everie sheet xxx. shillings.

Pryces set down to the Commissarie Clerks, to be taken hereafter of all such Letters and Writtes as passe their Office.

ANE Summondes (*Ad instantiam*) with the Signet, viij. pennies.
 Ane libelled summondes, not exceeding halfe a sheet of paper, compactly written, ij. shillings.
 The libelled summondes, exceeding halfe a sheet of paper, ij. shillings.
 The putting of an Act into the Booke, iv. pennies.
 And further, as the writing shall be of quantitie, at the discretion of the Judge. And the Extract of the same as much: and further, at the discretion of the said Judge.
 The summondes, to summond Witnesses: whether the partie, or his procurator be warned, [*capud acta*] or not, viij. pennies.
 For pronouncing of sentences in small actions, of the availe of twentic pounds, or within which were wont to be called Decretes, ij. shillings, iv. pennies.
 For pronouncing of sentences in causes of greater availe, vj. shillings, viij. d.
 The precept Executorial upon the sentence, ij. shillings.
 The Inhibition, ij. shillings.
 Precepts of arrestment, ij. shillings.
 For summondes to heare Executors (*Datives*) given, ij. shillings.
 For registering of Contractes, Obligations, or sicklike Evidents, not exceeding halfe a sheet of Paper, ij. shillings, iv. pennies.
 For registering of the same, exceeding halfe a sheet of Paper, vj. shillings, viij. d.
 The Extract thereof subscribed by the principal Clerke, halfe as much.
 The Transumpt of Evidents, or Writings, under the Seale of Office, xij. shillings, iv. pennies.
 The Extracting of Processe, written compactly: each lease on both the sides, ij. shillings.
 The Registering of a Testament, containing a sheete of Paper, xxvj. shillings, viij. d.
 And if it exceed a sheet, xxxij. shillings, iv. pennies.

Pryces set down to the Sherriffe-Clerkes, Steward and Baillie-Clerks, and Clerks of Regalitie: and to Clerks in Services, by Commission, to be received by them, for all such Letters, Actes, and Writs, as passe their Offices.

FOR a libelled precept, being formed by the Clerk, sealed, and subscribed, xij. shillings, iv. pennies.
 And if it be not formed by the Clerk, for the subscribing and sealing, vj. shillings, viij. pennies.

For

For a precept of arrestment, with the seale thereof,	vj. shillings, viij. d.
For an Act of lowfing of arrestment,	vj. shillings, viij. pennies.
For the Act of Law-burrowes, taken at the Barre,	vj. shillings, viij. pennies.
For an Act of Cuyatorie, with the Edict, Processe, and Extract thereof,	xxvj. shillings, viij. pennies.
For an Act of Revocation, or Renunciation, given in Writte to be registrated,	vj. shillings, viij. pennies.
And the Lords of Secret Council expressly prohibite, and discharge,	T H A T no Act of revocation, or renunciation, bee received by Judicial compearance, without a Warrant in Writte, bearing registration.
For Extract of the revocation, or renunciation,	vj. shillings, viij. pennies.
For Act and precept of Continuation, in all causes,	vj. shillings, viij. pennies.
For ane Act of <i>Litis Contestation</i> , with the precept of Diligence, contayning a sheet of Paper, or within,	x. shillings.
And in case it be more then a sheet, that the payment exceed not	xx. shillings.
For booking and extracting of everie Decreet, within a sheet,	x. shillings.
And for every sheet more that exceeds the first sheet, written compactly,	vj. shillings, viij. pennies.
Providing alwayes that the decreet exceed not	xl. shillings.
How long soever the decreet be.	
For a precept to poynd, eject, and remove,	x. shillings.
For deducing of a Processe, to serve a general Heire: and for extracting and sealing the retour thereof,	xxx. shillings.
For the processe of a special service to Landes, with the retour extracted, and sealed thereupon, comprehending herein the opening and proclayming of the Brieves, Forming of the claymes, and all things to be done in the processe, if the lands extend to a Fourtie pound land, or within,	iv. pounds.
And if it exceed a Fourtie pound land, to pay	xij. pounds.
For an Instrument of seasing upon the retour,	iv. pounds.
And if it be a Barronie, and Lordship of land, dispensing with the seasing, to be taken at a place, and if the landes lye <i>discontigue</i> , and farre from the Sherreffes residence: that they exceed not	x. pounds.
For registring of Letters of Horning, upon a simple charge, or four formes, as well in the Bookes of the Clerkes foresaids, as in the Clerk of Registers Books, for every sheet thereof	vj. shillings, viij. pennies.
And not to exceede	xx. shillings.
How long soever the horning be.	
For Inhibitions, and Relaxations, how long soever they be,	xx. shillings.
For every sheet of all extracted processees, which the Writter shall be holden to write compactly, under payneto be punished, in case he faile,	x. shillings.

Pryces set down to the Clerkes of the Admiraltie, to be taken hereafter for all such Letters, Actes, and Writtes, as passe that Office.

FOR a libelled precept, being formed and written by the Clerke, and sealed, and subscribed	xij. shillings, iv. pennies.
And if it bee not formed by the Clerk, for the subscribing, and sealing thereof,	vj. shillings, viij. pennies.
For the precept of arrestment, with the seale thereof,	vj. shillings, viij. pennies.
For the Act of lowfing of arrestment,	vj. shillings, viij. pennies.
For an Act and Procels of continuation, in all causes,	vj. shillings, viij. pennies.
For an Act of <i>Litis Contestation</i> , with the precept of Diligence, containing a sheet of paper, or within,	x. shillings.
And in case it be more then a sheet, that the payment exceed not	xx. shillings.
For Booking and extracting of every Decreet, within a sheet of paper,	x. shillings.
And for every halfe sheet more that exceedeth the first sheet, which the Lords ordaine to be compactly written,	vj. shillings, viij. pennies.
It is alwayes ordained, and commanded, by the saids Lords, That the payment exceed not	xl. shillings.
How long soever the decreet be.	

For a precept to poynd,
 For every sheet of all extractd Proceses, which the Writer shall be holden to write compactly, under the pain to be punished, in case he faile,

x. shillings.
 under the
 x. shillings.

Prices set down to the Keepers of the Secretaries Register, to be taken hereafter, for all such Letters as passe that Office.

THE Lords of Secret Council and Session, command, and Ordain the Clerks, Keepers of the saids Registers of the Secretary, That they and every one of them, conform themselves in their Prices, to the Acts of Parliament, made anent the prices of such Letters and Writtes, as passe through their Registers: And that they in no wayes presume to exceed the saids prices, under the pain of deprivation.

Prices set down unto the Clerks within Burgh, to be taken hereafter, for all such Letters, Actes, and Writtes, as passe the Office of common Clerkship within Burgh.

THE claime of debt, in matters of small importance,	xii. pennies.
The Act of Court, The first day, and all Acts, before <i>Litis Contestation</i> ,	viii. pennies.
The Act of Interloquutor, or <i>Litis Contestation</i> ,	xii. pennies.
The Acts of probation, <i>usque ad sententiam</i>	xii. pennies.
The Extract thereof, for calling the action, and warning the partie, and Witnesses,	xii. pennies.
The sentence pronouncing in small causes,	ii. shillings.
And in great causes not to exceede	vi. shillings, viii. pennies.
The Extract thereof,	vi. shillings, viii. pennies.
In great causes, exceeding xl. pounds.	
the claime being made by libelled precept, for evety precept forming, and subscribing,	vi. shil. viii. pen.
The Acts thereof,	xii. pennies.
The Act of Interloquutor booking,	xii. pennies.
The Extract thereof,	iii. shillings, iii. pennies.
The sentence pronouncing and booking,	vi. shillings, viii. pennies.
The extract of each sheet thereof, compactly written,	vi. shillings, viii. pennies.
All the Acts in the Processe: every act	xii. pennies.
The precept of poynding,	ii. shillings.
The booking of Goods comprised by Officers,	vi. shillings, viii. pennies.
The Processe of comprising of Lands, or Annual-rents, each sheet compactly written,	viii. shill. viii. pennies.
Every act thereof,	xii. pennies.
Every claime of Injury, which passeth not unto an Assyse, but witnesses examine thereupon,	xii. pennies.
Every Dittie of stroakes, and blood,	xii. pennies.
The depositions of Witnesses: every person	xii. pennies.
Commission for examination of Witnesses, direct to other Judges,	vi. shillings, viii. pennies.
For proclaiming of the Brieve,	vi. shillings, viii. pennies.
For indorsing of the Brieve,	iii. shillings, iv. pennies.
For making of the claime in a general service,	iii. shillings, iv. pennies.
For making of the claime in a special service,	vi. shillings, viii. pennies.
For the acts of objecting, and replies,	xii. pennies.
For booking and extracting of a general service, and directing of the retour,	xx. shillings.
For booking and extracting of a special service, and directing of the retour, for a tenement,	xxx. shillings.
For two tenements,	xl. shillings.
And if there be moe tenements, the whole payment not to exceede,	iii. pounds.
For an Instrument of leasing upon a general service,	iii. pounds.
For an Instrument of leasing upon a special service,	iv. pounds.
A Charter of Alienation,	xl. shillings.
And for every Land moe than one contained in the Charter,	vi. shillings, viii. pennies.
Providing that the whole payment exceed not	iii. pounds.
A Procuratory of resignation,	xxx. shillings.
And for each land moe than one contained in the Procuratory,	vi. shillings, viii. pennies.
And the whole payment not to exceed	xlvi. shillings, viii. pennies.
An Instrument of Resignation,	iii. pounds.
A Contract of Alienation, containing a sheet of paper,	xx. shillings.
And for every sheet moe than one,	x. shillings.

The

The Registring of every sheet thereof;	x. shillings.
The extract and subscribing of every sheet;	x. shillings.
For a Reversion, written upon parchment;	xl. shillings.
And in-case of moe lands, not to exceed	liij. shillings, iv. pennies.
The booking and extracting of every sheet of whatsoever contract,	x. shillings.
Charter parties of each partie of two,	vj. shillings, viij. pennies.
Indentures of each partie of two,	vj. shillings, viij. pennies.
Booking of Prentises,	ij. shillings.
The Extract thereof.	ij. shillings.
Act of Creating of a Burgesse, and Extract thereof,	xij. shillings.
The Guilde Tiquets,	xij. shillings.
The Entry of Ships and Boates, and extract thereof,	ij. shillings, iv. pennies.

THE LORDS Of Secret Council, and Session, Ordaines and commandes, That no Proccesse be granted before inferior Judges in the first summons: but upon libelled Precepts, and Citation of fifteen dayes warning conforme to the Act of Parliament.
And Ordaines these presents to be published, and Imprinted.

ATTOUR OUR SOVERAIGNE LORD, with consent foresaid, hath [simpliciter] discharged the whole Subjects and Lieges of this Realme, of all such by-gone penalties, unflaves, and punishments, which they, or any of them have incurred through breaking and violating of the said Act of Council in any time by-gone, preceeding the date hereof: and decernes the same, to be of strength, force, and effect, against the transgressours thereof, in all time comming only.

AND FURTHER, OUR SOVERAIGNE LORD, with consent foresaid, Giveth, and granteth, full power and commission, unto the Lords of His Highnesse Privie Council, To take order for setting downe and appoynting of such particular prices, as are omitted to be set downe by the said Act of Council. And whatsoever the saids Lords of Privie Council, shall determine and ordaine in the premises, Decernes the same to have the strength and force of ane Act of Parliament, in all time thereafter.

ACT XX.

Act, ordaining Annual-rent to be due after Horning.

OUR SOVERAIGNE LORD, and **ESTATES** of Parliament, considering the great prejudice which diverse of His Majesties Lieges sustaine by the want of their money, lent and given soorth upon Band, or Contract, or otherwise justlie owing unto them, by their Debtors: who having used all Execution competent to them by Lawe, against their debtors, by charging, and putting of them to Horne: are forced, after many yeares, to receive their principal summe and penaltie, without any satisfaction of their annual-rent, and interestte of their money in the meane time. Which as it is a prejudice unto the true Creditors; so it is ane occasion to the debtors to contemne His Majesties charges, and Letters of Horning: who resolve in end to pay no more for reliefe of the Horning, after many yeares delay, then they were obliged unto at the beginning.

FOR remeed whereof, His Majestie, with advice and consent of the Estates of Parliament, statuterh and ordaineth, That whensoever any person is denounced Rebel, and put to the Horne, for not payment of summes of money, owing by him, by band, contract, or otherwayes: That after the said denunciation, the said person so denounced, shall be subject in payment of Annual-rent for the saids summes for the which he is put to the Horne, and that of all yeares and tearmes from the date of the said denunciation, unto the time of payment of the same: and that notwithstanding there be no paction, nor condition of Annual-rent made betwixt the saids parties, which may binde the said partie who is denounced rebel, unto the payment thereof. And such persons as are now standing rebels, and at the Horne, This Act shall not worke against them, (*quoad preterita*,) But shall have strength and force against them in time comming, from the Feast of Martinnesse next in this instant yeare of **GOD**, one thousand, sixe hundredth, twentie and one yeares: and they shall begin to be subject in payment of annual-rent at that time, and yearly and yearly thereafter, until the payment of the principal summe.

ACT XXI.

Anent Servants, going lowse, and leaving their Masters service.

OUR SOVERAIGNE LORD, And **ESTATES** of Parliament, understanding the great straytes and necessities, whereunto poore Labourers of the Ground are driven, and contrayned; Especially by the fraud and malice of Servants, who either refuse to be hyred, without great and extraordinary Wages promised unto them: Or otherwise hyre themselves only from Martinnesse to Whitsonday:

after the which Teatme of Whitsonday, they cast themselves lowfe, of purpose and intention, to make their gaine and advantage by the extraordinary workes which besal in that season, berwixt Whitsonday and Martinmesse: such as casting and winning of Peats, Turfs, Fewel, Divors, building of fold dykes, shearing in the harvest. For doing whereof, they know the saids Husband-men, who have necessarily adoe therewith, will be forced to hire them at daily and weekly wages, and such high rate as they please, to the great harme of the Labourers of the Ground, and all his Majesties subjects.

FOR remeede whereof it is statuted, and ordained, That it shall not be lawful for any hired servant, from Martinmesse to Whitsonday, to leave his Maister at the said tearme of Whitsonday, and to runne lowfe from that service: Except he be able to verifie to the Justice of Peace, or Constable of the bounds, that he is hyred unto another Master, from the said Feast of Whitsonday to Martinmesse thereafter. And if it be found, that he is not hyred to another Master: Then, and in that case, it is declared, That it shall be lawful unto his present Master to keep, and detain him, from the said Feast of Whitsonday unto Martinmesse, for payment to him of such Wages as he payed to him of before. And if he refuse to serve, that the Justice of Peace shall have power to compel him thereunto. And if the said servant of the quality foresaid, break lowfe from his Master, It shall be lawful for his master to take and apprehend him, wherefoever he findeth him, and present him unto the Constable, or Justice of Peace, upon the ground where he shall be found; who shall have power to compell the Servant to return unto his former Master, if it be found that he be Masterles, and none otherwayes.

AND such like, His Majesty, and Estates, findes, and declares, That it shall be lawful unto all his Majesties Lieges, who have necessarlie adoe with Labour, to take, apprehend, and employ, in their Works, whatsoever lowfe and Masterlesse Men and Women, whom they shall find within their own Bounds, And suchlike, that the Justices of peace, and Constable, shall have power, at the instance and desire of whatsoever person His Majesties Lieges, to force, and compell all, and whatsoever lowfe Men and Women, to serve for competent hyre and Wages.

A C T. XXII.

Avant Counterfeiting, and making of false Writtes.

FOR Eschewing the dangcr wherein many of his Majesties Lieges stand, by counterfeiting and falsifying of Evidents: IT IS statuted and Ordained, That whosoever maketh and useth a false Writ, or is accessory to the making thereof, shall be punished with the paines due unto committers of False-hood. AND it shall not be lawful for any person counterfeiter, falsifier, or accessory whatsoever, to declare in judgement, that he passeth from the Writ, quarrelled of False-hood. But if after the tryal, the Writ quarrelled be found false, the passing from, or declaration of the patty, that he will not use the same, shall no wayes free him from the punishment which is due unto those who commit False-hood.

A C T. XXIII.

A general pardon for deedes done against penal statutes, (some few excepted) and a discharge of James Cranston his Commission.

OUR SOVERAIGNE LORD, and Estates of this present Parliament, confideting the complaint made by the Barons, Sheriffs, Stewards, Bailies, and other Free holders within this Kingdom, concerning the danger which all our Sovereigne Lords Lieges do daily underly, for having transgressed penal Statutes, which have a Pecunial, or arbitrary paine adjected thereunto: And the great hurt and prejudice sustained, by granting Commissions unto private persons, for execution of the same statutes, which have been used amongst the common people, at sundry times, with intollerable rigour, and execution, of before: HAVE discharged, freely pardoned, and remitted: DISCHARGES, freely pardons and remits, all contraveeners of any of the saids penal statutes, for all deedes done by them contrary to the tenor of the same statutes, in times by-gone. Except only the statutes concerning wearing and bearing of Hagbutts and Pistolets: Taking of unlawfull Usury: Transporting of Money and Gold: and slaying of red and black Fish: Which are no wayes discharged by this present Statute, not comprehended hereintill.

AS ALSO, Our said Sovereign Lotd, with advice and consent of the saids Estates, Statutes, and declares, That hereafter Commission for putting of penal Statutes to execution, shall only be granted to honest men, of good quality: who shall be sufficiently authorized by the Lords of the Secret Council, for discharging of their Office. And absolutely discharges in time comming, James Cranston, his Deputies, or Officers, to call, or convene any person or persons, for slaying of red or black Fish. And from henceforth declares, The power of his Commission granted unto him for that effect, to be quite extinguished and abolished.

A C T. XXIV.

Anent Evidents past the great Seal, which are not Registrated.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, understanding, That there are sundry Infestments, and other Writtes, Which passe his Highnes Great Scale, That in time by gone, after the expeding thereof, and appending of the Scale thereunto: Have, through the oversight, and negligence of the Receivers thereof, in the nor returning of the same to the Director of His Highnes Chancellary, and his Deputies, Been omitted, to be registrated in their Books and Registers appointed for that effect. And considering, that the not registration of the same Infestments and Writs, tendeth to the great hurt and prejudice of the persons unto whom the same are granted, and pertaine.

THEREFORE, Our said Sovereign Lord, and Estates of Parliament, for remed hereof, statutes and Ordains, THAT in time coming, when any Infestment, or other Writ, or Evident, which passeth his Highnes Great Scale, shall be formed and written by the Director of his Highnes Chancellary, or his Deputies. The same after the writing thereof, shall be delivered by them unto the party, In-giver of the said Infestments, or others Writtes foresaids: To the effect he may get his Highnes Great Scale thereunto appended. At the Delivery whereof, the party receiver of the same, shall only be holden and ascribed to pay at that time to the Director of the Chancellary, or his Deputes, That one half of the prices allowed unto him by the Book of Rates for writing of Evidents to the Great Scale: And that only in consideration of the paines taken in forming and writing of the saids Writs and Evidents, without paying beforehand the other half of the saids prices, which hereby is appointed to be reserved unpaid, while the same be registrat in manner after mentioned. Which Infestments and Evidents being delivered to the Keeper of the great Scale, and he having appended the same Scale thereunto, and being satisfied of the price due to him therefore: Ordains the Keeper of the Great Scale, to return, and redeliver the same Infestment, or other Writ foresaid, so sealed by him back again, to the Director of his Highnes Chancellary, or his Deputies: To the effect the same Infestments, Evidents, or other Writs foresaids, may be registrated by him in the Registers, and Books appointed for that effect. Which being so registrated, Ordains the Director of his Highnes Chancellary, and his Deputies, to deliver the same to the party: He being satisfied of the other half of the price foresaid, retained by the party, and unpaid by him, at the time of the writing of the saids Evidents to the Great Scale, as due for the Registratation thereof, in manner above written.

AND ALSO, Our said Sovereign Lord, statutes and ordains, all and whatsoever persons, who have any Infestments, Writs, or Securities, grauted unto them, and already past the Great Scale, and which are not as yet registrated, to returne the same back again, unto the Director of his Highnes Chancellary, within the space of a yeare after the publication of this present Act: To the effect the saids Infestments, and Writs, may be registrated by the said Director of his Highnes Chancellary, and his Deputies: and that (*gratis*) and without any payment to be given unto him therefore.

A C T. XXV:

Anent Banqueting, and Apparel.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, considering, the great hurt coming unto this Country, by the superfluous usage of unnecessary sumptuousness in Meate, Apparel, and otherwayes: and that by all sorts of people, promiseuously, without distinction of persons, of ranks or quality. For repressing of the said abuse in time coming, Do statute and Ordaine, THAT None of Our Sovereigne Lords Lieges, of whatsoever quality or degree, shall weare any cloathing of Gold or Silver Cloathe, or any Gold or Silver Lace upon their Apparels, or any part of their Bodies hereafter. And that no manner of person shall have any Apparel of Velvet, Sattin, or other Stuffs of silke, except Noble men, Lords of Parliament, Prelates, His Majesties Counsellers, Lords of Session, Barrons of quality, having of free yeatly rent fourscore Chalders Victual, or six thousand Merks of silver: and the Provests of the principal Burrows within this Kingdom, or those who have been Provests: with such also as shall happen to be, or have been, Provests, Bailies, Deans of Guilde, and Thefaurers, within the Towne of *Edinburgh*: excepting also Rectors of Universties.

AND IT IS statuted, and Ordained, That these persons which are permitted to weare the said Apparelling of Silke, shall no wayes have Embroydering, or any Lace, or Passements upon their cloathes: except only a plain Welting Lace of Silke upon the Seames, or borders of their Cloathes: with Belts, and Hat-bands embroydered wth silke: and such like, that the said apparel of silke be no wayes cut out upon other stufes of silke: except upon a single Taffatie. AND, that the Wives of the saids priviledged persons,

their

their eldest sonnes, and eldest daughters unmarried, and the children of all Noble Men, be licentiate to weare their apparel in manner aforefaid only, under the paine of a thousand pounds, *Toties, quoties.*

2. ITEM, That no person, of whatsoever degree, shall have Pearling, or ribbening upon their Ruffles, Sarkes, Napkins, and Sockes: Except the persons before privileged. And the Pearling and Ribbening to be so worne by them, (if any be) to be of those made within the Kingdome of SCOTLAND, under the payne of an hundred poundes, *toties, quoties.*

3. ITEM, That none weare upon their Heads, or Buskings, any Feathers. And notwithstanding, it is permitted, That any person may weare Chaines, or other Gold-smiths worke, having no stones, nor pearles, within the same. And that no person weare any pearles, nor precious stones: Except the persons before privileged: under the payne of a thousand Marks, to be payed by the contraveeners, *toties, quoties.*

4. And it is statuted, That no person, nor persons, (Except the privileged persons foresaids) weare Launes, or Cambricke. And that no person whatsoever weare upon their bodies, Tiffinies, Cobwebbe-Launes, or Slyres, under the paine of an hundred poundes, *toties, quoties.*

5. Neverthelesse, The Kings Majestie, Prince, and their ordinarie House-holde servants, are excoemed from this Act, and all the clauses thereof.

6. It is moreover statuted, That no servants, Men or Women, weare any clothing, except those that are made of Cloath, Fustcans, Canvas, or stufes made in the country. And that they shall have no silk upon their cloathes: Except silke Buttones, and Button holes: and silk Garters, without pearling, or roses, under the paine of an hundred Markes, *toties, quoties.*

7. It is alwayes declared. That it may be lawful for them to weare their Maisters, or Mistresses old cloaths.

8. It is hereby ordained, That no cloathes bee guilded with Gold.

9. It is also declared, That Heralds, Purfevants, and likewise Trumpeters, be excoemed from this Act.

10. ITEM, it is such like statuted, That Minstrels be excoemed.

11. IT IS farther statuted, That none, except the Privileged persons foresaids, use Damaske Napric, brought from beyond sea, under the paine of an hundred poundes, *toties, quoties.*

12. IT IS likewise stature, that no moe deule weedes be made at the death of any Earle, or Countesse, but twentie loure at the most: Or for ane Lord of Parliament, or ane Lords wife, but sixteene only, and for all other privileged persons before named, twelve at the most: And that none (except the privileged persons) have any honours carryed, and these according to their qualities; and that no deule weedes be given to Heralds, Trumpeters, or Saullies, Except by the Earles and Lords, and their wives. And the number of the Saullies to be according to the number of the deule weedes, under the paine of an thousand poundes, *toties, quoties.*

13. IT IS statuted, that the fashion of Cloathes now presently used, beenot chaunged by Men or Women, and the wearers thereof: under the paine of forefaultrie of the cloathes, and an hundred poundes, to be payed by the wearers, and as much by the makers of the saids cloathes, *toties, quoties.*

14. It is ordained, That no Castor Hats be used nor worne, but by the privileged persons: under the paine of an hundred poundes, *toties, quoties.*

15. It is further inacted, That no cloathes shall be made after the publication of this Act, but according to the manner and condition before expremed. And that none of the former discharged Cloathing be worne by no person after Martinmesse, the yeare of GOD, one thousand, sixe hundred, twentie, and three yeares: under the paines [*respective*] above set downe, *toties, quoties.*

16. ITEM, It is ordained, That the Husband-men, and Labourers of the Grownd, weare no cloathing but Graye, Whire, Blew, and selfe Black Cloath. made in SCOTLAND: And that their Wives and Children weare the like: under the paine of fourtie poundes, *toties, quoties.*

17. IT IS further statuted and ordained, That no person use any manner of Defert of Wette and dry Confections, at Banquettings, Mariages, Baptismes, Feastings, or any meales: Except the Fruites growing in SCOTLAND: As also Figs, Raifins, Plumbe-damies, Almondes, and other confectioned fruites: under the paine of a thousand Marks, *toties, quoties.* Excepting such like the use of the foresaids forbidden

confections to be lawful for the entertainment of His Majestie, Prince, and their Traines, being within the country, and for Ambassadours, or strangers of great qualitie.

18. And it is statute moreover, That no person of whatsoever qualitie, use any Feasting at Burials, or offer of other Mears, except bread and drinke. As Like-wife, no person use any eating or drinking at Night-wakings, or Licke-wakes: under the paine of a thousand Markes. *toties, quoties,*

A C T. XXVI.

Anent Thacking of Houses in Edinburgh, with Sklaite and Skaillie.

OUR SOVERAIGNE LORD, and ESTATES of this present Parliament, considering that fundrie persons of meane qualitie, acquire unto themselves the heretable right of fundrie ruinous Landes, and Wattes, within the Towne of *Edinburgh*. And for want of meanes to build the same sufficiently, thaickes the same with strawe, and Deales, whereby the Landes next adjacent unto the same, builded upon the great charges and expences of the Heretors, are often-times brought in great hazard, and sometime to decay, in time of suddin Fyre. THEREFORE, and for further decoration of the said Burgh, being the Head-Burgh of this Realme, OUR SOVERAIGNE LORD, with consent of the saids Estates, statutes and ordaines, That in all time to come, no manner of person, or persones, shall be suffered; or permitted to builde any houses within the said Burgh of *Edinburgh*: But such as shall be covered With Sclaite, or Skallie, Lead, Tylde, or Thacke-stone. AND also, statutes, and ordaines, That the Heritors of such houses as are already thaicked with Thack and Straw, (if the same Thacke, and Straw-Roofs, shall hereafter at any time become ruinous) shall be stricted to thaick the same againe with Sklaite, or Skallie, Lead, Tylde, or Thacke-stone. AND Ordaines, Letters of Horning to be directed here-upon, against the Heritors of the saids lands, in forme as effeires. AND such-like, Ordaines the Provest and Baillies of the said Burgh, To put this Act to Execution.

A C T. XXVII.

Anent Comprising from apparent Heyres, extended as well unto Mens owne debts, as their Predecessors.

OUR SOVERAIGNE LORD, and ESTATES of this present Parliament, Ratifies, approves, and confirms, the 106. Act of the seaventh Parliament of King JAMES the fifth, of worthy memory: Intituled [*The Creditor may pursue him, who is charged to enter, and entreteth not.*] in all the Heads, Articles, and Clauses thereof. With the addition and explanation following: THAT the same shall be extended unto Debts owing by any person himselve, as well as to those which are addebred by his predecessors. For the which debt, it shall be as lawful for a Creditor, to charge any person to enter Heir to his predecessor, and with the like certification, as if the predecessor had been debtor thereintil. Where-upon comprising may follow in manner specified, in the said Act.

A C T. XXVIII.

Anent taking of Annual-rent before hand, to be Usurie.

OUR SOVERAIGNE LORD, and ESTATES of this present Parliament, considering, that notwithstanding Usurie, and raking unlawful Annual, more then ten for each hundreth, hath been by sundry Actes of before discharged, and forbidden: Yet it hath been usual, by ane evill and corrupt custome, to take, or retaine, the Annual-rent, the time of the borrowing the Money: Which in effecte is eleven of each hundreth, at least. For Avoyding whereof, statutes, and ordains, That no person, who lendes, or gives out money, and receives Annual therefore, shall retaine the time of the lending, exact, crave, or receive, from their Debtors, the Annual of their lent summes, until the terme of payment appoynted by their Bandes, be first come. And it shall be lawful, at the time of lending of Money, and making of Bands, to adde the annual unto the principal summe: providing alwayes, of neither principal nor annual be exacted, or craved, before the terme of payment appoynted to the said Band. And the contraveeners of this present statute shall be punished as unlawful Usurers.

ACT XXIX.

Ratification of the Act of Secret Council, Against Backsters, Brozsters, Flesters, and Candle-makers of Edinburgh.

OUR SOVERAIGNE LORD, With advice and consent of the ESTATES of this present Parliament, By the Tenor hereof, Ratifies, Approves, and confirms, The Act of the Secret Council, of this present date the seaventeenth day of Februarie, one thousand, sixe hundredth, and eightene yeares: Made and set downe, by his Majestic, with consent of the Lords of His Highnesse Secret Council, against the Backsters, Brozsters, Flesters, Candle-makers, and others therein contained, In-dwellers within *Edinburgh*: With the publication and proclamation following thereupon, In all, and fundrie heads, poynts, passages, circumstances, and others, specified there-intil: conforme to the Tenor thereof, in all poynts. AND Willes, and Declares, The same to have bene, in all time by-gone, since the making and publication thereof: And to be, and stand, in all time comming, good, valiable and effectual in it selfe: and to have the due benefite, and execution thereof, conforme thereunto: Against all who have transgressed: or shall happen to transgresse, and contraveen the Tenor of the same. Whereof the Tenor followeth. ●

Apud Edinburgh, decimo septimo Die Mensis Februarii, Anno Domini Millesimo, Sexcentesimo, decimo octavo.

FOR AS MUCH, As The Kings Majestic, And Lordes of His Privie Council, Considering the dangerous and fearful abuse, which hath bene of continuance these many yeares by-gone, within the Burgh of *Edinburgh*, by the Tolerance, Connivance, and over-sight, which hath bene given unto Backsters, Brozsters, and others, to builde, and keep stacks of Hather, Broome, Whinnes, and other Fewel, in the heart of the said Burgh, and in the Vennalles and Cloasses of the same: where fundrie of His Majesties good subjects, Inhabitants of the said Burgh, have, with great charges and expences, builded many goodly Houses and buildings: to the credit of the said Burgh, and for the policie and decoration of the same. By the which stacks of Hather, Broome, Whinnes, and other Fewel, builded, and kept, within the said Burgh, not onely are the neighbours of the next adjacent parts thereunto, holden in continual feare, and dreadour, and are in very great hazard, and danger, if either by negligence, or wilful malice, (as GOD forbid) Fire should be set in the said stacks: as fell out by the syring of some stacks in Peibles Wynde, in the 1584. yeare of GOD: But a great number of people, who are inclined, and disposed, to bestow some part of their Estate upon building within the said Burgh, are with-holden there-from, for feare of the said stacks. And besides this abuse, which is both fearful, dangerous, and hath produced many inconveniences, and great skaith, from time to time, to the said Burgh: there is another shameful abuse rhere-in: which although it be not altogether so fearful and dangerous as the other, yet it is noysome to the whole civil and honest Neighbours, and to all the Nobilitie, and Countrie people, which come hither for their privatadoes: And with that, it is detestable in the sight of strangers, corrupteth the aire, and carrieth many disgraceful and shameful imputations against the said Burgh, as being a puddle of filth and filthinesse: To wit, the over-sight which is given unto Candle-makers, to keep their shoppes and houses where they melt their Tallone, and Cracklings, within the Heart of the said Burgh: And to Flesters, to keep their Slaughter-shoppes within the Towne, and to tuime the filth of the slaughtered Goods upon the high Streets, and in open Vennalles, and Cloasses: whereby it often-times falleth out, that in many streetes and Vennalles of the said Burgh, the filth of slaughtered Goods is in such abundance exposed unto the view of the people: and the cloasses and streetes are so filled therewith, as there can no passage be had thorow the same. FOR removing of the which two abuses, so dangerous and disgraceful to the said Burgh, The Kings Majestic, with advice of the Lords of His Secret Council, hath resolved, concluded, commanded, and ordained, That from the first day of May next to come, there shall be no stacks of Hather, Broome, Whinnes, nor other Fewel, kept nor suffered to bee in any of the Vennalles, Wyndes, or Cloasses of the said Burgh, nor within Houses, nor upon the streetes of the same: and that no Flesters shall be suffered, by themselves, their servants, or others in their names, to keep any slaughter-houses within this Burgh, nor in any Wynde, Cloasse, or vennaal of the same: nor to tuime the bloode, and filth of their slaughtered goodes upon the streetes, or in Cloasses, or in Vennalles: Nor that no Candle-makers keep their melting Houses within the said Burgh: But that the said stacks of Hather, Broome, Whinnes, and other Fewel, shall be carried, and set at some remote partes of the said Burgh, beside the Portes, Walles, or North-loch-side, where there are no Houses. And that the said Flesters shall provide themselves of slaughter-houses, at the North-loch-side, where they may have the use of the water for the away taking of the filth of their slaughtered goodes. And that the Candle-makers provide themselves of houses, for melting of their Tallone and Cracklings, at some remote partes of the Towne, from the common-streetes, cloasses, and Vennalles of the same: AND ordaines Letters to bee directed, to make publication hereof, by open proclamation, at the Market-Crofs of *Edinburgh*; where-thro none pretend

pretend ignorance of the same : and to command, charge, and inhibit, all and sundry persons, Inhabitants within the said Burgh, of what Trade or Calling soever they bee: That they, or none of them, nor none by their command, and direction, Found, build or keep any stacks, or ruckes of Hather, Broome, Whinnes, or other fewel, within any of the Cloasses, Vennalles, or waste places of the said Burgh, nor within their houses : And that they remove the stacks which they already have, and build the same at some remote places, about the portes and walles of the said Burgh, where there are no houses, or at the North-Loch-side: betwixt & the said first day of May, next to come: under the paine of confiscation of the same Hather, Broome & Whinnes, so to be stacked, against the meaning and intent of this Act, and further: under the paine of five hundred pounds, to be payed by them, so oft as they shall happen to fayle. And such like, to command all and sundry Fleishours, Inhabitants within the said Burgh, that they prepare themselves of Slaughtering-houses, at the North-Loch-side: where they may have the commoditie of water for their use; and that they in no wise presume, nor take upon hand, after the said day, to tume the filth, or blood of their slaughtered Goods upon the streetes, nor in the vennalles, cloasses, and wyndes of this Burgh. As also, To charge all Candle-makers, That they, betwixt and the day foresaid, provide themselves of houses, for melting of their Tallone, and Cracklings, at some remote partes of the Towne, from the common-streetes, cloasses, and vennalles of the same: under the paine of five hundred pounds money, to be incurred by every person, Fleishour, or Candle-maker, so often as they shall fail. AND such like, to command, and charge the Provest and Baillies of Edinburgh, That they have a special care and regarde, to see this present Act to be precisely and inviolably kept: as they will answer to His Majestie, and the saids Lords, upon the ductifull discharge of their Office.

ACT. XXX.

Act restraining the buying and selling of certaine Wyld Fowles.

OUR SOVERAIGNE LORD, with advice and consent of the ESTATES of Parliament, Considering the great abuse and libertie, which hath bene used these divers yeares by-gone, by the subjects of this Realme, in buying and selling of wyld fowles, of the particular species following: to wit, Of Pouttes, Partrickes, Muire-fowles, Blacke-cookes, Gray-hennes, Termigantes, Quayllies, Caperkayllies, &c. For restraining of which abuse in time coming, OUR SOVERAIGNE LORD, with advice and consent foresaid, statutes and ordaines, That no person whatsoever within this Realme presume, nor take upon hand, to buy nor sell, at any time hereafter, any Wyld-fowles of the species foresaid, under the paine of one hundred pounds money, to be incurred by the contraveener thereof, buyer or seller. AND Ordaines this present Act to have the strength and force of an Act of Parliament, to be inviolably observed in all time hereafter, aye, and while the same be lawfully discharged, or altered.

ACT. XXXI.

Anent Hunting, and Hauking.

OUR SOVERAIGNE LORD, And ESTATES of this present Parliament, statutes and ordaines, That no man Hunt nor Hauk at any time hereafter, who hath not a Plough of land in Heritage, under the paine of one hundred pounds. ORDAINES His Majestie to have the one halfe of the penaltie of the Contraveeners of this present Act: and the Dilator to have the other halfe of the said penaltie:

ACT XXXII.

Anent the harrying of Haulke Nests, and hunting in Snow.

OUR SOVERAIGNE LORD, And ESTATES of this present Parliament, Ratifies, and approves the Act of Parliament, made by King JAMES the Third of worthy memorie, in the seventh Parliament, anent the unlaw of stealing of Haulkes, Houndes, Partrickes, and Duickes: in all and sundry points, heads, artickles, and clauses thereof: With this addition, that the paine and penaltie of ten pounds therein contained; SHALL BE NOW & in all time coming augmented against the contraveeners of the said Act: under the paine of one hundred pounds money of this Realme. AND ALSO, ratifies, and approves, all Actes of Parliament, made of before by His Majesties most Noble Progenitours, anent the slaying and hunting of Hares, Does, and Rhoes in time of snow: And statutes, and ordaines the paine and penaltie against the contraveeners thereof: to be under the paine of one hundred pounds money (*toties, quoties*) as they shall happen to contraveene the same. And ordaines the one halfe of the paine to be incurred by the contraveeners of this present Act, to be given to His Majestie: and the other halfe to the persons Dilators of the contraveeners of the same.

ACT. XXXIII.

Salvo Jure Cujuslibet.

FOR AS MUCH, As in this present Session of Parliament, there are many Ratifications and Actes, in favours of particular persons past; wherein diverse and new Clauses are insert, which may be prejudicial to particular parties rights, and derogative unto many and sundry Lawes lawfully made, and established of before: albeit the meaning of the Estates be at this time, as it was ever in all preceeding Parliaments, That by no Act of Ratification, or Act granted unto any particular person, any other party should be hurt or prejudged. For remeed whereof, it is statuted and ordained, That no Ratification, nor other Act, made in favours of any particular person, shall be prejudicial to any private parties right: But that the saids Ratifications and Actes, made in favours of particular persons, be alwayes understood, *Salvo Jure Cujuslibet.*

THE PRINTED

ACTS AND LAWS

Past in the XXIII. PARLIAMENT.

- 1 **A** Ratification of the five Articles of the General Assemblies of the Kirk, balden at Perth in the Month of August, 1618.
- 2 Anent the Taxation granted to his Majestie, of xxx. shillings Tearmlie, upon the pound Land; and the twentie pennie of all annuel-rents.
- 3 Anent the Collecting and in-bringing of the Taxation, and reliefe to Prelates.
- 4 Ane Act of Ratification in favour of the Prince his Highness.
- 5 Anent the plantation of Kirks, as yet unplanted.
- 6 Act anent comprysings.
- 7 Anent Adjudications.
- 8 Anent the Extractes of Infeftments, past upon Comprysings, forth of the Privie Seale: where the same are not registrate at the Great Seale.
- 9 Anent giving of Licence to Bishops, to set their Ward lands in Few-ferme.
- 10 Act declaring summes Graß, given to the Ministers for their Gleibes to be Teynd-free.
- 11 Ratification and Addition to the Act of Parliament made anent Restitution of Chaptours.
- 12 Anent Packing and Peyling.
- 13 Anent the discharging of Protections.
- 14 Anent playing at Cardes and Dyce, and Horse-Races.
- 15 Act, declaring all Tackes fetie for longer space then three yeares, wut hout consent of the Patron, being persons under the degree of Prelates, since 1594. to be Null.
- 16 Anent Mettes and Measures.
- 17 Anent the discharging of a pecke to the Bow.
- 18 A Ratification of the Act of the Lords of Council and Session, made in July 1620. against unlawful Dispositions, and Alienations, made by Dycours and Bankrupts.
- 19 Ratification of the Act of Council, anent the pryces of Writtes, Seales, &c. made 1606.
- 20 Act, ordaining annuel-rent to be due after the Horning.
- 21 Anent servants going loose, and leaving their Masters service.
- 22 Anent counterfeiting and making of false writtes.
- 23 A general pardon for decedes done against penal statutes: (some few excepted.) and a discharge of James Cranston his commission.
- 24 Anent Evidents past the great Seale, which are not Registrated.
- 25 Anent banquetting, and apparel.
- 26 Anent Thacking of Houses in Edinburgh, with Sklaite and Skayllie.
- 27 Anent comprysing, from apparent Heires, extended aswel unto mens owne Debts, as their Predecessors.
- 28 Anent taking of annuel-rent before hand, to be usurie.
- 29 Ratification of the Act of Secret Council, against Baxsters, Browsters, Fleshers, and Candle-makers of Edinburgh.
- 30 Act restrayning the buying and selling of certaine Wyld-Fowles.
- 31 Anent Hunting, and Haulking.
- 32 Anent the barrying of Haulke Nests: and Hunting in snow.
- 33 Act *Salvo Jure Cujuslibet.*

A N E T A B L E

Of the PARTICULAR ACTS and Others, Not Printed, past in the xxij Parliament, bolden at Edinburgh, the 4. of August, 1621.

- 1 Commission anent Moneyes.
- 2 Commission anent the Taxt Rolle, within the Sherrifdome of *Kincardin*.
- 3 Commission anent Coales, and Coale-heughes.
- 4 Commission for modifying of Blench Dueties, and Ministers Stipends, in erected Prelacies.
- 5 Reference to the Secret Council, anent Maultsters.
- 6 Another anent the In-bringing of Water to *Edinburgh*.
- 7 Reference to the Secret Council, anent the *Clargregor*.
- 8 Reference to the Secret Council, anent the Taxation of the Sherrifdome of *Linlithgow*.
- 9 Reference to the Secret Council, anent the Professors of Medicine.
- 10 A Ratification in favours of the Marquis of *Hamilton*.
- 11 An Act Uniting the Provestrie of *Kirke-beugh*, unto the Archbishoprick of *Sanct-Andrewes*, with diverse exceptions.
- 12 Ratification in favours of the Earle of *Angus*.
- 13 An Act in favours of the Earle of *Nithsdale*.
- 14 Act in Favours of the Earle of *Winton*, anent the Regalitie of *Sanct-Andrewes*, on the Southside of *Forth*.
- 15 Protestation made for *John Murray of Lochmaben*, anent *Tunninghame*.
- 16 Ratification, and new dissolution of *Jedburgh* and *Cannobie*, in favours of the Earle of *Hume*.
- 17 Ratification in favours of the Earle of *Lowshian*.
- 18 Ratification in favours of the Earle of *Roxburgh*, anent *Kelfo* and *Lefmahago*, with a new dissolution.
- 19 Ratification in favours of the Earle of *Kellie*.
- 20 Ratification in favours of the Earle of *Melros*, of his infestment of *Binning*, &c.
- 21 Another of the Earle of *Melros*, of his infestment of *Melros*, with a new dissolution.
- 22 Act in favours of the Viscount *Lawderdaile*, anent *Boitoun*.
- 23 Dissolution of the Priorie of *Haddington*, in favours of the Master of *Lawderdaile*.
- 24 Dissolution of the Priorie of *Cauld-streame* in favours of Sir *John Hamilton of Trabrouse*, Knight.
- 25 Annexation of the Chappel-Royal to the Bishopricke of *Dumblane*.
- 26 Ratification to *Alexander* Bishop of *Dunkeld*, of his infestment of *Baltroddie*.
- 27 Ratification to the Bilhop of *Dumblane*, of his infestment of *Kilconquhar*.
- 28 Protestation made for the Lord of *Lorne*.
- 29 Dissolution of the Kirk of *Kilmachormuk*, from the Abbacie of *Kilwinning*, and an union thereof to the Bishopricke of *Argyle*.
- 30 Act in favours of the Lord *Kilmawers*, anent the Kirk of *Dregborne*.
- 31 Ratification in favours of the Lord *Spytie*.
- 32 Ratification in favours of the Lord *Loudoun*, of his infestment of *Kylesmuire*, &c.
- 33 Ratification to the Lord of *Scone*, of his infestment of *Drunduffe*, &c.
- 34 Act in favours of Sir *Andro Ker*.
- 35 Ratification to the Lord of *Carnegie*, of his Barronie of *Ferne*, &c.
- 36 Act in favours of *John Stewart*, anent his Rehabilitation.
- 37 Erection of *Coldinghame*, in favours of *John Stewart*.
- 38 Diverse Protestations against the said Act, made in favours of *John Stewart*.
- 39 Act in favours of Sir *Richard Cockburne*, Lord Privie Seale.
- 40 Ratification to Sir *Robert Melvil*, of his Infestment of *Lethum*, *Monimaile*, &c.
- 41 Ratification to Sir *George Hay*, of his infestment of *Kilfarwes*, &c.
- 42 Ratification to Sir *William Oliphant*, and his sonnes, of their Infestments of diverse landes.
- 43 Act in favours of Sir *Andro Hamilton*, of *Reidhouse*.
- 44 Ratification in favours of *John Murray*, of *Lochmaben*, of two Infestments.
- 45 Ratification in favours of *John Livingston*, of his Infestment of *Kinnaird*.
- 46 Ratification in favours of *John Achmutie*, of his Infestment of *Scougal*.
- 47 Ratification of diverse Infestments, granted to the Town of *Edinburgh*.
- 48 Ratification to the Town of *Edinburgh*, of the libertie of bearing a Sword of Justiciarie, of Peace, of Unlawes, the Exceyse of Wine, the Jadgerie, &c.
- 49 Ratification of diverse Infestments granted to the Town of *Edinburgh*, for sustentation of Colledge, Ministers, and Hospitals.

- 50 Act disjoyning the parts lying within the Ports of *Edinburgh*, from *Sanct-Cuthbert*, and *Holy-Rood-Houfe*.
- 51 Act in favours of the Keepers of the Kings Castles.
- 52 Protestation made for the Earle of *Errole*, Great Constable.
- 53 Protestation made by the Earle *Marsbal*.
- 54 Protestation made by the Earle of *Monteith*, and Lord of *Rosse*.
- 55 Protestation of the Town of *Leith*.
- 56 Declaration in favours of other Burrowes, anent the Actes granted in favours of *Edinburgh*.
- 57 Ratification in favours of Master *Alexander Gibson*, Laird of *Durie*.
- 58 Ratification in favours of the Laird of *Wanchtoun*.
- 59 Act in favours of the Laird of *Lochinvar*.
- 60 Act in favours of the Laird of *Caddel*.
- 61 Act in favours of the Laird of *Whittinghame*.
- 62 Act in favours of the Laird of *Corstorphin*.
- 63 Act in favours of the Laird of *Buchanane*.
- 64 Act in favours of the Laird of *Sanct-Monans*.
- 65 Act in favours of Sir *John Scot*, of *Scots-Tarvet*.
- 66 Two Actes in favours of *Alexander Craunstoun of Morestoun*.
- 67 Act in favours of the Laird of *Ruchlaxo*.
- 68 Act in favours of *William Barcklay*, of *Innergellie*.
- 69 Ratification to Master *Thomas Hope*, of *Craigbal*, of his Infestment of *Arnydie*.
- 70 Act anent the Union of the Lands of *Kinnimonth*, &c. unto the Kirk of *Seres*.
- 71 Act in favours of the Univerfite of *Sanct-Andrewes*.
- 72 Act in favours of Master *William Forbes*, of *Craigievar*.
- 73 Licenc to Sir *George Hay*, anent felling of his Yron.
- 74 Ratification to *William Maxwell*, of his Infestment of *Justing Leys*, and Vicarage of *Kirkbennie*.
- 75 Ratification in favours of the Laird of *Corstorphin*.
- 76 Ratification of the Gift of the Chamberlainrie of *Fyffe*, granted unto umwhile Sir *James Hay*.
- 77 Commission to the Lordes of Session, in favours of the Lord of *Spynie*.
- 78 Act in favours of *James Winrame*.
- 79 Act in favours of Master *Walter Weitsurde*, anent the Ministerie of *Failfurde*.
- 80 Act in favours of Sir *George Hume*, of *Manderstoun*.
- 81 Act in favours of Master *William Kellie*.
- 82 Act in favours of *William Dowglas*, of *Cayers*.
- 83 Ratification in favours of the Town of *Elgin*.
- 84 Act in favours of Sir *John Campbel*, anent the Kirk of *Loudun*.
- 85 Ratification in favours of the Town of *Elgin*.
- 86 Acceptation by the Parliament of the Offer made by the Extraordinary Lords of Session, anent their Taxation.
- 87 An Act and Commission, granted by Parliament, upon the offer made by the Advocates, and other Members of the Colledge of Justice, anent their Taxation.

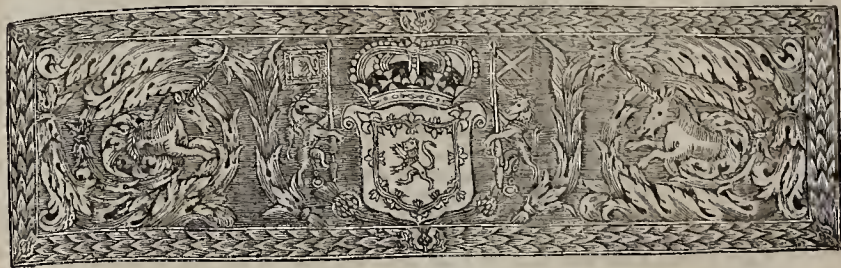
The end of the XXIII. and last Parliament, of Good King JAMES the Sixth.



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*Carolus primus Dei gratia Magnæ
Britaniæ, Franciæ, & Hyberniæ Rex etc.*



T H E A C T S
 Made in the F I R S T
 P A R L I A M E N T
Of Our Most High and Dread Sovereign,
 C H A R L E S
 T H E F I R S T,

By the Grace of GOD, King of GREAT BRITAIN, FRANCE,
 and IRELAND, Defender of the Faith, &c.

*Holden by Himselfe, present in Person, With his Three Estates at Edinburgh, upon the
 Twentie eight day of June, Anno Domini, 1633.*

A C T I.

*Concerning the Taxation granted to His Majesty of thirtie shillings Tearmly upon the pound
 Land, and the sixteenth pennie of all Annuel-rents.*



IN THE PARLIAMENT holden at *Edinburgh*, the twenty eight day of June, the yeare of God, 1633. THE THREE ESTATES of Parliament being assembled, having taken to their Consideration the many blessings, which this nation doth enjoy under his Majesties most wise, happy, and peaceable government; whereof each Estate is most sensible, his Majesties royal zeale for propagating the Gospel of JESUS CHRIST, his care for providing sufficient maintenance for the Clergie, his extraordinary paines taken for uniting the disjoynted members of this Common-wealth, and extirping of all roots of discords, releeving the oppressed, and with so eaven and fatherly a hand curing the wounds of this Common-wealth, as the wisest eye can finde no blemish in the temper of all his Royal Actions: And last, the great comfort they have by enjoying his Majesties Royal presence, paines

taken, and expences disbursed by his Majesty in this his Majesties journey: with a most thankful acknowledgement, are most earnestly and humbly to entreat his Sacred Majesty, to accept of this their voluntary offer of aue taxation to be imposed, collected, and payed to his gracious Majesty, in manner, and at the termes following: That is to say, The Dukes, Marquesses, Earles, Vicounts, Lords, and Commissioners of Shires for the temporal Estate, have granted, that there shall be uplifted of every pound land of old

old extent within this Kingdome, pertaining to Dukes, Marquesses, Earles, Vicounts, Lords, Barons, and Freeholders, and Fewers of his Majesties proper lands, the summe of thirty shillings money at every one of the six severall termes following, *viz.* The summe of thirty shillings money at the feast and terme of Martinmas, in the year of God, 1634. The summe of other thirtie shillings money at the feast and terme of Martinmas, in the year of God, 1635. The summe of other thirty shillings money at the feast and terme of Martinmas, in the year of God, 1636. The summe of other thirty shillings money at the feast and terme of Martinmas, in the year of God, 1637. The summe of other thirty shillings money at the feast and terme of Martinmas, in the year of God, 1638. And the summe of other thirty shillings money at the feast and terme of Martinmas, in the year of God, 1639. AND the Archbishops and Bishops for the Spiritual Estate, have granted that there shall be uplifted of all Archbishopsricks, Bishopsricks, Abbacies, Pryories, and other Inferiour Benefices, within this Kingdome, at every one of the six termes above-specified, the just taxation thereof, as they have been accustomed to be taxed unto in all time by-gone, whensoever the Temporal lands of this Kingdome were stinted to thirty shillings the pound land of old extent: And the same taxation to be payed at every one of the six severall termes above-specified. AND the Commissioners of Burrowes for their Estate have granted, that there shall be uplifted of all the Burrows within this Kingdome, at every one of the six termes above-specified, the just taxation thereof as they have been accustomed to be taxed unto, in all time by-gone, whensoever the Temporal Lands of this Kingdome were stinted to thirty shillings the pound land of old extent. And the said Taxation to be payed at every one of the six severall termes above-written. AND in regarde that his Majestie hath erected sundry Prelacies in temporal Lordships, whereby the owners thereof may claime to be taxed with the Barons of the Temporal Estate, and thereby his Majestie will be defrauded of a great part of the said Taxation.

THEREFORE THE SAIDS ESTATES Ordaine, that all erections of Prelacies, and other small Benefices, in whole or in part in Temporal Lordships, shall in payment of the said Taxation pay to the Collectour thereof so much of the same Taxation (*pro rata*) as if they were no wayes erected, and as they were subject to do before the erection of the same. AND sikklike it is statute and ordained, that all dissolved Benefices within this Kingdome, in whole or in part, shall be subject in payment of so much of the same taxation (*pro rata*) as they would have been subject to pay, though the same had not been dissolved. And that those parties, who have gotten any part or portion of any Prelacies, or other Inferiour Benefices dissolved, and new securities made unto them by his Majestie of that part and portion thereof so dissolved, shall be subject in payment of the Taxation thereof to the Prelate or other beneficed person for his reliefe of the same Taxation, as they would have been, so the same had not been dissolved, notwithstanding of any condition contained in the infeofments and securities made by his Majestie to them in the contrary thereof.

AND FURTHER, his Majestie and the saids Estates annul and discharge all priviledges and immunities whatsoever, whereby any persons may think themselves free of payment of this present Taxation (The priviledges granted to the ordinary Lords and Senators of the Colledge of Justice, and the taxation of Benefices, given, disposed, and mortified for entertainment of the Universities, Colledges, and Hospitals within this Kingdome only excepted.) AND further, the saids Estates, for a more ample testification of their exceeding great affection to his Majesties service, have (beside and attour the ordinary taxation above-written) made a free and willing offer to his Majestie of one yearly extraordinary taxation of the sixteenth penny of all annual-rents which any person or persons within this Kingdome hath freely due and payable to them yearly or termly (Their own annual-rents, wherein they are addebt to others being first deducted): The first termes payment whereof shall bee, and begin at the Feast and terme of Martinmas, in the year of God, one thousand six hundred thirty four years, and so forth yearly and termly at Whitfunday, and Martiomas for the space of six years, while the saids six yeares and twelve termes payment thereof be full and completely out-run.

AND For the better tryall of every man his annual-rents, which hee hath yearly or termly due to him: It is ordained, that this Act be published at the Market-Crosse of *Edinburgh*, and of the whole head burrowes of the Sherifedomes, Stewartries, Bailleries, and Regalities, within this Kingdome, whereby all his Majesties Lieges may have true notice thereof. AND therewithal the saids Estates will, command, and ordaine all his Majesties subjects that have any annual-rents payable to them, That they compare within the Heald burgh of the Sherifedome, Stewartrie, Baillerie, or Regalitie, or the Head-burgh of any of those Jurisdiccions, wherein the head-Courts are holden, and where the saids annual-renters dwell, and have their ordinary residence, in any court day in one of the two last weeks immediately preceeding, and in one of the two first weeks immediately following Whitfunday, and Martiomasse. At which time the Sheriffs, Stewards, Baillies, and Baillies of Regalities, and Provest, and Baillies of Free-burrows within the bounds of their Jurisdiccions, shall be obliged to hold Courts weekly, to the effect after specified. And the Lieges resorting to the saids Courts, shall give up an inventar to the Clerk thereof, of the whole summes of money for which annual-rent is due to them yearly or termly, with the names of their Debtors, designed by name and surname, and the ordinarie place of their residence. As also the whole summes of money for which they are subject in payment of annual-rents to others, with the names of their creditors, to whom the same is due, designed likewise by name and surname, and the place of their

then ordinary residence, whether the same annual-rent be in victual, or in silver: the annual of victual to be esteemed according to the stock of money for which it is payed, at eight for ilk hundred thereof. And shall cause the parties, up-givers of the said inventars, everie partie subscribe his own inventar himselfe, if hee can write; and if hee cannot write, the Clerk of the said Court shall subscribe the said inventar in face of the court before the members thereof. And also the Sheriffs, Stewards, Baillies, Bailies of Regalities, Provest, and Bailies of Free-burrowes within the bounds of their jurisdictions: And the Clerks themselves shall make and give up an inventar of the Debts owing to themselves, and by themselves, as said is. **IT IS** alwaies provided, that if any person impedit by reason of sicknes, or distracted by some other just occasion, shall not be present himselfe to give up the said inventar, It shall be lawful for him to cause any honest responsal man within the jurisdiction where hee dwells, compeir and give up his inventar, providing the same be subscribed by himselfe, or any Notar at his command, which the ingiver shall declare to be one true deed, and shall abide at the same upon the like hazard and danger, as the principal partie should underlye: which shall be als sufficient, as if the inventar had been given personally up by the principal partie himselfe. And an inventar being once made and given up, shall still stand, and be a ground to charge any person, during the time of the six years of the said taxation, unless the partie change, or otherwaies employ his summes: and then he shall give up a new inventar, which shall be a new ground of a charge, and the former shall cease. And the said Clerk shall make a Record in his Register of the saids whole inventars: which inventars being so recorded, shall bee extracted by the said Clerk, and subscribed with his hand, And three extracts made of the same; one to be given to the partie, if he require the same; another to be sent by the said Clerk to the Collector of the said taxation; and the third to be sent by the said Clerk, to the **CLERK** of His **MAJESTIES REGISTER**, to be kept amongst the Records of his Majesties Exchequer, to the intent it may be known how far everie party is lyable in payment of the said extraordinary taxation. For the which extract and not made in Register, the said Clerk shall have of every person, up-giver of an inventar, the summe of four shillings money. And if by sloth or malice the Clerk shall happen to delay, or shift the Lieges, resorting to the saids courts to the effect foresaid, (complaint being made thereof to the Lords of his Majesties privie Council) the saids Clerks shall be punished accordingly, at the discretion of the saids Lords. And at any Court day, in any of the saids two Weekes preceeding or immediately following any terme, it shall be leaseome to any person to compeir and offer to give up his inventar (hee making payment of the taxation due for the same) which the Clerk & Judge shall be astricted to receive.

AND albeit it be declared, that an inventar once given up shall still stand, and be a ground to charge any person during the whole termes of the said taxation, except the same be changed in manner foresaid: Yet because sundry, who have this liberty, delay to make payment of the taxation of their moneys after the time be expired, **THEREFORE** It is provided and declared, that if they faille to make payment of the due taxation of their moneys within twentie dayes after each terme, that the partie so faillying, shall be subject in payment of the triple of the said taxation, for each terme wherein he failles, and letters shall be direct against them, for payment thereof in forme as effectis.

FURTHER, For the better observacion of this Act, It is declared, that whosoever receives, retaines, or conditions to receive any annual-rent, and concealeth the same, or any part thereof: Or in giving up his inventar of debts, and annuals owing by him to his just creditors, giveth up more than he is justly addebted, the up-giver thereof shall forfeit that termes annual to his Majesties use. **AND** whosoever first discovers, or reveales, either the annual concealed, or annual which is more than the up-givers just debt; shall for his reward have the halfe of that termes concealed annual, and as much as the halfe of that annual which shall be discovered to have been unjustly given up. **AND** In case it shall happen any person or persons whatsoever, by vertue of his up-given inventar, to be charged for payment of his taxation, and at the time of his charge to declare in presence of a Judge by his great Oath solemnly sworne, that his debter is a bankrupt, whereby he is disabled to make payment of his taxation, and is content the Kings Majesty shall have the whole annual-rent addebted to him by his bankrupt debtor for that terme, The said declaration shall bee a sufficient liberation to him of the same: **AND** For eschewing of malicious dilators of those who have omitted or concealed their summes, **IT IS** ordained, That whensoever any person shall accuse, or delate another of concealing, or omitting of summes, the time of making his inventar, he shall condiscend upon some probable cause of his delation, and shall find caution *de judicato solvi*, in case he faille in providing that which hee delates. And there shall no such actions of delations bee lawful against dead persons, their heires, nor executors, except that the same hath been intended before the saids persons their decease. Neither shall it be lawful after year and day after the expiring of the said taxation, to intend any such action. **AND** In case any person purchase wedset of Lands, and set the same back again in tacke to him who wedset the same, The tackemen, possessors of the Lands, shall pay for the stent of the Lands, & the haver of the wedset shall pay for the annual-rent of his money which he hath on the Land, as if the same were employed for annual-rent. **AT T O U R** it shall not be lawful by no manner of way to any creditor, to get reliefe of his debtor for this taxation which is imposed upon annual-rents, by this statute, under the paines contained in the Acts of Parliament made aient Usurers. **AND** concerning Minors, it is declared, That their minority shall no wayes privileged them, but their tutors and cutators shall

shall give up their inventars of their annual-rents in their names, which if the saids Tutors and Curators failie to do, the saids Minors shall in curre the like danger as others, and at their perfect age, shall have action of relief against the saids Tutors and Curators for that cause. A N D in case any person depart out of this Kingdom after the publication of this present act, the same shall no wayes excuse him from giving up an inventar of his annual-rents, and payment of the said Taxation, and underlying of the danger contained in this present Act. But they who are presently forth of this Kingdom, and shall not return before the terme of Whitsunday, in the year of God, one thousand, six hundred, thirty five, they shall not come under the danger of this Act until the terme of Martinmasse thereafter, providing, that at that terme they give up their inventars, and pay their Taxation, as if they had been present within the Kingdom, before the foresaid terme of Martinmasse. A N D for uplifting of the same Taxation granted upon Annual-rents, and to the intent, his Majesties general Collector thereof, may know whom to crave and charge for the same; I T is statute and obtained, that within every Sheriffdome, Stewartry, Bailiery, and Regality, where the Offices of Sheriffs, Stewarts, Bailiffs are heritable, and the Provest and Bailiffs of Free Burrows, these heritable Officers and their depures, for whom they shall be holden to answer, and Provest and Bailiffs of Free Burrows, shall collect the said Taxation, and make payment thereof to his Majesties Collector general of his saids Taxations. And where these Offices of Sheriffs, Stewarts, and Bailiffs, are not heritable but changeable; The Clerks within the saids jurisdictions (having their Offices *ad vitam*) shall be collectors thereof. And in case the saids Clerks have not already found sufficient caution for discharging of their Offices, they shall be holden before they have any intromission with the same Taxation, or exercise their Office of Sheriff-Clerk, after the foresaid Terme of Martinmasse, in the year of God, one thousand, six hundred, thirtie four years, to find sufficient Caution for that effect. A N D where there are no heritable Officers nor Clerks (having their Offices *ad vitam*) and have not found Caution in manner above written, the said Collector general of his Majesties Taxation, and his Depures in his name sufficiently authorized by him, and for whom he shall be holden to answer, And whose name he shall cause publish at the Market-cross of the head Burgh of that Jurisdiction, where there is no heritable Officers nor Clerks (*ad vitam*) that his Majesties Lieges may know to whom they shall make payment, shall collect and uplift the same Taxation; which payment being made, the receiver thereof shall be obliged to deliver to the payer thereof an acquittance upon the Receipt of the same, *gratis*, without paying any money for the same. I T IS likewise provided, that the Fees of the Collectors and Receivers of the same Taxation of annual-rents, shall be, like-as hereby they are remitted to the discretion and arbitrement of the Lords of his Majesties Privy Council, to be set down and agreed upon by them. A N D the saids Estates hereby deserue and declare, that all Burgeses and Freemen within Burgh, albeit they be taxed in the ordinary Taxation abovementioned, with their Neighbours, conform to the order prescribed for collecting of the burrows part of the said ordinary Taxation; yet the same shall no wayes liberate nor free them from payment of the said extraordinary Taxation, according to the proportion of the sixteenth penny of their annual-rents, but shall be lyable in payment thereof, as others his Majesties Lieges are. A T T O U R the saids Estates annull, and discharge all privileges, and immunities whatsoever, whereby any person may think themselves free of payment of any part of this present extraordinary Taxation, the privileges and immunities granted to the ordinary Lords of Session, with the annual-rents due to be payed to Colledges, Schools, and Hospitals, or mortified for sustentation and upholding of Kirks and Bridges, with the annual rent that might be claimed of poor people, whose stock exceeds not the summe of five hundred Merks Scots, only excepted.

A C T II.

Auent the Collecting and Inbringing of the Taxation, and reliefe to Prelates.

I N THE PARLIAMENT Holden at *Edinburgh* upon the twenty eight day of *June*, the year of God, 1633. The three Estates of the said Parliament being assembled, having taken to their consideration the many blessings which this nation doth enjoy under his Majesties most wise, happy, and peaceable government, wherof each Estate is most sensible, his Majesties royal zeale for propagating the Gospel of Jesus Christ, his care for providing sufficient maintenance for the Clergy, his extraordinary paines taken for uniting the disjoynted members of this Common-wealth, and extirping of all roots of discords, relieving the oppressed, and with so eaven and fatherly a hand, curing the wounds of this Common-wealth, as the wisest eye can finde no blemish in the temper of all his royal actions: And last, the great comfort they have had by enjoying his Majesties royal presence, paines taken, and expences disbursed by his Majesty in this his Majesties journey: with a most thankful acknowledgement, are most earnestly and humbly to intreat his sacred Majesty, to accept of this their voluntary offer of one Taxation ordinary to be imposed, collected, and payed to his gracious Majesty in manner, and at the termes following: That is to say, The summe of thirty shillings money at the Feast and Terme of Martinmasse,

masse, in the year of God, 1634. The summe of other thirtie shillings money at the feast and terme of Martinmasse, 1635. The summe of other thirtie shillings money at the feast and terme of Martinmasse, 1636. The summe of other thirtie shillings money at the Feast and terme of Martinmasse, 1637. The summe of other thirtie shillings money at the Feast and terme of Martinmasse, 1638. And the summe of other thirtie shillings money at the Feast and terme of Martinmasse, 1639. AND For the spiritual-men and Burrowes parts of the same taxation, That there shall be uplifted of everie Archbishopsprick, Bishoprick, Abbacie, Pryorie, and other inferior benefice, and of everie Free-burgh within this Kingdome, at everie one of the saids six termes payment, the just taxation thereof, and as they have been accustomed to be taxt unto in all time by-gone, whensoever the Temporal-lands within this Kingdome were stented to thirtie shillings money the pound land of old extent. And the same taxation to be payed at every one of the six several termes above-written. AND FOR inbringing of the spiritual-mens parts of the same taxation, Ordains letters to be direct, charging all and sundrie Archbishops, Bishops, Abbots, Pryors, as likewise all Noblemen and others, in whose favours the erection of any prelaic, or other inferior benefice, or any part or portion thereof, be it in Lands, Kirks, or Teynds, Or in whose favours the patronage of any benefice, Kirks, or Teynds are past, and all other beneficed persons contained in the Taxt-rols, their heritable Baillies, Chamberlances, Factors and intromettors with their rents and living, personally, or at their dwelling plaeces, and by open proclamation at the Market-crosses of the Head-burrowes of the Sheriffdomes, Stewarries, and Bailleries, where the saids Prelacies, erected Lordships, and small Benefices lye, if they be within this Kingdome. And if they be without this Kingdome, by open proclamation at the Market-crosse of *Edinburgh*, Peir and Shore of *Leith*, upon threescore dayes warning, to make payment of that summe, that they and ilk one of them are taxt unto, for every one of the saids six termes, To the Collector general of the said taxation, appointed or to be appointed by his MAJESTIE, or his Deputes and Officers in his name, having his power and commission to receive the same, at the particular termes above-written, under the paine of Rebellion, and putting of them to the horne. And if they faillie therein, at the by-passing of every one of the saids termes, To denounce the disobeyers rebels, and put them to the horne, and to escheat, &c. And that the Prelates, and beneficed persons, and such Noblemen, and others, in whose favours the erections and patronages above-written are past, For their reliefe have letters, charging their Vassals, Sub-vassals, Ladies of teree, conjunct-secars, and life-renters, Fewars, Tacksmen, and pensioners, to make payment of their part of the said Taxation ilk one of them (*pro rata*) according to the summe they shall be taxt unto; to the saids Prelates, and other beneficed persons, and to the saids Noblemen, and others, having power to receive the same, within twentie dayes next after the charge, under the paine of rebellion, &c. And if they faillie, &c. To denounce, &c. and Escheat, &c. And to poynd and distrenyie therefore, as they shall think most expedient: Providing alwaies, that the first termes payment of the said taxation be ever past, before the next termes payment be charged for. And the Estates declare, That the production of sufficient homings against the saids Vassals, Fewars, Tacksmen and pensioners, shall be a reliefe to the saids Prelates, Lords of erection, and beneficed persons, and shall exoner them (*pro tanto*) from payment of the said taxation. Providing that the same homings, with their Taxt-rols authentickly made and subscribed by the saids Prelates, Lords of Erections, and other beneficed persons, and by their Fewars, Vassals, Tackf-men and Pensioners in manner hereafter prescribed, containing the particular summe which each one of them are taxt unto, be delivered to the Collector of the same Taxation, within the space of threescore dayes after every Terme: Otherwise he shall be no wayes obliged to receive the same, neither shall the Prelate, Lord of erection, nor beneficed person be exonered by production of the same at any time thereafter.

And farther, that the saids Prelates and such Noblemen, and others in whose favours the Erections and Patronages above-written are past, and all other beneficed persons may have their reliefe of their Vassals, Sub-vassals, Ladies of teree, conjunct-secars, life-renters, Fewars, Tackf-men, and pensioners: To the greater ease, and lesse trouble to their saids Vassals and others foresaid. And to the effect, that every one proportionally may pay his part of the said Taxation, according to the quantity and avails of the free-rent, which hee hath of his benefice, lands, pensions, Kirkes, and Teind-sheaves pertaining to him, alsweil Prelate, Lord of erection, Patron, and other beneficed persons themselves, as the Fewar, Tackf-man and Pensioner.

IT IS thought expedient, statute and ordained, that the saids Prelates and others above-rehearsed, every one of them severally shall convene his whole Fewars, Vassals, Tackf-men, and Pensioners at the particular places hereafter designed. They are to say, The Archbishop of *Saint-Andrewes*, at the Citie of *Saint-Andrewes*: the Archbishop of *Glasgow*, at the Citie of *Glasgow*: the Bishop of *Orkney*, at the town of *Kirkwall*: the Bishop of *Caitnes*, at the town of *Durnoch*: the Bishop of *Rofs*, at the town of *Chanowie of Rofs*: the Bishop of *Murray*, at the town of *Elgin*: the Bishop of *Aberdeen*, at the burgh of *Aberdeen*: the Bishop of *Brechin*, at the burgh of *Brechin*: the Bishop of *Dunkeld*, at the town of *Dunkeld*: the Bishop of *Dumblane*, at the town of *Dumblane*: The Bishop of *Galloway*, at the town of *Wigton*: The Bishop of *Argyle*, at the Town of *Inverara*: the Bishop of the *Isles*, at the Burgh of *Rutbefay* in *Bute*: the Abbot of *Icolmkil*, at the burgh of *Inverness*: the Pryor of *Ardebattan*, at the Burgh of *Inverara*: the Abbot of *Ferne*, at the Burgh of *Tayne*: the Lord of *Bevlie*, at the Burgh of *Inverness*: the Lord of *Kinloss*, at the Burgh of *Forres*: the Pryor of *Phisgarden*, at the Burgh of *Elgin*:

Elgin: the Lord of *Diere*, at the Town of *Peterhead*: the Pryor of *Fyvie*, at the Town of *Turreffe*: the Pryor of *Monymuske*, at the Town of *Monymuske*: the Lord of *Arbroth*, at the Burgh of *Arbroth*: the Lord of *Scoune* at the Burgh of *Perth*: the Lord of *Cowper*, at the Town of *Cowper* in *Angus*: the Pryor of *Restenmeth*, at the Burgh of *Forfar*: the Collector of the same Taxation in place of the Pryor of *Charterhouse*, the seat now vacant, at the Burgh of *Perth*: the Pryor of *Elcho*, at the same Burgh of *Perth*: the Pryor of *Strathbillane*, at the Kirke of *Comrie*: the Lord of *Inchechaffray*, at the burgh of *Perth*: the Pryor of *Inchmahomo*, at the Burgh of *Sterling*: the Pryor of *Sanct-Andrewes*, at the Citie of *Sanct-Andrewes*: the Baillie of the Regalirie of *Dunfermling*, at the burgh of *Dunfermling*: the Lord of *Baherinoch*, at the burgh of *Cowper* in *Fyfe*: the Lord of *Lundores*, at the Burgh of *Cowper* in *Fyfe*: the Masters of *Sanct-Leonards* Colledge, in *Sanct-Andrewes*: for the Pryorie of *Portmoeke*, at the burgh of *Cowper* in *Fyfe*: the Pryor of *Pettenweeme*, at the Burgh of *Pettenweeme*: the Lord of *Sanct-Colmbe*, at the Burgh of *Innerkeithing*: the Lord of *Culros*, at the burgh of *Culros*: the Abbot of *Cambuskymeth*, at the burgh of *Sterling*: the Lord of *Torphechin*, at the burgh of *Linlithgow*: the Pryor of *Manwel*, at the burgh of *Linlithgow*: the Lord *Holie-rud house*, at the Burgh of *Edinburgh*: the Lord *New-bottle*, at the Burgh of *Edinburgh*: the Pryores of *Hadingtown*, at the burgh of *Hadingtown*: the Lord of the Temporal lands of the Pryorie of *North-berwick*, at the burgh of *North-berwick*: the Patron and Parson of the Kirke of *Kilcanebare* dissolved from the Pryorie of *Northberwick*, at the Town of *Elie*: the Patron and Parson of the Kirke of *Largo* dissolved from *North-berwick*, at the Town of *Largo*: the Patron and Parson of the Kirke of *Mayboil* dissolved from *North-berwick*, at the Town of *Mayboil*: the Patron and Parson of the Kirke of *Logie* dissolved from *North-berwick*, at the burgh of *Sterling*: the Lord of *Kelfo*, at the Town of *Kelfo*: the Lord *Coldinghame*, at the Town of *Eymouth*: the Lord of *Dryburgh*, at the Town of *Dryburgh*: the Pryor of *Eccles*, at the town of *Dunee*: the Pryor of *Cold-streame*, at the burgh of *Dunee*: the Lord of *Jedburgh*, at the Town of *Jedburgh*: the Lord of *Melros*, at the Town of *Melros*: the Lord of *Paislay*, at the Town of *Paislay*: the Lord of *Blantyre*, at the burgh of *Glasgow*: the Lord & Baillie of the Temporal-lands of *Kilwyning* dissolved from the Abbacie of *Kilwinning*, at the burgh of *Irwing*: the Abbot of *Corraguel*, at the Town of *Mayboil*: the Pryor of *Whitborne*, at the burgh of *Whitborne*: the Abbot of *Saulfette*, at the burgh of *Whitborne*: the Pryor of *Sanct-Mary-Ile*, at the burgh of *Kirkcudbright*: the Lord of *Dundrennan*, at the burgh of *Kirkcudbright*: the Lord of *Glenluce*, at the burgh of *Wigtoun*: the Abbot of *Tungland*, at the burgh of *Wigtoun*: the Abbot of *New-abby*, at the burgh of *Dunfreis*: the Abbot of *Holie-wood*, at the burgh of *Dunfreis*: the Pryor of *Cannobie*, at the burgh of *Amand*: the Barron and Baillie of the Batonie of *Broughtoun*, dissolved from the Lordship of *Holie-rud-house*, at the Burgh of *Edinburgh*: the Heiritors of the hundred pound land of the Barronie of *Monkland* dissolved from the Lordship of *Newbottle*, at the Citie of *Glasgow*: the Minister of *Felfoord* at the burgh of *Aire*, the Minister of *Scotland-wel*, at the burgh of *Sanct-Andrewes*: the Minister of the Crofs Kirke of *Peebles*, at the burgh of *Peebles*: the Patron and Parson of the Kirke of *Dundie* dissolved from the Abbacie of *Lyndores*, at the burgh of *Dundie*, and all other final beneficed persons at the parish Kirkes of their particular benefices: And that they convene to the effect above-written upon the thirteenth day of August, in the year of God, one thousand, six hundred, thirty four years: which is declared to be the precise day appointed for all their Vassals, Fewers, Tack-men, and pensioners to keep the said meeting, and that no further citation nor summoning shall be requisite, then this Proclamation and publication of this present Act at the Market-crosses of the Head-burrowes of this Kingdome.

AND here-with it is resolved by his Majestie and the saids Estates, that if any Vassals, Sub-vassals Fewers, Tack-men of Teinds, pensioners, or any other justly bound to make reliefe to Prelate, Lord of Ereccion, Patron, or other beneficed person of any part of the said Taxation, shall send any procurator in his name sufficiently authorized to the said meeting: the same shall not only excuse the principal patties absence, but the procurators shall be admitted in all things, and received to doe and performe in the distribution of the said Taxation, what could or lawfully might have bene done by him who sent him. ¶

IT IS Like-wise declared, that the Prelate, Lord of Ereccion, Patron, or other beneficed person, impedit by disease, or distracted upon some other necessary occasion from attending that meeting, having his absence supplied that day by a sufficient, worthy person whom he shall authorize and appoint to that effect, shall be as lawful as if he were personally present himselfe: and the party so authorized shall be admitted and received in all things, to doe and performe in the distribution of the same Taxation, what could or lawfully might have bene done by him who sent him.

IT IS further statute and ordained, that at the said day of meeting, the saids Prelates, Lords of erections, patrons, and other beneficed persons, shall by themselves, or by their procurators lawfully authorized, as said is, fence, and hold a Court, call by name and surname upon every one of their Vassals, Sub-vassals, Fewers, Tack-men of teinds, pensioners, and others obliged to relieve them of any part of the same Taxation, and lawful time and day being bidden; To shew to their saids Vassals, Fewers, Tack-men, and pensioners, or their procurators comparing for them, the quantitie of the Taxation imposed upon their Prelacie, erected Lordship, or other benefice authentickly subscribed by the Clerke of the same Taxation. And they all (at the least so many of them as shall convene for this effect with one consent) shall distribute the same to be payed by every man, as well by the Prelate, Lord of Ereccion, and present Possessor of final benefice, for the free rent that every one of them hath of their Prelacies, erected Lordships, and final benefices, as by the Vassal

Vassal, Fewer, Tackf-man, and pensioner, according to the great and small quantitie of the free rent, which every one of them hath either of their Lands, Teinds. or pensions; with certification to any of the said persons, Fewers, Vassals, Tackf-men, and Pensioners, that compare not by themselves or their procurators at the day and place above specified to the effect foresaid; That such as shall convene with the said Prelates, Lords of Erections, Patrons, or other beneficed persons, or their procurators, shall proceed in the equal distribution of the same Taxation, as well amongst them that are absent as present, and shall make and subscribe ane authentick Tax-roll there-upon. And in case none of the said Vassals, Fewers, Tackf-men, and pensioners, shall convene at the day and places above specified, to this effect by themselves or their procurators, but shall wilfullie absent themselves from the said meeting: It shall be lawful for the said Prelates, Lords of erections, Patrons, and other beneficed persons, being present by themselves or their procurators at the day and places above specified, to make, set down, and subscribe the same tax-roll: And in case any of the said Prelates, Lords of erections, Patrons, or other beneficed persons, shall not convene by themselves, or their procurators, at the day and places above specified, particularly designed to every one of them: It shall be lawful for the said Vassals; Fewers, Tackf-men, and pensioners, at the least for many of them as shall convene by themselves, or their procurators, to make, set down, and subscribe the said Tax-roll. Which tax-roll shall containe the particular summe that every one shall be found justly to be addebted to pay, the parties name addebted to pay the same, & the cause wherefore the same ought to be payed. And being so set down either by the Prelates, Lord of erection, Patron and other beneficed person, or their lawful procurators, with so many of their Vassals, Sub-vassals, Fewers, Tackf-men of teinds, pensioners, and others obliged to relieve them of any part of the same Taxation, as shall convene with them to this effect: And in case that none shall convene with them, the said roll being then set down by the Prelate, Lord of erection, Patron, or other beneficed person, or their lawful procurators, or in case of their absence being set down, made, and subscribed by the most part of the said Vassals, Fewers, Tackf-men, and pensioners by themselves, or their procurators as shall convene themselves for this effect; His Majestie and the said Estates decree to be as lawful in all respects, as if the whole number of persons having interest therein, had convened, made, set down, and subscribed the same: which Tax-roll being so set down, made and subscribed in maner above-written (and no otherwise) and delivered to the Clerk of the Taxation; His Majestie and the said Estates Ordaine him to give warrant for giving of letters of reliefe there-upon, discharging him in any case to give warrant for giving of letters of reliefe upon any roll presented unto him, nor made and authentickly subscribed in forme above-written, as he will answer to the contrarie upon his peril.

IT is like-wise statute and ordained, That Tackf-men of Teinds shall have their reliefe of their Sub-tackf-men, [*pro tanto*,] respect being had to the person payed by the saids Sub-tackf-men. AND FOR INBRINGING of the Barrons and free-holders part of the same Taxation, and of the Fewers and rent-tellers of Our Sovereigne Lords proper lands their parts thereof: Ordaine letters to be direct, charging al and sundrie Sheriffs, Stewarts, Bailies, their Deputes and Clerks, Fewers, Chamberlanes, and Receavers of Our Sovereigne Lords proper lands; that they and every one of them within the bounds of their proper offices, raise and up-lift the summe of thirtie shillings money of this Realme, of every pound land of old extent lying within the bounds of their jurisdictions, for every one of the six termes above-specified. And inbring and deliver the same to the collector foresaid, or to his Deputes and Officers in his name, having his power to receive the same at the particular termes above-specified, under the paine of rebellion, &c. And if they faile at the by-passing of every one of the saids termes, to denounce and escheat, &c.

And for their relief, that letters be direct, charging all and sundrie Dukes, Earles, Lords, Barrons, Free-holders, Fewers, and Rent-tellers of our Sovereigne Lords proper lands, personallie, or at their dwelling places, and by open proclamation at the Market-crosse of the head-burgh of the Sheriff-dome, Stewarrie, Baillierie, where their lands lye, if they be within the Kingdome, and if they be without the Kingdome, by open proclamation at the Market-crosse of *Edinburgh*, Peir and Shore of *Leith*, upon threescore dayes warning: to make payment to the saids Sheriffs, Stewarts, and Bailies, their Deputes and Clerks, Chamberlanes, and receivers of our Sovereigne Lords proper lands, every one of them for their own parts *respective*, of the said summe of thirtie shillings money foresaid, for every pound land of old extent, pertaining to them for everie one of the saids six termes payment. Within twentie dayes next after they be charged thereto, under the paine of rebellion, &c. And if they faile, &c. To denounce and escheat, &c. And if need bee, that the saids Sheriffs, Stewarts, Bailies, their Deputes and Clerks, Chamberlanes, and receivers of our Sovereigne Lords proper lands, poynd and distrenyie the readiest goods and geate being upon the saids lands therefore, as they shall think most expedient. And that the saids Eatles, Lords, Barons and Free-holders, Fewers, and Rent-tellers of our Sovereigne Lords proper Lands have letters for their reliefe, to charge their Vassals, Sub-vassals, Ladies of Terce, Coniunct-feeats, and Life-rentets, to make payment of their parts of the said Taxation, within twentie dayes next after the charge, under the paine of rebellion, &c. And if they faile, &c. To denounce, &c. And escheat, &c. And if need be, that they poynd, and distrenyie therefore. Providing alwaies, that the first termes payment of the said Taxation be ever past, before the next terme be charged for. AND for inbringing of the Burrowes part of the same taxation, ordains letters to be directed, charging the Provest and Bailies of ilk Burgh, to make

payment of the tax and stent thereof, to the Collector general aforesaid, his Deputies and Officers in his name, having his power to receive the same at the particular terms above-specified, under the pain of Rebellion, &c. And if they failie, &c. To denounce and echeat, &c. And for their relief, that letters be direct, charging the Provest, Bailiffs, and Council within each Burgh, to convene and elect certain persons to stent their neighbours. And the said election being made, to charge the persons elected, to accept the charge upon them, in setting of the said stent upon the inhabitants of every burgh, and to convene and set the same, and make a stent roll thereupon, as esseirs, within twenty four hours next after their charge, under the pain of Rebellion, &c. And if they failie, &c. To denounce and echeat, &c. And such like, the said stent Roll being made and set down, as said is, To charge the Burgeses, Indwellers, and Inhabitants within each burgh, to make payment of their part of the said stent, to the said Provest and Bailiffs, conform to the tax roll to be given out thereupon, within threedayes next after the charge, under the pain of Rebellion, &c. And if they failie, &c. To denounce, &c. and echeat, &c. And if need be, that the said Provest and Bailiffs poynd and distrenie therefore, as they shall think most expedient. IT IS alwayes provided, that no person whatsoever be stented or taxt within burgh, except according to the availe, and quantity of his rent, living, goods, and gear, which he hath within Burgh: no wayes respecting his lands, nor possessions, which he hath to Landward; for the which he will be obliged to pay taxation to other Officers. Providing alwayes, that the first terms payment of the said taxation be ever past, before the next terme be charged for.

AT TOUR, His Majesty, and his saids Estates decerne and declare, that the charges to be given for payment of the said Taxation, shall be executed before the terms of payment above-specified, for every termes payment particularly by it self: And that the denunciation of horning following thereupon, shall not be execute untill the termes payment be by-past, and twenty dayes thereafter. Which denunciation so following, upon the charges given before the saids termes of payment, His Majesty and Estates decerne and declare, to be valid and sufficient.

And his Majesty, and the saids Estates considering the great abuse which hath been used in all time by-gone, by sundry of the Lieges of this Kingdom, against all good conscience, in causing of their poor Farmerers, Tenants, and Labouers of the ground being removable, who are subject in payment of very deare Fermes and other duties, to relieve them of the whole burden of by-gone taxations, which hath been the occasion of impoverishing a number of the saids Farmerers, labourers, and tenants, and bringing of them to utter wrack and ruine, whereas of reason they should be altogether free from payment of any Taxations, And the same should be payed by such as have free rents, lands, and goods of their owne. FOR REMEDIE whereof, it is statute and ordained that no persons whatsoever exact or compel, his tenants, or fermerers removable, who payes ferme, and other deare duties for the lands occupied by them, to pay any part of this present Taxation, or to seek relief at their hands of the same. And if the same be found done by any persons, that they shall be called and convened therefore, before his Majesties Justice, and his Deputes, or before his Majesties Council as violent and Masterful oppressors of his Majesties subjects, and punished therefore according to Justice.

AND FURTHER, the saids Estates, beside the ordinary taxation above-written, have for the space of six yeares next, and immediatly following the terme of Martinmasse, 1634. yeares, freely and voluntarily granted to his Majesty a yearly extraordinary taxation of the sixteenth penny of all annual rents, which any person or persons within this Kingdom hath freely due and payable unto them, yearly and termly, (their own annual rents, wherein they are adebt to others being first deduced.) The first termes payment whereof shall be, and begin at the said Feast and terme of Martinmasse, 1634. yeares: and so forth yearly and termly at Martinmasse and Whitunday, untill the said six yeares or twelve termes payment thereof be fully and completely out-run. And whereas his Majesty and Estates have by act of Parliament authorized all and sundry heretable Sheriffs, Stewarts, Bailiffs, and Bailiffs of Regalities, and their Deputes, and the Provests and Bailiffs of free Burrowes within the bounds of their jurisdictions, as likewise the Clerks within the jurisdictions where these Offices are not heretable: which Clerks have their Offices (*advitam*) To collect the said extraordinary taxation, and to make payment thereof to the Collector general of the same taxation. THEREFOR, and for inbringing of the said extraordinary taxation, Ordains Letters to be direct, charging all and sundry the saids heretable Sheriffs, Stewarts, Bailiffs, Bailiffs of Regalities, and their Deputes and Clerks, and the saids Provests and Bailiffs of free Burrowes, and their Clerks: as likewise the Clerks within the jurisdictions where these Offices are not heretable, that they and every one of them by North the water of *Dee* within the space of fifteen dayes after every terme of Martinmasse & Whitunday: And that they & every one of them, by south the water of *Dee*, within the space of ten dayes after every terme of Martinmasse & Whitunday, deliver to His Majesties said Collector general, a true & just accompt & inventar of the whole summes of Money due to be payed by any person within the bounds of their jurisdiction, for his part of the said extraordinary taxation, And that they give up the same compt and inventar upon their Oath, solemnly sworne, that the same is just and true: And to make payment to His Majesties said Collector general, or to his Deputes in his name, having his power to receive the same, of the whole moneys due to be payed to his Majesty, conform to the said compt and inventar, within twenty dayes after each terme, under the pain of Rebellion. And in case the saids Sheriffs, Ste-

warts, Bailiffs, Bailiffs of Regalities, their Deputes and Clerks failyc, &c. To denounce and escheat, &c. FOR WHOSE RELIEF that letters be direct, charging all and sundry the saids annual-renters, to make payment to the saids Sheriffs, Stewards, Bailiffs, Bailiffs of Regalities, their Deputes and Clerks, Provests and Bailiffs of Free Burrows, of the said sixteenth pennie of all annual-rents, free lie due and payable to them, within twentie dayes next after the Charge, under the pain of Rebellion, &c. And if they failyc, &c. To denounce, &c. And if need be, that the saids Sheriffs, Stewards, Bailiffs of Regalities, Clerks, Provests, and Bailiffs of Free Burrows, poynd and distrenye therfore, as they shall think most expedient.

AND His MAJESTIE and the saids Estates, ordaine the Lords of Session, to be only Judges to all suspensions to be craved and suted by any of our Sovereigne Lords Lieges, touching the saids taxation; which suspensions, the saids Estates finde may be granted upon lawful and equitable reasons to be considered by them: And discharge all other Judges within this Kingdome, of granting of any suspensions thereanent. With power to the saids Lords, To delegate five at the least of their ordinary number, as they shall think expedient, To sit, cognosce, and decide the saids suspensions, in time of Vacance, if need be. And likewise, to depute Commissioners for trying and judging of concealments, with als ample and full power to be given to them, as the saids Lords of Session, by vertue of this present Act, have.

ACT III.

Anent his Majesties Royal Prerogative, and Apparel of Kirkmen.

OUR SOVERAIGNE LORD, With advice, consent, and assent of the whole Estates, acknowledging his Majesties Sovereigne Authoritie, Princely power, Royal Prerogative, and Priviledge of his Crown, over all Estates, Persons, and Causes whatsoever within this Kingdome, Ratifies and approves the Act of Parliament, made in the year 1606. anent the Kings Royal Prerogative, and perpetually confirms the same, for his Highnes, his Heires and Successors, als amply, absolutely and freely in all respects, as ever any of his Majesties Royal Progenitors did possesse, and exercise the same. And withal remembering, that in the Act of Parliament made in the year, 1609. anent the Apparel of Judges, Magistrates, and Kirk-men: IT WAS agreed, That what order soever his Majesties Father of blessed Memorie should prescribe for the apparel of Kirkmen, and send in Writ to his Clerk of Register, should bee a sufficient Warrant for inserting the same in the Bookes of Parliament, to have the strength of ane Act thereof: HAVE all consented, that the same Power shall remaine with the Person of Our Sovereignae Lord, and His Successors that now is, And with the same clause for execution thereof, as in the said Act is contained.

ACT IV.

Ratification of the Acts Touching Religion.

OUR SOVERAIGNE LORD, With advice and consent of the Estates, ratifies and approves all and whatsoever acts and statutes made before, anent the libertie and freedome of the true Kirk of God, and Religion presently professed within this Realme, And ordaines the same to stand in their full force and effect, as if they were specially mentioned, and ser down herein.

ACT V.

Ratification of the Act of Council anent Plantation of Schooles.

OUR SOVERAIGNE LORD, with the Advice of the States, ratifies the Act of Secret Council, dated at *Edinburgh* the tenth day of December, one thousand, six hundred, and sixteen years, made anent the planting of schooles, with this addition, That the Bishops in their severall Visitations shall have power with consent of the Heritours and most part of the Parishoners, And if the Heritour being lawfully warned refuses to appeare; Then with consent of the most part of the parishoners, to set down and stent upon every Plough or Husband-land, according to the worth, for maintenance and establishing of the saids Schooles. And if any person shall find himselve grieved, it shall be lawful to him to have recourse to the Lords of Secret Council, for redresse of any prejudice he may or doth sustain. And ordaine letters to be direct for charging of the possessours for the time, to answer and obey the Schoole-masters of the duties that shall be appointed in manner foresaid.

ACT VI.

Against the Inverting of Pious Donations.

OUR SOVERAIGNE LORD, With the Advice of the Estates, understanding that certaine persons piously disposed, have of late bestowed certaine gifts in Lands, Heritages, and summes of money in favours of Colledges, Schooles, Hospitals, and other pious uses, which by the Administratours, and such others as they have entrusted with the managing thereof; are inverted to other uses then the Will of the disponer, upon some specious pretences, contrarie or different from the Disposers intention, to the evill example of others, and the hinderance of such and the like charitable works, against all reason and conscience. THEREFORE It is statute and ordained, that it shall no-waies be lawful to alter, change or invert any of the saids gifts, legacies, and other pious donations, to any other use then that specifick use wherunto they are destinare by the disponer himselfe. And that the Heires, Executots, or others entrusted with the saids gifts and legacies shall be comptable for the same, to the use of the Kirkes, Colledges, and others to whom the saids dispositions were made: And that actions shall be competent either to the saids Kirkes, Colledges, and others, to whom the same were disposed, or to the Bishops and ordinaries within the Diocesses where the saids Kirkes, Schooles, and others above-specified lye, for compelling them to apply the same to the true use, And to make compt and payment of the ordinarie profits of everie years intromission, at the rate allowed by the Lawes of the Realme, by and arour the fulfilling of the Disposers Will. And this Act to be extended to all Dispositions made at any time since the majoritie of King JAMES the Sixth, or to be made hereafter in all time comming, And that letters of Horning be direct at their instance, by deliverance of the Lords of Session without citation of parties.

ACT VII.

Auent Invading of Ministers.

OUR SOVERAIGNE LORD, with the advice of the Estates, ratifies and approves the Act of Parliament made in the year of God one thousand, five hundred, fourescore and seven yeares, anent the Invaders of Ministers, with this explanation and addition, That whosoever invades any Minister, or puts any violent hands on him, by themselves, their men, tenants, servants, or any others by their hounding out, direction or allowance, for whatsoever cause or occasion; whither the same be for the cause contained in the said Act, or for any other cause, otherwise then by order of Law; or doth offer violence to them, shall incurre the like paine as is contained in the said Act, and shall be judged after the forme and manner therein prescribed. And declares, that the same shall be extended to all Arch-bishops, Bishops, and Ministers whatsoever, having power by lawful warrant to preach, and administer the Sacraments. And because the malice of some is such, that the invasion and violence foresaid may be committed by lawlesse and unresponsal men, the hounders out of whom cannot be gotten detected; so as the benefite of this Act, and the indemnitie, of the said Church-men & their foresaids may be frustrate. THEREFORE it is statute and ordained, That the Land-lords, and Heritors, and chiefe of Clanus, and others in whose bounds the saids offenders dwell, or haunt ordinarlie, shall be holden, upon the complaint of the partie offended to the Lords of His Majesties Secret Council, to exhibite and produce the saids malefactors before the saids Judges, to be censured and punished corporally, or otherwise in their estates, if they be responsal at the discretion of the saids Judges. And if it shall happen the saids offenders to absent and remove themselves out of the bounds of the saids Heritors and Land-lords, and others on whom they depend, so that the saids Land-lords, Heritors, and others foresaids, may pretend that it is not in their power to exhibite the foresaids delinquents: Therefore it is statute, that if after the giving in of the said complaint before the saids Judges, and certiorating of the saids Land-lords, and others foresaid, either by citation, charge, or intimation, or any other Legal manner of way, if the saids delinquents shall be found within the bounds of the saids Land-lords, and others foresaids, haunting publicly and openly by the space of ten dayes; That then and in that case the saids Land-lords, and others foresaid, shall be esteemed as connivers with the delinquents, and be obliged under the like censure and punishment, to exhibite them to the Council.

ACT VIII.

Of Ratification of the Act of Commission anent the Ministers Provisions.

OUR SOVERAIGNE LORD, With the advice and consent of the Estates of Parliament, ratifies and approves the Act of Commission of Surrenders and Teinds, of the date at *Holy-rud-bonfe* the twenic sixth day of June, the year of God 1627. yeats, whereof the Tenor follows. The Commissioners after

after reasoning upon the lowest proportion and provision, wherewith the Ministrie serving the Cure at each Kirke, shall be provided, Have found it meet and expedient, that the lowest proportion shall be eight Chald-er of victual, where victual is payed, or proportionally in silver or victual, as the Commissioners shall appoint, at the settling of the Kirke, and according to the Estate of that part of the Countrey, where the pay-ment of the stipend shall occurre. And thinke it meet, that the said proportion of eight Chald-er of victual, or proportionally in silver, as said is, shall be the lowest maintenance to each Kirke, except such particular Kirkes occurre, wherein there shall be a just, reasonable, and expedient cause to goe beneath the quantitie now determined.

AND His Majestie, and Estates foresaid, referre to the Commissioners to be chosen by his Majestie, at this present Parliament, The consideration of the reasons and causes, which may move them (after the valuation of the true worth of the Teinds of ilke Parish be closed) To determine and modifie a lesse quantitie for the Ministers maintenance, nor the quantitie foresaid of eight Chald-er of victual, or eight hundred markes in victual or money, proportionally, And what the saids Commissioners shall determine therein, the same to stand notwithstanding of this present Ratification: And also his Majestie and Estates ratifie and approve the whole particular Acts of the said Commission of Surrenders and Teinds, whereby stipends are appointed and modified by the saids Commissioners already, And ordaine the Ministers to whom the same is assigned, to have intermission therewith: And that the Lords of Session direct letters of horning and poynding, in favour of the said Ministers conforme thereto, upon one simple charge of ten dayes allennerly. And also upon all other Acts to be made for plantation of Kirks by the Commissioners appointed by his Majestie and Estates for that effect. And it is declared, that these presents shall be without prejudice to the titulars and others having interest to pursue for rectifying of such valuations, as are or shall be enormely undervalued, and also without prejudice of the Ministers maintenance and augmentation proportionally effecting to th. true and just worth of the Teind. &c.

A C T IX.

The Kings General Revocation.

FORSOMUCH As OUR SOVERAIGNE LORD, the Kings Majestie, shortly after the decease of his Majesties unwhile dearest Father, King JAMES the sixt, of ever blessed memorie, for preserving of the libertie and priviledge due to his Majestie by the common Law, and by the Acts and statutes of the Kingdome; And following the laudable custome used before by his Majesties Predecessours; in making of their Revocations: Did upon the twelfth day of October; 1625. make and give forth his General Revocation under his Privie Seale, as the same, in the selfe, at more length beares: AND HIS MAJESTIE being now present in his Royal person, within this Kingdome, and having by Gods grace, favour, and blessing, and with the General acclamation, joy, and comfort of his Subjects, accepted the Crown thereof, wherein he is gloriously inaugurate, and now holding the first Parliament of his whole Estates of the said Kingdome, with whom his Majestie hath advised and resolved anent the said Revocation. Therefore his Majestie, with consent of the three Estates, and whole body of this present Parliament, hath statute, enacted, and ordained, and by these presents, statuts, enacts and ordaines in manner following.

IN the first, his Majestie and whole Estates of Parliament revokes, casses, and annuls all Inseiments, Charters, Precepts, Confirmations, Alienations, Gifts, Donations, Rights, Securities, and other Dis-positions whatsoever, of any Rents, Lands, Lordships, Baronies, Heritages, Teinds, Patronages of Kirks, Offices, Priviledges, and others whatsoever annexed to the principality, or to the Prince, who is second person of the Realme, made, conveyed, signed, or consented unto by his Majesties selfe in his minoritie and lesse age, or by his Majesties unwhile dearest Father, for himselfe, as Prince of *Scotland*; or as Father and lawful administrator to his Majestie, or to unwhile Prince *Henrie* his Majesties Brother, of worthe memorie, or by the said unwhile Prince *Henrie* himselfe, or made and granted by his Majesties said unwhile dearest Father; or any other his Majesties predecessors, Kings of *Scotland*, in their times, to what soever person or persons, in hurt and prejudice of the Prince, second person foresaid: or made and granted by his Majestie at any time preceeding the date hereof, unlawfully, and against the lawes of the Kingdome, the same being tried and found to be so.

ITEM. His Majestie with consent of the said Estates, revokes, casses, annuls, retreats, and rescinds, all and sundrie Inseiments, grants, dispositions, confirmations, and other rights whatsoever, made by his Majestie induring his Minoritie and lesse age, to whatsoever person, or persons, in fee, frank-tenement or otherwise, of the lands, Kirks, Teinds, patronages, offices, and others pertaining to the Lordship of *Dunfermling*, to the which his Majestie succeeded as onely Sonne and Heire, to his Majesties unwhile dearest Mother Queene *Anna*, who was heritably Inseint in the said Lordship of *Dunfermling*. And sick-like, re-voles all gifts, alienations; dispositions, and other rights whatsoever, made by his Majestie, or his said dearest Mother, unlawtully, and against the Lawes of the Kingdome, of the said Lordship, or of any lands, teinds, offices, Kirks, patronages, and others pertaining to the said Lordship, at any time preceeding the date hereof, the same being so found and verified before the ordinary Judge.

ITEM, His Majestie and Estates foresaid, revokes, casses, annuls, retreats, and rescinds all and sundrie Infeftments, charters, gifts, donations, confirmations, alienations, pensions and other dispositions whatsoever made, convoyed, signed, or consented unto by his Majestie, or by his Majesties umwhile dearest Father, or by any other his Majesties Predecessors in their severall times, to whatsoever person or persons, in any manner of way, in fee, fee-firme, frank-tenement or otherwise whatsoever, of any lands, rents, Lordships, Barronies, Patronages of Kirks, customes, annuals, fishings, liberties of fishings, burrow-mails, other rents, Castle-wards, or other whatsoever annex to the Crowne, offices of Justiciary, Stewarrie, and Bailliarie, within the same appertaining there-unto, contrarie to the Acts of annexation made there-upon of before. And where lawful dissolution of the said annexation was not made by his Majestie, his said umwhile dearest Father, and his said predecessors, Kings of Scotland, in their majoritie, with consent of the three Estates of Parliament, in their severall times, for setting of the same in fee-firme, with augmentation of the rental: To the effect the same may be of none avail in time coming, after the date hereof, by way of action, exception, or reply.

ITEM, His Majestie with consent foresaid, revokes, annuls, retreats, and rescinds all infeftments, donations, alienations, and other dispositions whatsoever made by his Majestie, or his said umwhile dearest Father, either in their Minoritie to their hurt and lesion, or in their Majoritie against the Lawes and Acts of Parliament, to whatsoever person, or persons, of whatsoever lands, rents, annuals, and renews not annex to the Crown, whereof his Majesties umwhile dearest Grand-mother Queen Mary, was in possession before the Coronation of his Majesties umwhile dearest Father of happy memorie. And of all offices, such as Chamberlanaries, Bailliarie, office of Customarie made for moe yeares, but from the Exchequer, till the compt be made in the Exchequer following, Constableries, Bailliarie, Tackes and rentals of his Majesties proper lands and rents, above the space of five yeares, made and granted contrary and against the Lawes and Acts of Parliament of the Kingdome, the same being so found and tryed.

ITEM, His Majestie with consent of the Estates, revokes, casses, annuls, retreats, and rescinds, all and whatsoever Infeftments, rentals, and other rights whatsoever of any part of the annex property, or of the fee-firmes of whatsoever proper lands annex to his Majesties Crowne, made to whatsoever person by his Majestie, or his umwhile dearest Father; or any other his Majesties predecessors, which are made in diminution of the rental, and hurt of the patrimonie of the Crowne, where the diminution may be proved and verified.

ITEM, His Majestie revokes, casses, annuls, retreats, and rescinds all and whatsoever Infeftments, alienations, and dispositions, made by his Majestie, or by his umwhile dearest Father, or any other his Majesties Noble Progenitors, of the fee-firme vidual of any lands pertaining to the Crowne; which were lawfully set in fee of before, for payment of the fee-firme vidual: and the same fee-firme vidual is set thereafter in fee, or otherwise for silver payment; because such a set or fee-firme being so found and tryed, is clearly understood to be to the great abuse, hurt, and diminution of His Majesties Patromonie and rent.

ITEM, His Majestie revokes, casses, annuls, retreats, and rescinds all Infeftments, alienations, and dispositions, with all tackes, and assedations, and any other sort of conveyances whatsoever made by his Majestie, or his Majesties dearest Father, or any other His Majesties Predecessors, Kings of Scotland, against the Lawes of the Kingdome, to whatsoever persons, of his Majesties Castles, and Houses, or Places, and Roomes, whereupon the saids Castles and houses were situat, although now demolished by injury done to his Majestie and the said Crown. And sicklike, all Infeftments, alienations, and dispositions, and all other sort of conveyances whatsoever, of any of his Majesties medowes, woods, and parks, with all tackes, assedations, and other dispositions thereof, made by his Majestie or his Predecessors foresaid, against the Lawes of the Kingdome, The same being so found and tryed.

ITEM, His Majestie, revokes, retreats, and rescinds all and sundrie Infeftments, alienations, gifts, dispositions, or any other conveyances, whatsoever made by his Majesties said umwhile dearest Father, or any other his Majesties Predecessors, Kings of Scotland, induring their minoritie and lesse age, and not thereafter confirmed in their majoritie, to whatsoever person or persons in fee-firme or life-rent, of all lands, and annual-rents which become in their hands, as propertie by right of the Crowne, through bastardrie, or being last Heire by recognition, or foresaulter, or otherwise with all confirmations, if any be granted in Parliament thereupon: providing that presentation to tennandries fallen by occasion foresaid, shall in no wayes come under this present Revocation, because the same being casualities, coule not remaine in his Majestie, or his saids predecessors hands, in prejudice of the Superior of the saids tennandries, but of necessitie it behoved them to present heritable Tennants to the saids Superiours.

ITEM, His Majestie, with consent foresaid, revokes, casses, annuls, all new Infeftments, confirmations, and other conveyances whatsoever given by his Majesties said umwhile dearest Father, or any other His Majesties predecessors, Kings of Scotland; to whatsoever person or persons, of any Lands, Baronies, Lordships, or other Heritages whatsoever: To be holden in blensh ferme, which were holden of his Majestie or his Predecessors of before, by service of ward and reliefe. And that in so farre as the same is, or may be found and verified, to have beene granted against the Lawes and Acts of Parliament of the Kingdome, without prejudicial wayes to the heritable possessors, in case of reduction of their, changed tenors

ners to brooke and hold their said lands heritable, as they were holden before the alteration of the said holding.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls, retreats, and rescinds all Regalities and gifts of Regalities, and all confirmations, and ratifications of the said gifts and regalities, made, given, or granted, or consented to by his Majestie, or his said umwhile dearest Father, or any other his Majesties Predecessors, Kings of *Scotland*, against the Acts and statutes, that no Regalities should be given in heritage, without advice & deliberation of the whole Parliament, together with all charters, infestments, confirmations, gifts *de novo damus*: And other rights whatsoever, made by his Majestie or his Predecessors above-named, of whatsoever heritable offices, against the lawes and Acts of Parliament of the Kingdome.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls, retreats, and rescinds all new creation of lands, baronies, and annexations, and unions of divers lands in fee, which are made by his Majestie, or his said umwhile dearest Father, or any other of his Majesties Predecessors, Kings of *Scotland*, in prejudice of their due service owing of before: Together with all discharges given of the said service, and sutes of court due of old: And that in so farre as the same is, or may be found to be unlawfully made or against the lawes of the Kingdome.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls, retreats and rescinds, all new Infestments, made and given by his Majestie, or his said umwhile dearest Father, or any other his Majesties Predecessors, Kings of *Scotland*, of creation of Baronies, and Lordships annex to the Crowne foresaid, in favour of whatsoever person, in so farre as the same is, or may be verified, to have beene made and granted unlawfully, and against the lawes of the Kingdome.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls, retreats, and rescinds all Infestments, gifts, and dispositions whatsoever, set, given and granted by his Majestie, or his said umwhile dearest Father, or any other his Majesties Predecessors, Kings of *Scotland*, to whatsoever person or persons in fee, few-ferme, or life-rent, of whatsoever Hospitals, Mafondieus, lands, or tenes appertaining thereto: In hurt or prejudice of their consciences, and against the lawes and Acts of Parliament of the Kingdome, to the end, that the said Hospitals may be reduced to the first institution, for upholding of the poore, so farre as may be done by the lawes of the Kingdome. Providing alwayes, that the rents of the Trinitie Colledge beside the burgh of *Edinburgh* and other rents assigned to the Hospitall and Colledge erected by the Provost, Bayliffes, and Councel of the burgh of *Edinburgh*, be no wayes comprehended under this present Revocation.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls retreats, and rescinds all and whatsoever gifts, pensions, gifts of fees, wages, liveries, and dispositions out of his Majesties casualities, and coffers given by his Majestie, or by any of his Majesties noble Progenitors (except such as shall be of new granted by his Majestie againe) together with all Presentations to offices and places, which by the lawes of the Realme fall under his Majesties Revocation, excepting alwayes the presentations, fees, and pensions given to the ordinary officers of the Crowne after specified, their Deputes, and Clerkes, and to the other persons after mentionate, which are declared no wayes to fall within this present Revocation: They are to say, The fees and pensions given and assigned to the Thesaurer, Comptrollet, and Collector principal: And to his Majesties depure Thesaurer, and to their Deputes and Clerkes: To the Secretary principal, and his Deputes: To the Clerke of Registery, to his Majesties Advocat, & the Justice, Justice-Clerke, and their Deputes, and to the Master of Requests, and to the proctor for the poore, director of the Chancelarie, and dictatour of the Rolls. And also declares the pensions and others underwritten, no wayes to fall under his Majesties Revocation, viz. The pension to the Duk of *Lennox*, his umwhile Father or Uncle: The pension to the Earle of *Morton*, with the tacke and asseidation of *Orknay* and *Zeland*: The pension to sir *Robert Ker* of *Ancrum*: the pension to Mr. *John Sandelands*: The pension to Sir *James Lokart*: The pension to sir *James Livingston*: The pension to sir *William Balfour*: The pension to *Halbert Maxwell*: The pension to sir *James Carmichael*: The pension to sir *James Ramsay*: And the pension to sir *John Murray* of *Reuilrige*, which his Majestie and Estates declare shall stand in effect, notwithstanding of this present Revocation.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls, retreats, and rescinds all gifts, pensions, and free discharges of the thirds of benefices, granted by his Majestie, or his said umwhile dearest Father, or any other his Majesties Predecessors, Kings of *Scotland*, to whatsoever person or persons, against the lawes and Acts of Parliament of the Kingdome, with all tacks of thirds of benefices whereby the rentall due is diminished, or where the whole benefice is set and disposed in diminution of the third thereof, in so farre as the same is contrarie to the lawes of the Kingdome, as said is.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls, retreats, and rescinds all and whatsoever Infestments made by his Majestie or his said umwhile dearest Father, or any other his Majesties predecessors, of any Church-lands, Fryer-lands, Monk-lands, or common-lands, which any wayes fell, and became in their hands as propertie, and that in so far, as the same is, or may be verified to be made contrary, and against the lawes and Acts of Parliament of the Kingdome, reserving alwayes the infestment made for erection and sustentation of Hospitals, and Ministers within burrows, where there is no

assignation nor stipend allowed forth of the thirds of benefices, for sustentation of the Ministers thereof: And declares that all such Infeftments of church-lands as is before exprimed, falls under this revocation, if the person or persons, and their successors, to whom the same have been disposed, have not answered and performed the cause and ends expressed in the said Infeftments, and for the which the said Infeftments was granted by his Majestic and his predecessors, as said is.

ITEM, His Majestic with consent foresaid, revokes, casses, annuls, retreats and rescinds all tackes, affedations whatsoever of any common Churches within the Realme of Scotland, made by his Majestic, or his said umwhile dearest Father, or any other his Majesties Predecessors, Kings of Scotland, in so far as the same is or may be found and verified to be made against the Lawes and Acts of Parliament of the Kingdome; Providing alwaies, that there shall be sufficient Ministers appointed to serve the said Churches, who shall make residence, and shall be sufficiently sustained of the readiest fruits of the saids common Kitkes, according to the general order taken thereabout.

ITEM, His Majestic, with consent foresaid, revokes, casses, annuls, retreats and rescinds all gifts of Monkes portions, first fruits or silt penny of any benefices, whereunto His Majestic hath right by the Acts of Parliament made before to that end, And that in so farre as the saids gifts are or may be found to be granted against the Lawes of the Kingdome.

ITEM, His Majestic, with consent foresaid, revokes, casses, annuls, retreats and rescinds all gifts and Infeftments, made, done, and consented unto, to whatsoever person or persons by His Majestic, or his Majesties said umwhile dearest Father, or any other his Majesties predecessors, Kings of Scotland, of whatsoever advocation, donation, and right of Patronage given or annexed to any Lordships, Lands or Baronic where the said Patronage, Advocation and donation of benefice pertained not before of right, but which taketh the beginning and ground from any gift and Infeftment thereof made with this clause (*de novo damus*) where the purchaser of the said infeftment had no right to the said Patronage, Advocation and Donation of before. And that in so farre as the same is or may be found to be granted against the Lawes and Acts of Parliament of the Kingdome.

ITEM, His Majestic, with consent foresaid, revokes, casses, annuls, retreats and rescinds all gifts, dispositions of superplus omitted of the fruits of benefice, given by his Majestic, his said umwhile dearest Father or any other his Majesties Predecessors, Kings and Queens of Scotland, in so farre as the same is or may be found and verified to be granted against the Lawes and Acts of Parliament of the Kingdome.

ITEM, his Majestic, with consent of the Estates, revokes, casses, annuls, retreats and rescinds all grants and infeftments of erections, of whatsoever Abbacie or other Prelacie, in whole or in part, Temporalitie or Spiritualitie thereof, made and granted, or consented unto by his Majestic at any time preceeding the date hereof, to and in favour of whatsoever person or persons, and declares the same null and of none avail, by way of action, exception, or reply, and als his Majestic and Estates, revoke all infeftments of Erections made and granted by his Majesties said umwhile dearest Father, or any of his Majesties predecessors Kings or Queens of Scotland, of whatsoever Abbacie, Priorie, Nunnerie, Preceptorie, or any other Erected benefice whatsoever, of whatsoever nature, qualitie or condition whereof the presentation should pertain to his Majestic, if the same were not erected in a Temporal Barronie, Lordship, or Living, or of any part or pendicle thereof, either Spiritualitie or Temporalitie of the same to and in favour of whatsoever person or persons, And that in so farre as the same is, or may be verified to be granted, against the general Lawes and Acts of Parliament of the Kingdome. And to that effect revokes, casses, and annuls, retreats and rescinds all Acts, statutes, and dissolutions of any of the saids erected benefices, Lands or Teinds of the same, whereupon the saids infeftments of erections are, or have been founded: And that in so farre as the same is or may be found and verified to be contrarie to the general Lawes, Acts of Parliament, and statutes of the Kingdome, as said is.

AND, generally his Majestic, with consent foresaid, revokes, casses, annuls, retreats, and rescinds all Acts, constitutions, dispositions, grants, conveyances, ratifications, and all other things whatsoever done or consented unto by his Majestic at any time preceeding the date hereof, or by his umwhile dearest Father, or any other his Majesties predecessors, Kings and Queens of Scotland, in detriment of their soule and conscience: in hurt and detriment of the Crowne and Church, and contrarie to the Lawes and Acts of Parliament of the Kingdome. And wils and declares, that these presents shall be als amply extended, and to be of als great effect in general and special, as any revocation made by any of his Majesties Royal Predecessors before the date hereof, contained in the bookes of Parliament, which in all heads, clauses, and circumstances thereof are holden as here repeated.

AND also his Majestic, with consent of the Estates, ordaines and decetnes, that albeit it shall happen his Majestic for any respect or consideration, to suffer any person or persons, to use or possesse any priviledges or possessions, lands, rents, offices, which are fallen under the compasse hereof, That it shall make no right to the users and holders thereof, but it shall be lawful to his Majestic and his successors to intromit therewith, when ever it shall please them by vertue of these present Acts and consuetudes of the Realme made before, without any obstacle, impediment or contradiction.

ACT X.

Anent Annexation of His Majesties Propertie.

OUR SOVERAIGNE LORD, With advice and consent of the Estates of this present Parliament, ratifies and approves the whole acts of annexation of whatsoever Lands, Lordships, and Baronies annex to the Crown by his Majesties unwhyle Father, or any other his Majesties Predecessors. And farther, his Majestic and Estates foresaids, and without derogation of the former annexations, of new annexes the same to the Crown; to remaine there-with for ever according to the conditions and provisions contained in the former Acts of annexation of Lands to the Crown; and specially of the Act of annexation made in the dayes of King *James* the second, in the Moneth of August, 1455.

AT OUR, His Majestic with consent foresaid, declares the right and title of Superioritie. Of all and sundrie, Lands, Baronies, Milnes, Woods, Fishings, Towers, Fortalices, Manour-places, and whole pertinents thereof, pertaining to whatsoever Abbacies, Pryories, Pryoresse, Preceptories, and whatsoever other Benefices of whatsoever Estate, Degree, Title, Name, or Designation the same be of, erected in Temporal-Lordships, Baronies, or livings, before or after the general Act of annexation of Kirk-lands, made in the Moneth of July, 1587. yeares: together with the whole Few-mails, Few-fermes and other rents and duties of the saids superiorities To be annexed, and to remaine with the Crown for ever. Referving to such Lords and Titulars of Erections, and each one of them, who have subscribed the general surrender, the Few-mails, and Few-fermes of their saids superiorities, aye and while they receive payment and satisfaction of the summe of a thousand markes, usual money of *Scotland*, for each chaldre of Few-ferme victual over-head, and for each hundreth markes of Few-mails, and for each hundreth markes worth of all other constant rent of the saids superiorities, not consisting in victual or money, and not being naked service of Vassals, according to the tenor of his Majesties general determination, and according to the conditions therein exprest: And referving to them and to all other Titulars of Ereccion, their propertie and proper lands to be holden of his Majestic and his Successors, in Few-ferme for payment of the Few-ferme duties, and other duties contained in the old inestments made to them, their Predecessors, and authors before the said Act of annexation. Like-as his Majestic and Estates foresaid, findes and declares that all titulars of ereccion without exception, shall hold their propertie and proper lands of his Majestic and his Successors, in Few-ferme, for payment of the Few-ferme duties contained in the inestments granted to them and their foresaids, before the said Act of annexation, and no otherwise. And his Majestic and Estates declares all rights and deeds whatsoever, made and granted to whatsoever person or persons preceeding the date hereof, which may prejudice his Majestic and his Successors, in the peaceable brooking, enjoying, and possessing of the saids superiorities and Few-ferme duties above-specified (excepting and reserving as said is) To be null and of none avails, force nor effect by way of action, exception, or reply.

AND sikklike, his Majestic and Estates ratifies and approves the Acts of Parliament made by his Majesties said unwhyle dearest Father, of Eternal memorie: The fiftenth Parliament, Cap. 233. Intitulate, [*Anent the annexation of the Kings anwent propertie.*] Together with the 234. Act of the said Parliament, Intitulate [*The anwent propertie may not be disponed, but in Few-ferme aklanerby.*] And also the 236. Act of the same Parliament, Intitulate [*disposition of the anwent propertie, made before the dissolution, or not conforme to the conditions thereof is null.*] And sikklike, the 243. Act of the said fiftenth Parliament, Intitulate, [*Anent ratifications or dispositions made in Parliament:*] And ordaines the same to have full force and effect in all time coming. And declares all deeds done in contrary thereof, to be null and of none avails by way of action, exception, or reply. **IT IS** alwayes declared that under this present Act, nor no clause thereof, shall no wayes be comprehended the Temporal lands, superiorities, and others pertaining to whatsoever Arch-bishops, Bishops, and their Chaptors: but that the same shall remaine with them and their successors unhurt or prejudged by this present Act.

ACT XI.

OF DISSOLUTION.

FOR SO MUCH, As albeit the Lands, Lordships, Baronies, and others of old, are lately annex to the Crown, were and are, for great and weighty considerations, tending to the weale of the Crown and whole Realme, Ordained to remaine with **OUR SOVERAIGNE LORD**, and his Successors for ever. And not to be disponed nor annalied in fee nor life-rent, to whatsoever person or persons, without advice of the three Estates of Parliament, and for profitable and feene causes, tending to the weale of the whole Realme: Yet nevertheless, it hath been ever thought expedient in the dayes of **OUR SOVERAIGNE LORDS** most glorious Predecessors: And no wayes derogatorie to the conditions of the said annexations but agreeable thereto, as tending to the publique weale of the Crown and Kingdome; that the annex and proper lands should be set in Few-ferme for increase of policie and augmentation of the rental:

And his Majestie being well pleased to observe and follow the order kept by his Majesties Predecessors fore-
said, anent his Majesties annexed propertie.

THEREFORE His Majestie with consent of his three Estates of Parliament, statutes and ordaines, that it shall be lawful to his Majestie enduring his time, to set all and sundrie lands, Baronies, Lordships, milnes, fishings, and other his Majesties proper lands both of the old and new annexed propertie, and of the temporalitie of Kirk-lands; in Few-ferme, so that it be not in diminution of his Majesties rental, gressumes, and other duties: but in augmentation thereof, providing alwayes that this present dissolution shall no-wayes be extended to the setting in Few-ferme of any of OUR SOVERAIGNE LORDS Castles, Palaces, Yards, Woods, Parks, Forrests, pastures for sheepe and nolt, and in special the Lommonds of *Falkland*, Coalheuches, and Offices: But the same to remaine inseparablie annext to the Crown, notwithstanding of this present dissolution. And declares that this present dissolution shall endure for the lifetime of OUR SOVERAIGNE LORD, the Kings Majestie, who now is allancrly. So that the Lands and other foresaids, which he sets in Few-ferme in his time, with the condition foresaid, shall stand perpetuallie, to and in favours of the receivers thereof, their Heirs and Successors, and after his decease, the annexations made at this present Parliament, and of before shall returne to their owne nature.

ACT XII.

Ratification of the Acts of Interruption.

OUR SOVERAIGNE LORD, and Estates of Parliament, ratifies and approves the Act of the Lords of Council and Session, of the date at *Edinburgh*, the penult of March, 1630. yeares: anent the interruption of the Act of prescription, in favour of his Majestie and his Successors, together with the Act of Secret Council, of the date at *Holy-rude-house*, the twentie sixth day of May, 1630. yeares. Whereby the saids Lords of Secret Council have allowed and approved the said Act: And ordaines the saids Acts to be insert in this present Ratification. And his Majestie and Estates declares the saids Acts to have the full force effect and execution of a law, statute and Act of Parliament, in favour of his Majestie and his Successors in all time coming.

Followeth the tenor of the Act of Council and Session.

AT EDINBURGH, the penult day of March, the year of God, 1630. yeares. The which day in presence of the Lords of Council and Session compared personally, *Sir Thomas Hope of Craige-hal*, Knight Baronet, his Majesties Advocat, and presented a letter directed from his Sacred Majestie, whereof the tenor followeth.

REX. Right trustie, and right wel-beloved Cousin and Counciller, and trusty and wel-beloved, We greet you well. Whereas by Act of Parliament made in the Moneth of June, 1617. yeares, all heritable rights cled with fourtie yeares possession, are declared to be irreducible in all time coming, except the same be quarrelled within the space of fourtie yeares: And by the same Act there is libertie granted to all persons, who might be prejudged by the said prescription of fourtie yeares already run and expired, before the date of the said Act, To intend their actions within the space of thirteen yeares after the date of the said Act: And whereas we, shortly after the decease of our dearest Father, of Eternal memorie, made our general Revocation in the Moneth of October, 1625. yeares. Which revocation we by two special Letters of declaration, one of the date at *White-hal* the twentie sixth day of Januarie, 1626. yeares: And registrate in the Bookes of Secret Council the ninth of February, 1626. yeares. And another of the date at *Wainsteed*, the eleventh of July, 1626. yeares: And registrate in the Bookes of Secret Council upon the twentie one of July, 1626. yeares. Have restricted to the annulling of rights of the propertie of the Crown, as well annexed as unannexed, whereof accompt hath been made in Exchequer, and of the Principalitie unlawfully disposed by our Predecessors: against the Lawes and Acts then standing, and to the annulling of erections and other dispositions of whatsoever lands, teinds, Patronages, and Benefices formerly belonging to the Kirk, and since annext to the Crown. And of any other lands and Benefices mortified and devoted to pious uses: And of Regalities and heritable offices, and of the change from the ancient holding of ward and reliefe to blensh or taxt ward, since the year of God, 1540. yeares. And because. We were unwilling to enter in processe with our Subjects anent the premisses; but rather desired to take a faire course with all such as would voluntarily treat with Us or our Commissioners there-anent.

THEREFORE We were pleased by our Commission of the date at *White-hal* the seventeenth day of January, 1627. yeares, to appoint certaine of our Nobilitie, Clergie, Gentic, Barons, and Burroves, to be commissioners, to treat and deal betwixt Us and our Subjects, anent the premisses. And albeit the said Commission hath made a good progresse in the said matter of crection and teinds: and that a great number

of our Subjects, having interest therein, have subscribed to us general submissions, whereupon, We have given forth our several determinations for the good of our Subjects, and establishing of the perpetual quietness, and peace of that our ancient Kingdome; Yet it is certain that many of these who have interest in erections and teinds, lye forth, and have not subscribed the said general submissions. Like-as also the remanent points of our said commission anent the Patronage of Kirkes, rights, and incitements of our Propertie, and Principallitie, Regalities, Heritable offices, and Changed tenours of holding in blensh or tax-Wards, are nor as yet begun to be handled and treated, and cannot be possibly finished and closed, before the expiring of the time and yeares of interruption, allowed by the said Act. And because, We will not suffer our selfe or our Successors to be prejudged by delay of the execution of the said commission of the lawful actions competent to us and them, for reducing of such rights of the premises, to the which We have undoubted interest. And seeing a multitude cannot be commodiously summoned and warned personally, or at their dwelling places in so short time as is to run of the said time of prescription. **THEREFORE** and for preservation of our rights and actions competent to us and our Successors anent the premises, Necessary it is, that some solemne Act be done by us, to rectifie our will and resolution, to prosecute our said actions in the owne time, if the same be not taken away and removed by the said commission, which we think cannot be more properly and conveniently done, nor by inserting of this our declaration in your Books of Session, and directing of Letters of publication thereupon: certifying all our Lieges who have interest in the premises, by open proclamation at the Market-crosse of our Burgh of *Edinburgh*, and other places needful, of this our pleasure, will, and declaration. And that the same be declared by you, to have the strength, force, vertue, and power of a legal and perfect interruption. **AND THEREFORE**, We require you immediately after the sight hereof, to cause insert these presents in your Books of Session, and to declare the same to have the force of a Legal and lawful interruption, and to direct Letters of publication thereupon, in forme as effectes. Which, not doubting you will doe, We bid you, farewell. From our Court at *White-hall*, the twenty ninth day of November, 1629. yeares. With the which Letter, Tenor, Contents, and desire thereof, after that the same with the Act of Parliament whereunto it is relative, was read in their whole presence; The saids Lords being weil and ripely advised, and having considered the Justice and Equitie of his Majesties will and pleasure therein contained: they have ordained and ordaine the said letter and declaration therein contained, to be insert, and registrate in their Bookes of *Sederunt*: and ordaine Letters of publication to be direct and passe thereupon, certifying all his Majesties Lieges who have interest, by open Proclamation at the Market-crofs of *Edinburgh*, and other Market-crofs of the Kingdome, where the Lands, Baronies, and others underwritten lye: or where the persons and subjects dwell and remaine, against whom the said declaration is to have the effect of a Legal interruption, in manner following. **AND** by open Proclamation at the said Market-crofs of *Edinburgh*, Pier and Shore of *Leith*, for all such of his Majesties Lieges, who are forth of this Realme, Of his Majesties pleasure, will, and declaration, and of the saids Lords their decreet, and authoritie interponed thereto. Like-as the saids Lords declare, That the said declaration registrate, as said is, and to be published in manner foresaid, shall have the strength, force, and power of a Legal and perfect interruption, against all persons having interest: and that in so farre allanerly as may be extended to the particulars following: To wit, to his Majesties annexed propertie, and his Majesties propertie unannexed, whereof the fermes duties or Fewfermes have been compted in his Majesties Exchequer, since the Moneth of August, 1455. yeares, and unlawfully disposed by his Majesties Predecessors, against the Acts of Parliament and Lawes of the Kingdome: and to the principalitie unlawfully disposed by his Majesties Predecessors, against the Acts of Parliament and Lawes of this Kingdome, and to the reduction of whatsoever erections, of whatsoever benefices, spiritualitie or temporality thereof, against the Laws and Acts of Parliament: and to the reduction of whatsoever patronages of Kirkes pertaining to his Majestie and his Predecessors, and unlawfully disposed by them against the Acts of Parliament: and against unlawful dispositions of whatsoever lands, Teinds, or Rents doted to Hospitalities, or Mason-dieus, and unlawfully disposed against the Acts of Parliament: and against Regalities and heretable offices unlawfully disposed, contrarie the Acts of Parliament: and against all changed tenors of holding from ward to blensh or tax ward, granted by the Kings and Princes in their minorities, and not granted or ratified by any King or Prince being Major: with this declaration, like-as the saids Lords declare, that the same shall not prejudice any person whatsoever of their lawful defence competent to them, against any Action to be intended hereafter, at his Majesties instance and his Successors; except in so far as concerne the said Act of prescription, whereupon the saids Lords declare, that no exception shall be founded in prejudice of his Majestie and his Successors, concerning the premises.

Followeth the Tenor of the Act of Secret Council.

A *Pud Holy-rude-house vicesimo sexto die mensis Maij, Anno Domini millesimo sexcentesimo tricesimo.*
THE Which day, in presence of the Lords of Secret Council, compeared personally Sir *Thomas Hope*, of *Craige-hall*, Knight Baronet, his Majesties Advocar, and gave in the Act of Session underwritten; made in favour of his Majestie, anent the Interruption of the Act of prescription, and desired the same to be insert

insert and registrate in the books of privie Council, and the Lords authority to be interponed thereto: Which Act of Session being read, heard, and considered by the said Lords, and they being there-with, and with the desite of the said Advocat well advised: The Lords of Secret Councell thinke the course and order taken by the said Lords of Session for interrupting of the said Act of prescription, to be just and reasonable: And therefore, they ordaine the said Act of Session to be insert and registrate in the bookes of privie Council, and whereof the tenor followeth.

At *Edinburgh*, the penult day of March, the yeare of God, 1630 yeares: The which day in presence of the Lords of Councell compared personally Sir *Thomas Hope of Craige-hall*, Knight Baronet, his Majesties Advocat, and presented a Letter direct from his sacred Majestie, whereof the tenor followeth.

CHARLES REX: Right trustie, and right well-belovcd Cousin, and Counciller, and right trustie and well-belovcd, We greet you well. Whereas by Act of Parliament made in the moneth of June, 1617 yeares, All heritable rights cled with fourtie yeares possession, are declared to be irreduceable in all time coming, except the same be quarrellled within the space of fourtie yeares: And by the same Act there is libertie granted to all persons, who might be prejudged by the said prescription of fourtie yeares already run and expired before the date of the said Act; To intend their actions within the space of thirteene yeares after the date of the said Act. And whereas We, shortly after the decease of our dearest Father of eternal memorie, made our general revocation in the moneth of October, 1625. Which revocation we by two special Letters of declaration, one of the date at *White-hall* the twenty sixth day of January, 1626 yeares, And registrate in the bookes of our secreet Council the ninth day of February, 1626 yeares; And another of the date at *Wainsseed* the cleventh day of July, 1626 yeares, and registrate in the bookes of our secreet Council upon the twentie one day of July, 1626 yeares; Have restricted to the annulling of rights of the propertie of our Crowne, as well annexed as unannexed, whereof accompt hath beene made in our Exchequer; And of the principality unlawfully disponed by our Predecessors against the lawes and Acts then standing; And to the annulling of erections and other dispositions of whatsoever lands, teinds, patronages, and benefices formerly belonging to the Kirke, and since annexed to the Crowne; And of any other lands and patronages, which any wayes should justly belong to the Kirke or Crowne; and of whatsoever lands and benefices mortified and devoted to pious uses; And of Regalities and heritable offices; And of the change of holdings from the ancient holding of ward and reliefe to blensh and taxt ward, since the yeare of God, 1540 yeares. And because We were unwilling to enter in processe with our Subjects anent the premisses, but rather desired to take a faire course with all such as would voluntarily treat with Us or our commissioners there-anent.

THEREFORE We were pleased by our commission of the date at *White-hall* the seventeenth day of January, 1627 yeares; To appoint certain of our Nobilitie, Clergie, Gentry, Barons, and Burrowes, to be commissioners to treat and deal betwixt Us and our Subjects, in the premisses. And albeit the said commission hath made a good progresse in the said matter of erections and teinds, and that a great number of our subjects having interest herein, have subscribed unto us generall submissions, whereupon We have given forth our severall determinations for the good of our subjects, and establishing the perpetual quietnesse and peace of that our ancient Kingdome; Yet it is certain, that many of these who have interest in erections and teinds, lye forth, and have not subscribed the said general submissions: Like-as also the remanent points of our said commission anent the patronage of Kirks, rights, intiments of our Propertie and Principallitie, Regalities, Heritable offices, and Changed tenour of holdings in blensh, or taxt Wards, are not as yet begun to be handled and treated, and cannot possibly be finished and closed, before the expiring of the time and yeares of the interruption allowed by the said Act. And because we will not suffer our self nor our successors to be prejudged, by delay of the execution of the said commission, of the lawfull actions competent to Us and them for reducing such rights of the premisses, unto the which we have undoubted interest; And seeing a multitude cannot be commodiously summoned and warned personally, and at their dwelling places, in so short time as is to run of the said time of prescription: Therefore, and for preservation of our rights and actions competent to Us and our successors anent the premisses, necessarie it is, that some solemne Act be done by Us, to testifie our will and resolution, to prosecute our said actions in the owne time, if the same be not taken away and removed by the said commission, which we thinke cannot be more properly and conveniently done, nor by inserting of that our declaration in your books of Session, and directing of Letters of publication thereupon; Certifying all our Lieges who have interest in the premisses, by open proclamation at the market crosse of *Edinburgh*, and other places needfull, of that our pleasure, and declaration: And that the same be declared by you, to have the strength, force, power, and vertue of a legall and perfect interruption. And therefore, We require you immediately after the sight hereof, to cause insert the presents in your books of Session; and to declare the same ro have the force of a legall and lawfull interruption, and to direct Letters of publication thereupon, in forme as effeir is Which not doubting you will doe, We bid you fare-well. From our court, at *White-hall*, the twentie ninth day of November, 1629 yeares. with the Which Letter, tenor, contentes, and desire thereof, after the same with the Act of Parliament whereunto it is relative, were read in their whole presence, The said Lords being well and ripe ly advised, and having considered the justice and equite of his Majesties will and declaration contained therein, They have ordained, and ordaine the said letter and declaration therein contained to be in-

sert and registrate in their bookes of *Sederunt*; and ordaine letters of publication to be direct and passe thereupon, certifying all his Majesties Lieges, who have interest, by open proclamation at the market Crosse of *Edinburgh*, and other market Cresses of the Kingdome, where the lands, Baronies, and others lyc, or where the persons and subjects dwell and remaine, against whom the said declaration is to have effect of a legal interruption in manner following. And by open Proclamation at the said market Crosse of *Edinburgh*, Pier and shore of *Leith*, for all such of his Majesties subjects as are forth of this Realme. Of his Majesties pleasure, will and declaration, and of the saids Lords their decree and authoritic interponed thereto. Like as the saids Lords declare, That the said declaration registrate, as said is, and to be published in manner foresaid, Shall have the strength, force and power of a legall and perfect interruption against all parties having interest, and that in so farre alennerly as may be extended to the particulars following, *viz.* To his Majesties annexed propertie, and his Majesties propertie unannexed, whereof the ferme duties or feu-fermes have bene computed in his Majesties Exchequer, since the moneth of August, 1455. yeares, and unlawfully disponed by his Majesties Predecessors against the Acts of Parliament, and Lawes of the Kingdome: And to the principalitie unlawfully disponed against the Acts of Parliament and Lawes of this Kingdome: And to the reduction of whatsoever erections, of whatsoever benefices, Spiritualitie and Temporalitie thereof unlawfully disponed against the Laws and Acts of Parliament: And to the reduction of whatsoever patronages of Kirkes, pertaining to his Majestie and his Predecessors, and unlawfully disponed by them against the Acts of Parliament: And against unlawful dispositions of whatsoever Teinds, Lands, and Rents doted to Hospitals, and masondicus, and unlawfully disponed against the Acts of Parliament: And against Regalities and Heritable Offices unlawfully disponed, contrary to the Acts of Parliament: And against all changed tenours of holdings from ward to blensh or taxt ward, granted by the Kings and Princes in their minorities, and not granted or ratified by any King or Prince being major. With this declaration like-as the saids Lords declare, that the same shall not prejudice any person whatsoever of their lawful defences competent to them, against any action to be intended hereafter at his Majesties instance, and his successors, except in so far as concerns the said Act of prescription, whereupon the saids Lords declare, that no exception shall be found in prejudice of his Majestie, and his Successors concerning the premisles.

A C T XIII.

Anent Regalities of Erections.

OUR SOVERAIGNE LORD, With advice and consent of the Estates of Parliament, Ratifies and approves that head and article of the Act of Parliament made in the moneth of July, 1587. years, 29. cap. anent the annexation of the temporalitie of benefices to the Crown, whereby the right and privilege of regalitie, which pertained to whatsoever Abbacie, Priorie, Prioreffe, or other benefice whatsoever, is annexed to the Crown: with this declaration, That the heirs of the vassals of the heritable tenants shall be entred by briefes forth of his Majesties Chancelarie, to be direct to the Provost and Baillies of the Burrowes of the saids Regalities. But prejudice alwaies to heritable Baillies and Stewarts of the saids regalities, their heirs and successors, of their rights and infestments granted to them of the saids Bailleries and Stewartries of Regalitie, which shall remaine with them in the same condition they were before the same Act of annexation, except in the change of their Superior, *viz.* in the Kings Majestie, and his Successors, who in all times thereafter shall be their superiour, as in the said Act of Parliament of the date foresaid, at more length is contained.

AND farther, his Majestie, with consent of the Estates of Parliament, casses, annuls, retreats and rescinds all rights and titles made and granted by his Majestie, or his Majesties unwhyle Father, or by unwhyle Queene *Marie* his Grand-mother, to whatsoever person or persons, of the right and privilege of Regalitie, pertaining to whatsoever Abbot, Pryor, Pryoreffe, Preceptor, or other beneficed person whatsoever, at any time preceeding the date hereof: And declares the right and title of all and whatsoever Regalities within the Kingdome, which pertained to whatsoever benefice particularly or generalitie above specified, at any time preceeding the general annexation of Kirk-lands, without respect to any exception mentioned in the said Act of annexation, to pertaine to his Majestie and his Successors in all time coming. Reserving alwaies to all heritable Baillies and Stewarts of the saids Regalities, their rights and infestments of the saids Bailleries and Stewartries, granted to them by the saids beneficed persons, at any time preceeding the date of the erections of the saids Abbacies, Pories, and others foresaid in Temporal Lordships. And it is declared, that these presents shall no waies be extended to the right of Regalitie of whatsoever Lands, and Superiorities, pertaining to the Arch-bishops and bishops of this Kingdome, by vertue of their gifts and provisions, granted to them or their predecessors thereupon, which shall remaine with them unhurt or prejudged by this present Act.

AND also it is declared, decreed and ordained, that the lands and Baronic of *Broughton*, comprehending the Towns, lands, burgh in baronie, milnes, and others mentioned in the infestments granted by his Majestie under his Highnesse great Seale, To his Highnesse right trustie Cousin and Counsellor

Robert Earle of Roxburgh, of the date, the day of one thousand, six hundred, thirtie years, shall not be comprehended herein, excluding the same allutterly there-from, To remaine with the said Earle, his Heires and Successors, after the forme and renour of the Infeftments made to him and his authors of the same.

ACT XIV.

Anent Superiorities of Kirk-lands.

OUR SOVERAIGNE LORD, With advice and consent of the Estates of Parliament findes, declares, and ordaines, that his Majestie and his Successors, have and shall have good and undoubted right to the superioritie of all and sundrie Lands, Baronies, Milnes, woods, fishings, Towers, Fortalices, manour places and whole pertinents thereof, pertaining to whatsoever Abbacies, Priors, Priories, Preceptories, and whatsoever other Benefices, of whatsoever Estate, degree, Title, Name, or designation the same bee of, Erected in Temporal Lordships, Baronies, or livings, before or after the general annexation of Kirk-landes, made in the Moneth of July, one thousand, five hundred, fourscore and seven years, And to the whole casualities of the saids superiorities, nor dispoſed before the date of the general Commission, which is of the date at *White-hall*, the seventeenth of Januarie, 1627. yeares; And also to the whole Few-mails, Few-fermes, and other rents and duries of the saids superiorities, of all yeares after the date of the said Commission: Reserving to such Lords and Titulars of Erections who have subscribed the general Surrender, the Few-mails, and Few-fermes of their saids superiorities, ay and while they receive payment and satisfaction of the sum of one thousand markes usual money of Scotland, for ilk Chalder of Few-ferme victual over-head; And for ilk hundredth markes of Few-mails, and for ilk hundredth markes worth of all other constant rent of the saids superiorities (not consisting in victual or money, and not being naked service of Vassals) according to the tenour of his Majesties general determination, and conform to the conditions therein contained, which are holden as repeated and exprest here. And sikklike with this declaration, that these presents shall be without prejudice to the saids Lords, and Titulars of erection, of whatsoever Lands, Baronies, Woods, Fishings, Manour-places, Milnes, Multors, and others of the said erected Benefices, pertaining to those who have Surrendered, as said is, in proprietie; And whereof they had the right of proprietie, the time of the said general surrender acquired by them, either before or since the saids erections, by whatsoever maner of way according to the Lawes of the Kingdome. Providing they hold the said proprietie of his Majestie and his Successors, as the same were holden before the date of the saids erections, And for payment of the Few-mails, Few-fermes, and other duties mentioned in the old Infeftments of the saids lands before the date of the saids erections.

AND His Majestie and Estates declare all rights and deeds whatsoever granted by his Majestie, or his unwhile dearest Father, or Grand-mother, *Queene Marie*, to whatsoever Titulars of Erections which may prejudice his Majestie and his Successors, in the peaceable brooking, joying and possessing of the saids Superiorities, and whole benefit thereof above-specified (under the exceptions alwaies and provisions above-written) To be null, and of none avail, force nor effect by way of action, exception, or reply: And also findes and declares that the saids Lords and Titulars of erection shall hold their proprietie and proper lands, Of his Majestie and his Successors, as the same were holden before the date of the saids erections. And for payment of the Few-mails, Few-fermes, and other duties mentioned in the old Infeftments of the saids Lands granted to them and their authors before the date of the saids erections: IT IS always provided, and declared, that these presents, nor no clause therein contained, shall be extended to the superiorities of whatsoever lands, Baronies, and others, pertaining to whatsoever Archbishop, Bishop, and their Chapters: but that the same shall remaine with them and their Successors unhurt or prejudged by this present Act.

ACT XV.

Anent his Majesties Annuitie of Teinds.

OUR SOVERAIGNE LORD, And Estates of Parliament, Ratifies and approves the Act of the General Commission of Teinds and Surrenders, Of the date at *Holy-rude-house* the twenty ninth of May, 1627. yeares, wherby it is found and ordained, That his Majestie and his Successors shall have the constant rent and dutie following, payed out of the Teind Bolls of Victual, And out of the Bodie of the rest of the Teinds of the Kingdome redacted in money, Except the Teind-bolls and silver payed to the Bishops, being the rent pertaining to them, in the Estate wherein the same is presently payed or presently payable to them: And except the Teind-bolls and silver payed to Ministers in name of stipend for serving the cure; and to the Colledges, Hospitals, and other pious uses: That is to say, Of every Teind-boll of the best Wheat ten shillings; Of everie Boll of the best Teind-bear, eight shillings; And of everie Boll of the best Teind Oates, meale, pease and rye, six shillings: And where oates are of

that nature that they will not render above half mcale, the rent to be thre shillings: And where the bolles of victual are of inferior goodnes, worth and price nor the best, That his Majesties annuities forth thereof shall be modified proportionally. And where the rent doth not consist in victual but in money, that his Majestie and his Successors shall have of every hundreth marks of Parsonage and Vicarage teind, not consisting in victual rent, the summe of six markes money. Together with the Act of the said commission of the date at holy-rudehouse, the eight of August, 1628. Whereby it is ordained, that the payment of the said annuities shall have the beginning of the crop and yeare of God, 1628. Together with another Act of the said commission, of the date at Holy-rudehouse the fourteenth day of July, 1630. Whereby letters of horning are ordained to be direct at the instance of his Majesties Thesaurer, for payment of the said annuities of the crops, 1628 and 1629. And yearly in time coming. Together with an Act of the convention of the Estates, of the date at Holy-rudehouse the twentieth ninth of July, 1630 yeares, whereby the said Estates have ratified and approved the said Act of the date and tenour foresaid, anent letters of horning, to be direct at the instance of his Majesties thesaurer, for payment of his Majesties annuities of the crops and yeares of God, 1628 and 1629. And yearly in time coming. And siclike ratifies and approoves the Act of the said commission, of the date the twentieth third of March, 1631 yeares. Whereby it is ordained, that in all teinds which shall be unvalued betwixt and the first of August thereafter, that the heritor shall pay his just teind according to the fifth part of the present rent, ay and while the constant rent be determined. And whereby it is statute and ordained, that his Majestie shall have right to uplift his annuity according to the said fifth part of the present rent, ay and while the said constant rent be determined, Together with another Act of the said Commission of teinds and surrenders of the date at Holy-rudehouse the fourteenth of December, 1631 yeares. And ratified by the Lords of secret Councell upon the twentieth day of the said month of December. Whereby it is statute and ordained for an *interim*, that the annuities of teinds, consisting in victual, shall be payed to his Majestie of all yeares by gone, and in time coming conforme to the tenour of the said last Act: And that according to the just and true prices of the victual in ilk part of the Country, computing for ilk hundred markes of the prices of the said victual being redacted in money six markes for his Majesties annuities. Which Act is thereafter upon the twentieth of December, 1631. ratified by the Lords of secret Councell, And letters of horning and poynding ordained to be direct thereupon, and thereafter ratified by the Lords of Exchequer upon the twentieth third of the said moneth of December. And his Majestie and Estates Statute and ordaine the said annuities forth of the teinds to be payed to his Maestie and his Successors, of the said crop and year of God, 1628. And of all yeares sensine and in time coming. And that aswell out of the unvalued as valued teinds conforme to the tenours of the said Acts of convention, secret Councell and Exchequer. And ordaines letters of horning and poynding to be direct by the Lords of his Majesties Exchequer at the instance of his Majesties Thesaurer, principal and depute, for payment of the said annuities of all yeares by gone and in time coming. And ordaines the Lords of his Majesties Exchequer, to sit at all convenient times for granting and discussing of suspensions, touching the said annuities of teinds. It is alwaies declared, that the last clause and article contained in the said Act of annuities, whereby the Commissioners thinke fit that the said annuities of teinds shall bee annexed to the Crowne, is no waies ratified by this present Act, nor no clause thereof. And that his Majestie takes to his own gracious consideration what to do thereanent in whole or in part, as his Majestie in his royall wisdome shall thinke most expedient. And whatever his Majestie shall do now or hereafter thereanent, shall be as valid and effectual, as if the same had been particularly exprest in this present Act.

A C T X V I.

Anent Vassals Holding Ward.

OUR SOVERAIGNE LORD, And Estates of this present Parliament, ratifie and approve the Act of Parliament made by his Majesties umywhile Father, of eternal memorie, 18, Parliament, cap. 12. intituled, Act anent setting of fewes to sub-vassals of ward lands in the whole heads and articles thereof. And farther, his Majestie with consent of the said Estates, hath extended and doth extend the said Act of Parliament and benefit thereof, in favour of his sacred Majestie and of the Prince of Scotland and their Successors in all time coming: And statutes and ordains, that it shall no wayes be lawful to whatsover Vassals, holding lands of his Majestie or of the Prince of Scotland, or of any Duke, Marquess, Earle, Vicount, Lord, Prelate, Baron, or any other person whatsoever, holding their land of their Superiours by service of ward and reliefe, to ser their said lands, baronies, milnes, fishings, or any other lands or heritages whatsoever holding ward, as said is, To any other person or persons in Few for payment of a Fewferme due, or in any manner of holding in prejudice of the said ward holding, without special advice and consent of their superiours, of whom they hold the same *respective*: And rescinds and annuls all former Acts of Parliament of whatsover date or tenor, which may in any sort derogate to this present Act. And findes & declares that all whatsover intestments to be granted otherwise, without consent of the said superiours *respective*, or their confirmation obtained thereto, doth no wayes stop the ward of the saids lands, nor hinders the course of recognition

niton vacand, or which shall happen to vake in the superiours hands, in-case of alienation of the same either of the whole, or of the most part thereof, according to the course of the common Law, without consent of their superiours, but prejudice to their said superiours *respective*, and their Successors, of the benefit of the said Act of Parliament, 1606: whereby all such infeftments and grants without consent, as said is, are declared to be null by way of action, exception, or reply. Which clause shall stand in favour of his Majesty, and in favour of the Prince, and their Successors, and other superiours *respective* foresaid; sicklike and in the same manner as if the said clause were insert in this present Act, and this Act shall not be extended to deeds lawfully done in time by-gone, before the date of this present Act, but only *ad futura*.

ACT XVII.

Anent the Rate and Price of Teinds.

FOR-SO-MUCH As OUR SOVERAIGNE LORD out of his Royal and Fatherly care, considering the publike good of this his ancient Kingdome, did immediately after his happie attaining to the Crown, publish and give forth his Royal declaration anent the reforming of the abuses used in leading of teinds, wherein his Majesties umwhile Father, of Eternal and blessed memorie, laboured so much in his time, and for provison and maintenance of Kirks, and other pious uses forth of the saids teinds: And now his Majesty being by Gods gracious providence present in his Royal Person within this his Majesties ancient Kingdome, and holding this his first Parliament of his whole Estates of the same, with whom his Majesty hath advised and resolved, to put that glorious work anent the Teinds to a full perfection.

THEREFORE, His Majesty with consent of the three Estates, by these presents statutes, ordaines, and declares, that there shall be no Teind-theaves, or other Teinds, Parsonage or Vicarage led and drawn within the Kingdome, but that each heritor and Life-renter of Lands shall have the leading and drawing of their owne Teind, the same being first truly and lawfully valued, and they paying therefore the price after-specified, in case they be willing to buy the same: or otherwise paying therefore the rate of Teind after-specified. Like-as his Majesty and Estates find and declare, that the just and true rate of Teinds, is and shall be the fifth part of the constant rent which each land payeth in stock and teind where the same are valued joyntly, and where the Teinds are valued apart and severally, that the just rate thereof, is and shall be such as the same is already or shall be hereafter valued, and proved before the saids Commissioners or Sub-commissioners, deducing the fifth part thereof for the ease of the heritors, reserving alwayes liberty to such as shall finde themselves enormly hurt by the leading of the saids Valuations, to pursue for rectifying of the same, before the Commissioners appointed by his Majesty and Estates for that effect. And also his Majesty, with consent of the three Estates, findes and declares, that the price of all Teinds which may be sold and annalied, consisting either in money, victual, or other bodies of goods, is and shall be ruled and estimate according to nine yeares purchase, the prices of victual and other bodies of goods whereof the Teind consists, being deducted in money, according to the worth and price of victual and goods in each part of the Country, to the which the same is, and shall be prized and estimate by his Majesties Commissioners already appointed or to be appointed to that effect. And findes and declares that each Heritor in the Kingdome, being willing to buy his owne Teind from the Titulars, having power to sell the same, shall be obliged to buy the Teinds of his own lands, except so much as shall be locally assigned to the Minister, serving the cure of the Kirk, for his maintenance, and to pay the prices foretaid, betwixt and the terme of Martinmasse, in the yeare of God, 1635. zeares, where the Valuation of the Teinds is made and approved before the date hereof, and where the same is not yet valued and approved within the space of two yeares after the same be valued and approved by the Commissioners, to be appointed by his Majesty and Estates to that effect: after the expiring of the which time, his Majesty and Estates declare that the saids titulars shall not be compelled to sell the same, except they doe it of their own good will and consent. With this declaration alwayes, that in case the impediment of not selling, induring the space foresaid, flow from the Titular by reason of his minority or other inhabilitie, in that case the Heritor who offereth himselfe ready to buy his owne Teind within the space foresaid, shall have place so soone as the impediment is removed, to buy his Teinds, notwithstanding of the expiring of the yeares and space above-expressed. And it is declared, that if the Heritor be minor, and his Tutors neglect the buying of his Teinds within the space foresaid, the minor shall have action against his Tutors *pro danno & interesse*, but no action to compel the titular after the expiring of the space foresaid, for selling of the saids Teinds: And where the saids Teinds are coast by the Heritors, as said is, finde that the Heritor shall be obliged to give to the Life-renter of the saids lands, having right thereto by contract of marriage, Life-rent, Infeftment, Conjunct-see, or Reservations forth of the Infeftment of Fee, the leading of the Teinds of their saids Life-rent Lands, for payment of the rate of the Teind of the same. And sicklike findes that in all cases where Teinds are not coast, that the Heritors or Life-renters of Lands, who have the leading of their owne Teinds by themselves, their Tennants, and others in their name, shall be obliged to pay to the Titulars of Teinds the yearly rate thereof, according to the valuation of the same made or to be made, and to give securitie thereof, according to the order set down

and prescribed by the Commissioners of surrenders and Teinds, or to be set down by the Commissioners appointed, or to be appointed by his Majesty with consent of the Estates of this present Parliament, deducting so much thereof as shall be assigned to the Minister for his maintenance. IT IS alwayes declared, whether the saids Teinds be sold or not, his Majesty shall have his annuities forth of the same, according to the Tenor of the Act of Annuities: And because sundrie questions may arise both anent the Valuation of Teinds, and Price of the same in divers parts of the Countrey, and anent the securities to be made by the Titulars to the Heritors who buy their Teinds, and by the Heritors to the Titulars of the price to be payed for the same where the Teinds are cost, or for payment of the rate of Teind where the same is not cost: And sicklike anent the provision of the Kirkes, with competent maintenance, and for division of the price of Teinds betwixt the Heritors and Life-renters, and rectifying of Valuations already led to the enorme hurt and prejudice of these, having interest. THEREFORE His Majesty and Estates have referred, and refer the determination of the saids particulars, and all others concerning the Teinds to the Commissioners appointed by his Majesty and Estates in this present Parliament. IT IS alwayes declared, that this present Act shall be no farther obligatory against whatsoever Arch-bishops, Bishops, Parsons, Vicars, and other beneficed persons, being Ministers, nor their Successors, but according to the provisions and conditions expressed in the submission, made by the Bishops to his Majesty, which is of the date the day of 1628. yeares, and registrate in the Bookes of Commission of Surrenders and Teinds, upon the thirteenth day of July, 1631. yeares: Which provisions and conditions are holden as expressed hereina. And also it is declared, that the Vicarages of each Kirk being a severall Benefice and Title from the Parsonage, shall be severally valued, to the effect the Titulars or Ministers serving the cure, who have right to the saids Vicarages, be not frustrate of the true worth of the saids Vicarages.

ACT XVIII.

Anent the Exchequer.

OUR SOVERAIGNE LORD, and Estates of this present Parliament, ratifie and approve that head and clause of Parliament, made upon the twentieth day of May, 1584; Whereby his Majesties unwhyle Father of Eternal memorie, with consent of the Estates, hath appointed and ordained, that all causes concerning his Majesties property, whether the same be suspensions, letters conforme, breaking of arrestment, deforcement of Officers in the premises, or any thing depending thereupon, shall be discussed before his Majesties Exchequer in the Exchequer-house. And sicklike, his Majesty with consent of the Estates, statutes and ordaines, that the Lords of Exchequer appointed, or to be appointed by his Majesty, shall have undoubted power, warrant, and authority, to sit, cognosce and decide in all the foresaids causes, concerning his Majesties propertie, and others depending thereupon: And also in all causes concerning his Majesties annuities forth of the Teinds, and ordaines them to sit at all convenient times for passing and discussing of suspensions, and for deciding of all other actions concerning the said propertie and annuities of Teinds. And to direct letters of horning and poynding, and other execution necessary upon the decreets pronounced by them, of or concerning the premises, and the horning to passe upon a simple charge of ten dayes, upon this side of the water of *Dee*: And upon twenty dayes by North *Dee* alternately, at the discretion of the saids Lords of Exchequer.

ACT XIX.

Commission for Valuation of Teinds not valued, rectifying the Valuations of the same already made, and other particulars therein contained.

FOR SO MUCH As OUR SOVERAIGNE LORD, immediately after his happy attaining to the Crown of this his Ancient and Native Kingdome, did out of his Royal and Fatherly care to the publique good thereof, give forth his Royal declaration, anent the reforming of the abuses used in leading of teinds, and for provision and maintenance of Kirks and other pious uses forth of the saids teinds. And also for restoring the Crown to the superiorities of whatsoever benefices and temporalities thereof erected in temporal livings, and against other prejudices and detriments done to the Crowne, mentioned in the said declaration. And albeit his Majesty hath bene still urging and following the performance of the particulars foresaid, these five yeares by-gone, or thereabout, by Commissions direct by his Majesty under his great Scale, to that effect, wherein there hath bene good progresse made, yet the same could not take a full end without the authoritie of a Parliament: Like-as his Majesty out of his earnest and tender affection to the publique good of this his native Kingdome; And for advancing the saids great and glorious works intended by his Majesty, as said is, hath taken the pains to come hither in his Royal person, where his Majesty being present in solemne Parliament, with his three Estates of his said ancient Kingdome: Have resolved and concluded upon the particular Acts and Statutes after following, tending to the publique good, peace, ease, and

comfort of his said Kingdome and subjects thereof: *viz.* His Majestie and Estates foresaid have ratified the Act of Commission of surrenders and teinds, of the date at *Holy-rude-house* the twentie sixth day of June, 1627. years, whereby it is found meete and expedient, that the lowest proportion for maintenance of Ministers shall be eight chalders of victual, or eight hundred marks proportionally, except such particular Kirkes occur, wherein there shall be a just, reasonable, and expedient cause to go beneath the foresaid quantitie; And hath referred the consideration of the reasons and causes thereof to the Commissioners to be chosen by his Majestie, with consent of the Estates in manner contained in the said Act. Like-as also his Majestie and Estates by another Act and Ordinance, hath statute, ordained, and declared that each Heritor and Life-renter of Lands *respectively*, shall have the leading and drawing of their owne teinds, the same being first truly and lawfully valued, and they paying therefore the price after-specified, in case they be willing to buy the same, or otherwise, for the yearly payment of the rate of Teinds after-specified. Like-as his Majestie and Estates have by the said Act, found and declared, that the true and just rate of Teind is, and shall be the fifth part of the constant rent, which ilk land payes in Stock and Teind where the same are valued joyntly. And where the Teinds are valued apart and severally, that the just rate thereof is and shall be such, as the same is already by vertue of the former general Commission of Surrenders and Teinds proved and valued to. Or else shall be hereafter valued and proved before the Commissioners to be appointed by his Majestie with consent of the Estates, deducing the fifth part thereof for the ease of the Heritors: Reserving alwaies libertie to such as shall finde themselves enormously hurt by the leading of the said valuations, to pursue for rectifying of the same before the saids Commissioners to be appointed by his Majestie and Estates foresaid; like-as his Majestie and Estates have by the said Act found and declared, that the price of all Teinds which may be sold and annaied, consisting either in money, victual, or other bodies of goods, is, and shall be ruled and estimate according to nine yeares purchase. The prices of victual and other bodies of goods, whereof the Teinds consist being redacted in money according to the worth and prices of victual and goods in ilk part of the Countrie, To the which the same is and shall be prized and estimate by the said former Commissions of Surrenders and Teinds, or by the Commissioners to be appointed by his Majestie, with consent of the Estates: And also have found and declared, that ilk Heritor in the Kingdome being willing to buy his own Teind from the Titulars, having power to sell the same, shall be obliged to buy the Teind of his own Lands, except so much as shall be locally assigned to the Minister serving the Cure for his maintenance: And to pay the prices foresaid to the Titulars betwixt and thre particular times and diets express in the said Act. And also have found that the Heritors shall be obliged to give to the Life-renter of the lands, the leading of their own teinds for payment of the rate of Teind of the same. And also have found, tharin all cases where Teinds are not coft, that the Heritors or Life-renters of lands who have the leading of their own Teinds by themselves, their tennants, and others in their names, shall be obliged to pay to the Titulars of the saids Teinds the yearly rate thereof, according to the order set down and prescribed by the former Commissions, or to be set down by the Commissioners to be appointed by his Majestie, with consent of the Estates, deducing so much thereof as shall be assigned to the Ministers for their maintenance.

AND Because fundrie questions may arise anent the valuations of Teinds and prices thereof, and anent the securities to be made by the Titulars to the Heritors who buy their Teinds; and by the Heritors to the Titulars of the price to be payed for the same, when the Teinds are coft, or for payment of the rate of Teind where the same is not coft; And anent the provisions of the Kirkes, with competent maintenance, and other particulars mentioned in the said Act. THEREFORE His Majestie and Estates, by the said Act did referre the determination thereof to the Commissioners to be appointed by his Majestie and Estates, With these declarations alwaies, that his Majestie shall have his annuities payed forth of the Teinds according to the tenour of the said Act of annuities; And that the Archbishops, Bishops, Parsons, Vicars, and other beneficed persons being Ministers, and their Successors, should be no farther obliged in any of the premises, But according to the provisions and conditions express in the submission made by the Bishops to his Majestie, which is of the date the day of 1628. years. And registrate in the saids Books of Surrenders and Teinds, upon the thirteenth of July, 1631. years. And that the Vicarages of ilk Kirk being a severall Benefice and Title, should be severally valued, to the effect the Titulars and Ministers serving the Cure, who have right to the saids Vicarages, should not be frustrate of the true worth of the saids Vicarages. And siclike, His Majestie and Estates by another Act have found and declared, that his Majestie and his Successors have and shall have undoubted right to the superiorities of whatsoever erections, Few-mails, Few-fermes, and other casualties thereof, Reserving to such Lords and Titulars of erection who subscribed the general Surrender, the Few-mails, and Few-fermes of their saids Superiorities, ay and while they receive payment and satisfaction of the summe of one thousand markes usual money of Scotland, for ilk Chalders of Few-ferme victual; and for ilk hundred markes of Few-mails, and for ilk hundred markes of all other constant rent of the saids Superiorities, not consisting in victual or money; and not being naked service of vassals, according to the tenour of his Majesties general determination; and conforme to the conditions therein contained, as in the saids three Acts of this present Parliament at more length is express.

AND Forasmuch as it is necessarie for determination of the particulars foresaid, and of all such other points which are fit and expedient for the finishing and full perfection of the said glorious worke, ament the teinds, maintenance of Ministers and others foresaid, That a commission be granted by his Majestie, with consent of the Estates, and by authority of this present Parliament: THEREFORE His Majestie, with consent of the said Estates, hath granted, and by these presents granteth full power and commission to the persons after following: To wit, Nine of the Clergie, nine of the Nobilitie, nine of the small Barons, and nine of the Burgeses; Together with my Lord Chancellor, and eight officers of Estate, viz. *George Earle of Kinnorell Chancellor, William Earle of Morton Treasurer, Iohn Archbishop of Saint Andrews, Thomas Earle of Hadington Lord Privie Seale, Patrick Archbishop of Glasgow, William Earle Marshall, George Earle of Wintown, Iohn Earle of Perth, Iohn Earl of Kingborne, William Earle of Dumfries, William Earle of Sterling Secretary, David Earle of Southesk, Iohn Earle of Traquair Treasurer Depute, Iohn Earle of Weymes, Archibald Lord Napier, George Lord Corjtophaine, Alexander Bishop of Dunell, Iohn Bishop of Murray, Iohn Bishop of Ross, Adam Bishop of Dunblane, David Bishop of Breichen, Andrew Bishop of Argyll, George Bishop of Orknay, Sir Iohn Hay Clerke of Register, Sir Thomas Hope Advocate, Sir George Elphinstone Justice Clerk, Sir James Galloway Master of Requests, Sir Robert Spotswood, Sir James Learmonth, Sir James Lobhart younger of Ley, Sir Iohn Charters, Sir Robert Grier, Iohn Boyd of Kelburne, Sir William Douglas of Cavers, The Laird of Inchenartene, the Laird of Lugtown, Iohn Sinklar, Iohn Macknacht, Archibald Tod, Edward Edger, Master Alexander Gutbrie, Gabriel Cuninghame, Robert Taityeor, William Mickle-Iohn, and Master Robert Cuninghame, or any fittene of them, there being three of every Estate, with three of his Majesties officers of Estate. Of which number of fittene, the Lords Chancellor, Treasurer, and Privie seale, Archbishops of Saint-Andrews or Glasgow, Earle Marshall, and Earle of Wintown, or any one of them shall be one, to meet and convene at Holyrudehouse, or Edinburgh at such times and places as they shall think fit; And there to prosecute and follow forth the valuation of whatsoever teinds, parsonage or vicarage within the Kingdome, which are as yet unvalued. And also to receive the reports from the Subcommissioners, appointed within ilke presbiterie, of the valuation of whatsoever teinds, led and deduced before them, according to the tenor of the subcommissions direct to that effect. And to allow or disallow the same, according as the same shall be found agreeable or disagreeable from the tenor of their subcommissions. And also with power to rectifie whatsoever valuations, led or to be led, to the enorme prejudice of the titulars, and to the hurt and detriment of the Kirke, and prejudice of the Ministers maintenance and provisions, or of his Majesties annuitie. And for the better expediting and advancing of the said valuations, with power to appoint Comitties, or Subcommitties of their owne number, To receive the reports of the said valuations made or to be made; And to receive, admit and examine witnesses, and to take parties oathes, with their depositions, where the same is referred to oath; And to give such farther power to the said Comitties or Subcommitties of their owne number, as they shall think fit for the good of the worke, and speedy finishing of the same; And sicklike, with power to them if need be, to appoint Subcommissioners, not being of their owne number within any parochin or presbiterie of the Countrie, for leading and deducing of the said valuations, and to receive the reports thereof, allow or disallow of the same: And generally with power to them, to set downe whatsoever other order or course which shall be thought fit and expedient for dispatch of the said valuations rectifying thereof for finally closing of the same. And sicklike, with power to the said Commissioners, or any fittene of them, as said is, there being three of ilk Estate, with any one of the persons of the *quorum* above-specified, after the closing and allowance of the valuations of ilk Kirke and Parochin, To appoint, modifie, and set downe a constant and local stipend and maintenance to ilk Minister, to be payed out of the teinds of ilk parochin, according to the tenor of the Acts above-specified. Referring like as his Majestie referres with consent of the said Estates; to the said commissioners, the tryal of the reasons and causes which may move the said Commissioners to goe beneath the quantitie of eight chaldre of victual, or of eight hundred markes of money proportionally, in manner contained in the said Act. And sicklike, with power to the said Commissioners, to divide ample and spacious parsohines, where the same shall be found necessarie and expedient, or to unite divers Kirks in whole or in part to others; And to ratifie and allow after tryal and consideration such union or disincorporation of Parochines, as hath bene formerly made by vertue of the former Commissions. And sicklike with power to them, to appoint and provide for such other pious uses in each parochin, as the estate thereof may bear. And sicklike, with power to the said Commissioners, as said is, to take order that every heritor and life-renter of lands, shall have the leading of their own teinds, parsonage and vicarage thereof, they paying the price contained in the Act above-specified, in case they be willing to buy the same from the titular, having power to sell, or otherwise paying the rate of teind express in the foresaid Act; And to that effect, with power to the said Commissioners to set downe the prices of sellable teinds, according to the worth thereof in each part of the countrey, where the same grow and are bred; And also with power to them to set downe such good and ample securities, as may stand by law, both for the buyers of teinds, to the effect, the titulars may be fully denuded in their favour: And also for securitie to the titulars and sellers of the price due to be payed to them for the said teinds; And also to set downe the securitie in favour of the titulars and of the Ministers, so farre as concernes the maintenance assigned to them for good, thankful, and timous payment of the rate of teind, whete the same are not, or cannot be fold. And sicklike with power to the said*

commissioners, to discusse and determine all questions which may arise betwixt the titulars and heritors anent the price of teinds, according to the nature and qualitie of the rights to be sold, whether the same be heritable or temporal, and to proportionare the price accordingly; And also to divide the price of teinds betwixt heritors and life-renters, thereof; And betwixt titulars, tacksmen, and others who have severall and distinct rights to the said teinds sellable, according to the qualitie of their rights: And also with power to them, to cause the titulars who sell their said teinds, to exhibit their rights and titles, to the effect that they may be lawfully denuded thereof, in favour of the said heritors and life-renters *respective*, without prejudice alwayes to his Majesties annuities, to be payed forth of the said teinds by the said titulars of teinds, or heritors, or life-renters of lands, according to the tenor of the said Act of annuities; And generally with power to the said Commissioners, to decide and determine in all other points, which may concerne the leading and drawing of teinds, the selling and buying of the same, or payment of the rate thereof, contained in the Acts of Parliament above specified, or set downe in his Majesties general determination; with this provision and declaration alwayes, that the Archbishops, Bishops, Parsons, Vicars, and other beneficed persons, being Ministers, and their successors, shall be no farther bound but according to the provisions and conditions expressed in the submission made by the Bishops to his Majestie, which is of the date the day of 1628 yeares, and registrate in the bookes of commission of surrenders and teinds, upon the thirteenth day of July, 1631: Which provisions and conditions are holden as exprest herein; And also with this provision, that the Vicarages of each Kirke being a severall benefice and title from the Parsonage, shall be severally valued, to the effect the titulars or Ministers serving the cure, who have right to the said Vicarages, be not frustrate of the true worth of the said Vicarages; And sicklike, because by the Act above specified, made anent superiorities of erections in favour of his Majestie, there is special reservation made to such titulars and Lords of erection, as have subscribed the general surrender of the few-mails, few-fermes, and other constant rent of the said superiorities, aye and while they be payed of the price thereof contained in his Majesties general determination, and according to the provisions specified therein. Therefore his Majestie and Estates give full power to the said commissioners or any fiftene of them, as said is, to call and convene before them the Lords of erection, and others having right to the said few-mails and few-fermes, and other constant rent of the superiorities of Kirke-lands, at such particular diets as they shall appoint, and to urge the said Lords of erection and others foresaid, to give up their rentals of their said few-mails, few-fermes, and other constant rent foresaid of their said superiorities, conforme to his Majesties decree and determination, given out thereanent; And with certification as is therein contained, and to liquidat the other constant rent of the said superiorities, not consisting in victual or silver: To the effect that after the full tryall of the said rental and liquidation thereof, the said Lords of erection may receive the price of a thousand marks for each chaldre of few-fermes, and for each hundreth markes of the other constant rent, being redacted in money in whole or in part proportionally, from his Majesties Theasurers, principal, or depute, and in case of the absence and refusal of the saids titulars and Lords of erection, that the same may be consigned in the hands of the Clerke to the said commissioners, to remaine consigned for their behave; After the which consignment, it shall be lawful to his Majesties Theasurers, principal or depute, to up-lift, receive, and intromet with the said few-mails, few-fermes, and other constant rent foresaid, of all yeares and termes after the said consignment, according to the tenor of the said general determination; And also with power to the said commissioners as said is, to discusse and determine all questions that may arise betwixt the said Lords of erection and the heritors of the ground, pensioners, life-renters, and others pretending right to the said few-mails, & few-fermes, and to divide the price amongst them, according to the qualitie of their rights, and all other questions anent the few-mails, few-fermes, and other constant rent foresaid: Which by his Majesties general determination is referred to the determination of the commissioners to be appointed to that effect; And whereas it may fall out that some of the commissioners now appointed by his Majestie and Estates, may be unable to attend the service, through death, sicknesse, or some other notour and knowne impediments; Therefore his Majestie reserves to himselfe the nomination of such other persons in their places, as his Majesty shall think fit, whom his Majestie by his Letters shall recommend to the said commissioners, to the intent they may receive and admit them upon the said commission, and take their oathes for faithful discharge of the same. And his Majestie and Estates ordaine this present commission to endure unto the last day of December in the yeare of God, 1635 yeares: And farther induring his Majesties pleasure, and aye and while the same be expressly discharged by his Majesties warrant, or letter to that effect. And his Majestie with consent of the Estates foresaid, findes, declares, and ordains the Acts, decretes, and ordinances of the commissioners foresaid, and of the other persons, who shall be surrogate in their places by his Majestie in manner foresaid, in the whole particulars above-specified, and every one of them; To have the strength, force, and authoritie of a decree, sentence, and Act of Parliament, and ordaines the Lords of Session to grant and direct letters of homing, poynding, and others thereupon, upon a simple charge of ten dayes, or otherwise as shall be found necessary. Attour for clearing of all doubts and difficulties which may arise anent the rectifying of valuations, or other patticular heads following: His Majestie and Estates have declared and declare, that where valuations are lawfully led against all parties having interest, and allowed by the former commissioners according to the order observed by them, that the same shall not be drawne in question nor rectified upon pretence of enormlesion, at the instance of the Minister, not being titular, or at the instance of his Majesty

Majesties Advocat, for and in respect of his Majesties annuitie, except it be proved that collusion was used betwixt the titular and heritor, or betwixt the procurator fiscal and the titulars, and heritors, which collusion is declared to be where the valuation is led, with diminution of the third of the just rent presently payed, and which diminution shall be proved by the parties oathes. And sicklike it is declared that the provisions contained in the foresaid submission made by the Bishops, whereof mention is made in the foresaid Act of tithes, and which is repeated in this commission, shall be restricted to that whereot Archbishops, Bishops, Parsons, vicars, or other beneficed persons being Ministers, Colledges, Hospitals, and other donations to pious uses were in actual and real possession the time of the said submission, which shall remaine with them in quantity and quality, according to the tenor of the said provision: And if any question shall arise betwixt the said Arch-bishops, Bishops, Parsons, Vicars, and other beneficed persons foresaid anent the leading of teinds, that the same shall be referred to his sacred Majestie, and to his Royal pleasure to be signified thereanent. And also anent laick patronages pertaining to any his Majesties subjects, before the yeare of God, 1561 yeares: His Majestie and Estates declare that the same falls within the compass of the general submission made to his Majestie, And his Majesties determination given thereupon, and that alienarily in so farre as concernes a competent maintenance, to be locally payed forth of each Church, to the Minister and his successors; And anent the teinds of other mens lands; And anent the annuitie to be payed to his Majestie forth of the teinds of the said Kirk: And as to the remanent teinds the same to pertaine to laick patrons in price or rate thereof in all cases, where the foresaid laick patrons were in possession of the teinds thereof, by the space of seven yeares within the fifteen yeares immediately preceding the date of the said general submission: With this declaration, that where the titulars or the Ministers provided to the said laick patronages and Kirks thereof, were in possession of the benefices foresaid, and fruites and rents thereof, either by leading of the teinds, or by up-lifting and intronetting with the whole rents thereof, by the space of seven yeares of fiftene yeares immediately preceding the said submission; in these cases, the difference betwixt the said laick Patrons, and the Titulars, and Ministers, shall be referred to his sacred Majestie, and to his Royal declaration to be given thereanent, and ordaines all former commissions anent the premisses, to cease in time coming, and this onely to stand in force in time to come.

ACT XX.

Anent the King His Designation of The Names to be insert in the Commissions anent the Tithes and Lawes.

OUR SOVERAIGNE LORD, And Estates of Parliament, considering that the Designation of the particular persons necessarie to be ingross in the two severall commissions granted in this present Parliament; The one anent the teinds; And the other anent the survey of the Laws which was by the said Estates referred to his sacred Majestie. THEREFORE the said Estates appoint and ordaine the clerke of his Highnesse Register to insert in the said two severall commissions such particular persons names as his Majestie by his warrant, signed with his hand, shall appoint and ordaine to be insert thereunto. For doing whereof declares this present Act to be als sufficient a warrant to the clerke of Register, as if the said commissioners names had been now presently insert in the said two severall commissions by his Majestie and estates of Parliament.

ACT XXI.

Anent the Anwei of Eight to be taken of ilk hundred in time to come alemnely, suspending the same for three yeares, and in the interim two of ten to be payed for the said space to his

MAJESTIE.

IN THE PARLIAMENT Holden at *Edinburgh*, upon the twentie eight day of June, the yeare of God 1633. For so much as his Majesties Lieges and good Subjects are heavily oppress and burdened with exorbitant annual-rents, and interest taken for the use of money, far exceeding the rate and proportion taken in *England*, *France*, and other neighbour countries: THEREFORE His Majestie, with advice of the Estates, statutes and ordains, that notwithstanding of any former Act of Parliament, allowing ten pounds to be taken for each hundredth pounds in a yeare: Yet that no person after the date hereof take more then eight pounds for the use of the hundredth pounds in a yeare, and so proportionally in lesser or greater sums, under the paines contained in the former Acts of Parliament made against usurers.

AND for so much as his Majestie, out of his gracious goodnes, with consent of the Estates, hath reduced the interest and profit of money from ten of the hundred to eight, conforme to this present Act. Therefore the Estates of Parliament presently convened, being sensible of the great good ensuing thereby, to this whole Kingdome in all times to come; Make a voluntary and humble offer to his Majestie, that of the said ten payed by borrowers for each hundred, during the space of three yeares next ensuing: Two shall

be payed to his Majestie, during the said space (by and attour the twentieth penny presently payed to his Majestie in this present running Taxation) and that for the tearmes of Martinmasse next, 1633. yeares, and Whitfunday, 1634. yeares. And by and attour the sixteenth penny of the extraordinary Taxation now presently granted to his Majestie in this Parliament, to begin at Martinmasse 1634. yeares. And hereby it is declared, that those who formerly borrowed moneys for eight of the hundred, shall be free of payment of the said two of ten; for such and the same quantities as they have formerly borrowed, and are presently adebted by them, for payment of eight of the hundred allenerly: and those who formerly borrowed for nine of the hundred, and are presently owing by them, shall be only lyable to pay one to his Majestie of nine, during the said space, for such and the same quantitie of summes, as were formerly borrowed at nine for the hundred.

And it is further declared, that those who never borrowed moneys before the date of this Act, and shall happen to borrow any summes of money hereafter (they being equally participant of the benefite of the said Act, and his Majesties gracious favour thereby extended to them with his other Subjects) shall be subject in payment of the said proportion of two of ten, during the space of three years, as said is: And ordains the lenders to pay the same yearly and tearmly, during the said space of three years, together and in one summe, with the twentieth penny of this present running extraordinary Taxation, for the said tearme of Martinmasse next, 1633. yeares, and Whitfonday 1634. yeares. and together and in one summe with the sixteenth penny granted in this present Parliament, for the tearmes of Martinmasse, 1634. Whitfunday and Martinmasse next, 1635. and Whitfunday, 1636. beginning the first tearmes payment of the said two of ten, at Martinmasse next, and so tearmly thereafter, during the said space of three years and six tearmes. And the saids Estates have agreed all in one voice to suspend, like-as by these presents they doe suspend the execution of the said act, for the space of three years, after the date hereof: and by these presents declare that it shall be lawful (notwithstanding of the said Act) to all subjects within this Realme, to take ten markes for each hundred markes of their lent moneys, put out, or to be put out upon annual-rent, conforme to the preceeding Acts of Parliament, during the said space of three years next after the date hereof. And for inbringing of the said Taxation of two marks of ten, ordain letters to be direct in the same forme and manner as is direct for collecting the foresaid extraordinary Taxations of the twentieth and sixteenth penny. And the same to be payed together, and in one summe to his Majesties Collector-general, to be appointed, or to his Deputes in his name, having his power to receive the same.

ACT XXII.

Anent the Lords of Session, their Taxation of Ten shillings to be imposed upon everie Pound Land of old extent.

IN THE PARLIAMENT holden at *Edinburgh* upon the twentie eighth of June, the yeare of God, 1633. OUR SOVERAIGNE LORD the Kings Sacred Majestie, and Estates of Parliament presently convened: Remembling that at the first institution of the Colledge of Justice, and divers times thereafter in the Parliaments ratifying the same, his Majesties Royall Antecessors, and Estates of the Realme then assembled, found the erection of that Honourable Consistorie (which is a bidding monument of the Glorie of their Reignes) not onely to be most useful for Royall service, but also necessary and profitable for the peace of the Kingdome, and to the feene good and comfort of all the Subjects. And considering that the provision allowed of before to the Lords of Session, was no waies sufficient for defraying of their charges, and that through their continual attendance, their privat affaires are neglected, and great losses thereby sustained by them.

TH E R E F O R E, and to the effect the saids Senators, and Lords of Session present and to come, may be more encouraged to goe on, and to persist as they doe in their zeale and affections to his Majesties service, and in faithful ministracion of Justice, to the general weal of the Realme, and all the Lieges. The saids Estates with the special approbation and gracious good liking of the Kings Sacred Majestie, have most freely condiscended, statute and enacted, that a Taxation be presently imposed upon their Lands and Meanes, which with his Majesties consent foresaid, they ordaine to be collected and payed to the effect, in manner, and at the tearmes following. That is to say, the Dukes, Marquestes, Earles, Vicounts, Lords, and Commissioners of Shyres for the temporal Estate, have granted that their shall be up-lifted of every pound land of old extent within this Kingdome, pertaining to Dukes, Marquestes, Vicounts, Lords, Barons, and Free-holders, and Feuars of his Majesties proper Lands, the sume of ten shillings money, at everie one of the four tearmes following, *viz.* The sume of ten shillings money at the Feast and tearme of Martinmasse next to come, in this instant year of God, 1633. yeares: the sume of other ten shillings money, at the Feast and tearme of Martinmas, 1634. yeares: the sume of other ten shillings money, at the Feast and tearme of Martinmas, 1635. yeares: and the sume of other ten shillings money, at the Feast & tearme of Martinmas, 1636. yeares. And the Arch-bishops, & Bishops for the Spiritual Estate have granted that there shall be up-lifted of all Archbishopricks, Bishopricks, Abbacies, Pryories, and other inferior Benefices, within this Kingdome, at everie one of the foure tearmes above-specified, the just taxatione thereof, as they have been accustomed to be taxed in

all time by-gone, whensoever the temporal lands of this Kingome were stented to ten shillings the pound land of old extent: And the same taxation to be payed at everie one of the four rearmes above-specified. And the Commissioners of Burrowes for their Estate have granted, that there shall be up-lifted of all the Burrowes within this Kingdome, at everie one of the four rearmes above-written, the just taxation thereof, as they have bene accustomed to be taxed unto in all time by-gone, whensoever the Temporal lands of this Kingdome were stented to ten shillings the pound land of old extent: And the said taxation to be payed at everie one of the saids four rearmes above-written. And in regard that his Majestic hath erected sundrie Prelacies in Temporal Lordships, whereby the owners thereof may claime to be taxed with the Barons of the Temporal Estate, whereby the saids Lords of the Session would be defrauded of a great part of the said taxation, destinate and appointed, as said is.

Therefore the saids Estates ordaine that all erections of Prelacies, and other small benefices, in whole or in part, in Temporal Lordships, shall in payment of the said taxation, pay to the Collectors thereof, so much of the said Taxation, (*pro rata*) as if they were no waies erected, and as they were subject to do before the erection of the same. And sickenke, it is statute and ordained, that all dissolved Benefices within this Kingdome in whole or in part, shall be subject in payment of so much of the same Taxation (*pro rata*) as they would have bene subject to pay, though the same had not bene dissolved. And that the parties who have gotten any part or portion of any Prelacies, or other inferior benefices dissolved, and new securities made unto them by his Majestic, of that part and portion thereof dissolved, shall be subject in payment of the Taxation thereof to the Prelate, or other Beneficed person for his reliefe of the same Taxation, as they would have bene, so the same had not been dissolved, notwithstanding of any condition contained in the Inselements and securities made by his Majestic to them in the contrary thereof. And farther, the saids Estates annul and discharge all privileges and immunities whatsoever, whereby any persons may thinke themselves free of payment of this present Taxation: the privileges granted to the ordinarie Lords and Senators of the Colledge of Justice; and the Taxation of the Benefices given, disposed, and mortified for intertainment of the Universties, Colledges, and Hospitals within this Kingdome, onely excepted. Attour, Our said Sovereigne Lord, and Estates foresaid, have given and granted, and by these presents give and grant full power and authority to the saids Lords of Session, to nominate, appoint, and elect their owne Collectors, one or moe, as they shall thinke most expedient for up-lifting of the foresaid Taxation, to the effect foresaid. Which summes of money, after they shall be in-gathered, as is before appointed; Our Sovereigne Lord, and the Estates foresaid destinate and ordaine to be mortified by employment upon Land heritably, or for annual-rent, or other sufficient securitie, as may conveniently be found, for the use and benefit of the saids ordinarie Lords of Session, present, and to come: To the effect, that the yearly profit and annual of the saids lands or moneys, (as the same shall happen to be employed) may be received by them and their successors in their saids Offices, yearly and termly, after the termes of payment of the same, and applied to their behove, in manner, and conforme to the consuetude of the divisione of the yearly duety, presently allowed and received by them: and that by and attour the present provision and rents allotted to them by Parliaments heretofore. And to that effect, the saids ordinarie Lords of Session, shall with all convenient diligence make, subscribe, and delivert to his Majesties Thesaurer Principal and Depute, a sufficient and valide securitie by band or contract, made by the sight and advice of his Majesties Advocat, for employing of the said Taxation, and whole benefit thereof, in whole or in part, as the same shall be up-lifted to the use and effect above-specified. And ordaine the particulare forme and manner of up-lifting and in-gathering of the said Taxation, and reliefe of the Prolars, Lords of erections, and other Beneficed persons, to be conforme to his Majesties owne Taxation, granted in this present Parliament in all points, except in so farre as concerneth the particular day to be appointed to the Vassals, for conveying with the Prelats, Lords of erections, and other beneficed persons, for appointing and setting down of their due and right proportions of the saids Taxations, which they ordaine to be upon the *seventeenth* day of *September* next to come, which is declared to be the precise day of meeting, to the effect foresaid; And that no farther citation, nor summoning shall be requisite to that effect, then the publication and Proclamation of this present Act, at the Market-Crosses of the head Burrowes of this Realme, and holdeth the whole remnant clauses, and provisions of the Act of reliefe of his Majesties Taxations, as here repeated. And ordaines letters to be direct here-upon.

A C T XXIII.

Ratification of the liberties of the Colledge of Justice.

OUR SOVERAIGNE LORD, with advice and consent of the Estates of Parliament ratifies; approves, and confirms all Acts of Parliament, gifts, grants and donations whatsoever, of all privileges, freedoms and immunities, made, given, granted, or conceived in favour of the Senators of the Colledge of Justice, by any of his Majesties Royal predecessors, or in any Parliament holden by them, dispensing alwaies with the generalitie hereof; And holding this general Ratification as sufficient, as if the whole privileges, freedoms, and immunities, Acts, and grants thereof were specially and at length insert hereintil.

ACT XXIV.

Ratification of the Priviledges of the free Royal Burrowes.

OUR SOVERAIGNE LORD, And Estates of this present Parliament, Have ratified and approved, and by the tenour hereof ratific and approve of new, all Acts and constitutions of Parliament made by his Majesties Predecessours, in favour of the Free-burrowes of this Realmc, and Burgeses and Inhabitants within the same, with all Priviledges, Freedomes, Liberties and Immunities granted and given to the whole Burrows in general in any time by-past, by any of OUR SOVERAIGNE LORD his Majesties Noble Prognitors, with all that hath followed or may follow thereupon. And decernes and declares the same to have full strength, force and effect in all times hereafter; so that the same may be put to full and due execution in all points. And specially, without prejudice of the generalitie above-written, His Majestic and Estates Ratifie the Act of Parliament made by his Highnesse Grand-father, umwhile King *James the Third*, 1466. His second Parliament, Cap. 11: Ordaining that none faile nor passe in Merchandise out of the Realme but Free-men, Burgeses dwelling within Burgh, or their Familiar Factors, Servants being with them in Household at Meat and Drink (excepting and reserving to the Prelates, Lords, Barons and Clerks, as in the said Act is contained: and all other exceptions contained in any Act of Parliament in force, preceeding the day and date hereof) And sicklike the Act of Parliament made by King *James the Fourth* of worthie memorie, in the Parliament holden at *Eainburgh* the Elleventh day of March, 1503. yeares, Cap. 84. Ordaining that no person dwelling out of Burrowes, use any Merchandise, nor yet buy nor sell Wine, Wax, Silkes, Spicerie, Wad, nor sicklike stuffe, nor yet Itaple goods: And that none Pack nor Peill in *Leith*, nor other places without the Kings Burrowes, under the paine of Escheat of the goods that be Topped, Sould, Packed, or Peilled, contrary to that statute. And sicklike the 152. Act of umwhile King *James the Sixth*, His 12. Parliament: Ordaining that no person exercise the traffique of Merchandise, but Burgeses of Free-burrows, under paine of Escheat of their whole goods and gear, the one halfe to his Majestic, and the other halfe to the Burgh apprehender. And giving power to every Burgh by themselves or a Collector, or Commissioner depute by them to search the saids un-freemens goods, introumet therewith as Escheat, either within the Countrey, or any other part to arcaust, call, follow and pursue before un-suspect Baillies to be creat by them. As also the Sixth Act of King *JAMES the Sixth*, His ninth Parliament, Ordaining letters of Horning to be direct against un-freemen, not being Burgeses of the Free Royal Burrowes, to finde caution for desisting from usurping of their Liberties, in all the Heads, Clauses, Articles and circumstances thereof: Like-as his Majestic and Estates declare, that the saids Liberties and Priviledges, mentioned in the saids Acts are only proper and competent to the Free-burrowes Royal, that have vote in Parliament, and beare burden with the rest of the Burrowes, and to no others. Prohibiting and discharging all persons who are not Burgeses of the saids Free-Royal-Burrowes, and beare no burden with the rest, Of all using and exercising of the Liberties and Priviledges foresaids, in all time comming. And ordaine, that Letters of Horning may be direct by the Lords of Council at the instance of all Burrowes upon the foresaids Priviledges and former Acts of Parliament made thereupon: And this present Act in all times to come, for putting of the same to due execution with all rigour against them that do, or come in the contrary of the Acts and Priviledges foresaids, without calling of any partie.

ACT XXV.

Ratification of the Acts made in favour of the Justices of Peace, and their Constables; and Commission to the Lords of Secret Council thereanent.

OUR SOVERAIGNE LORD, and Estates of Parliament, ratific, approve, and confirme the eight Act of the twentie two Parliament, holden by King *JAMES the Sixth* of Eternal memorie, Intitulate, [*Auent the Justices for keeping of the Kings Peace, and their Constables.*] In the whole Heads, Articles and Clauses therein contained, admitting the generalitie hereof to be als valide and sufficient, as if the same were all herein *per expressum* ingroft. Attour his Majestic, and Estates foresaid, give full power, authoritie and commission to the Lords of his Majesties Privie Council, to set down and impose penalties upon such of the Justices of Peace as shall not keep and observe the diets prefixed for their several and particular meetings. And with power likewise to the saids Lords of privie Council to enlarge and amplifie the power and authoritie of the saids Justices of Peace, if they shall finde it necessarie and expedient; and what they shall decrete and determine thereanent, finde and declare that the same shall have the force, strength and power of an Act of Parliament.

ACT XXVI.

Explanation of the Acts of Parliament made in favour of the Lords of Session, anent twelve pennies of the pound to be payed in decreetes, to be given by the saids Lords hereafter.

OUR SOVERAIGNE LORD, And Estates of Parliament, for explanation of the former Acts of Parliament, made in favours of the Lords of Session, anent twelve pennies of the pound: Statute and ordaine, that whensoever the saids Lords shall decreet and ordaine 12. pennies of the pound to be payed in any decreet or sentence to be given or pronounced by them at any time hereafter; The same shall no wayes be payed by the parties, purchasurs and obtainers of the saids decreetes and sentences, but by these parties aliennerly, against whom the saids decreetes and sentences shall happen to be obtained and purchasid: And the booking and extracting of the sentences shall not be stayed for the not payment making of the twelve pennies of the pound, by the purchasurs and obtainers of the saids decreetes.

ACT XXVII.

Pardon of Penal Statutes.

OUR SOVERAIGNE LORD, Considering that the precise and rigorous exaction of the pains arbitrarie and pecunial, adjected to penal statutes heretofore made, would prove a burden to his Majesties Lieges heave and insupportable, if by his Majesties grace and favour they should not be eased and liberate of the same; In consideration whereof his Majestie in this his first Parliament, holden in this his ancient and native Kingdome, being willing to give ease and reliefe to his subjects of the foresaid burden: Hath therefore been graciously pleased with consent of the Estates of Parliament, to discharge, freely pardon and remit, and by these presents discharges, freely pardons and remits all contraveners of any of the saids penal statutes for all deeds done by them contrary to the renour of the same statutes in time by-gone. Except only the statutes concerning wearing and bearing of Hagbuts and Pistols, Taking of unlawful usurie, Transporting of money and gold, Slaying of red and black fish, with the penalties incurred by the concealers of annual-rents, and wrongous up-givers of the inventars of their moneys. Which are no-wayes discharged by this present Act, not comprehended under the same.

ACT XXVIII.

Ratification in favour of the Vicount of Sterling, of the Infestments and signature granted to him of the Dominions of new Scotland and Canada in America, and Priviledges therein contained, and of the dignity and order of Knight Baronets, and Act of Convention of Estates made thereanent.

OUR SOVERAIGNE LORD, and Estates of this present Parliament, ratific and approve all Letters Patents, and Infestments granted by King JAMES the Sixth, of blessed memorie, or by our said Sovereigne Lord, unto *William Vicount of Sterling*, and to his Heires and Assignes of the Territories and Dominions of new *Scotland and Canada in America*; and especially the Patent, Charter, and Infestment granted by his Majesties umwhile dearest Father of worthie memorie, of new *Scotland*, of the date the tenth day of September, the year of God, 1621. Item, another charter of the same, granted by his Majestie, under the great Seale, of the date the twelfth day of July, 1625. yeares. Item, another Charter and Infestment granted by his Majestie of the Countrie and Dominion of new *Scotland* under the great Seale, of the date the third day of May, 1627. yeares; Item, another Charter and Infestment granted by his Majestie under the great Seale, of the River and Gulf of *Canada*, bounds, and priviledges thereof, mentioned in the said Patent, of the date the second day of Februarie, 1628. yeares. Item, a Signature past under his Majesties hand of the said Countrie and Dominion, which is to be with all diligence exped through the Seales, of the date at *White-hall* the twenty fourth day of April, 1633. yeares. With all Liberties, Priviledges, Honours, Jurisdictions and dignities *respective* therein mentioned. Together also with all execution, precepts, Instrumts of sealings, and sealings following, or that shall happen to follow thereupon. And also ratifies and approves the Act of general Convention of Estates; at *Holy-rude-house*, the sixth day of July, the year of God, 1630. Whereby the saids Estates have ratified and approved the dignities and order of Knight Baronet; With all the Acts of Secret Council, and Prolamations following thereupon, made for maintaining of the said dignitie, place and precedencie thereof. And his Majestie and Estates foresaid, will, statute, and ordaine, that the saids Letters Patents, Charters, and Infestments; and the said dignitie, title, and order of Baronets, and all Letters Patents and Infestments of Lands, and dignities granted therewith, to any person whatsoever, shall stand and continue in full force; with all Liberties, Priviledges and precedencies thereof, according to the Tenour of the same. And in als ample

ample maner as if the bodies of the said letters patents, inestments, and signature above mentioned were herein particularly ingroft and exprest. And ordaine intimation to be made hereof by open proclamation to all his Majesties Lieges, at the market crosse of *Edinburgh*, and other places needful, that none pretend ignorance hereof.

ACT XXIX.

In Favour of the Earle of Mortoun, and the Lord Dalkeith his Sonne, Auent the Loch of Leiven, and preservation of the fishings thereof.

OUR SOVERAIGNE LORD, And Estates of this present Parliament, considering that the Loch of *Loch Leiven* pertaines heritably in proprietie to his Majesties right trustie Cousin and Counsellor *William Earle of Mortoun*, Lord great Theasurer of this Realme, and *Robert Lord Dalkeith* his Sonne; And that the said Loch is well plenished and furnished with Pykes, Perches, and Trouts of divers kinds: And that when the fish ascend forth of the said Loch, to the waters, burnes, and strypes that fall in the same to spawn therein, There is great slaughter and destruction of them committed by the country people about, whereby the said Loch and fishing thereof is not of such worth to the heritors of the said Loch, nor to the country about, as it would be if the said fishes were not slain in the said waters, burnes, and strypes. For remedy whereof, his Majestic, with advice and consent of the Estates of this present Parliament, statutes and ordaines that none of his Majesties Lieges slay any Pykes, Perches, Trouts, or any other fishes in the waters, strypes, or burnes, that fall in the said Loch, or run forth thereof, within the space of five miles to the said Loch, under the paine of twentie pounds usual money of this Realme, to be payed by each contravener; *toties quoties* for each contravention: And ordaines the said whole paines and unlaues of contravention to appertaine to the said Earle of *Mortoun*, and his said Son, their heires and successours; And by these presents gives and grants power and commission to them and their Bayliffes and Deputes, to call before them within the towne of *Kinnseber*, all persons suspect of slaying of the said fish within the said burnes, waters, Loch, or strypes, within the said space of five miles to the said Loch; And as they shall be found guilty or innocent of slaying thereof, to assolyie them, or unlaw them in the unlaues foresaid; And to decerne and ordaine the persons convict to pay the same unlaues to the proctor fiscal to be appointed for that effect, by the said Earle of *Mortoun*, his said son, or their foresaids; And ordaines letters of hornung upon a simple charge of six dayes, poynding, and other letters and executorials requisit to be direct for payment to the said proctor fiscal of the said unlaues; And ordaines publication to be made hereof, in forme as effectis

ACT XXX.

Auent The Clan-Gregour.

OUR SOVERAIGNE LORD, And three Estates of this present Parliament, understanding that albeit by the great care of his Highnes umwhile dearest Father of eternal memory, the *Clan-Gregour* was suppressit and reduced to quietnesse; yet of late, they are broken forth againe to the heave oppression of many of his Majesties good subjects, who dwell near to the part where they resort, and speciallie in the Sheriffdome of *Perth, Sterling, Clackmannan, Monteith, Lennox, Angus, and Mernes*. Therefore, for the timous preventing of the disorder and oppression that may fall out by the said name and *Clan* of *Mac-Gregour*, and their followers, and for farther suppressing of them; Ratifie and approve all Acts of Council and Acts of Parliament made and granted heretolore, against the said wicked and rebellious *Clan* of *Mac-Gregour*. And farther, his Majestic and Estates of Parliament statute and ordaine, that the said name of *Clan-Gregour* and every one of them, as they come to the age of sixteene yeares, shall thereafter yearely give their compearance before the Lords of privie Council, upon the twenty fourth day of July, if it be a lawfull Council day; and failing thereof the next Council day thereafter, and there find caution for their good behaviour and obedience in all time coming; And take to them some other surname conforme to the Acts of Council already made there-ant; And if they faile in not compearance as said is, and goe to the home, that then it shall be lawful to any of his Majesties Lieges, to take and apprehend them, and present them to the Sheriffe of the Shire, or his deputies, or to the Stewarts of the Stewartrie, or their deputies, to the effect they may be presented before the Lords of privie Council, there to be taken order with as effectis. And if it shall happen any of his Highnesse good Subjects in taking any of the said *Clan-Gregour*, being put to the horn as said is, to hurt, mutilate or slay any of them, the partie who shall happen so to do, and their complices, shall no wayes be subject nor lyable to law therefore, nor incurre any paine or skaithe in body or goods, and shall be free of all pursuit criminal or civil to be intended against them, at the instance of his Highnesse Advocate, or any other partie; But the same shall be holden and repute as good service done to his Majestic. And farther, our said Sovereigine Lord, and Estates foresaid, for the better extinguishing and extirpating of the said wicked and lawlesse Limmers; Statute and ordaine that no Minister nor Preachers within the bounds of the *High-lands* or next bordering countreys thereto, *Banffe, Invernes, or regalitie of Spynie or Elgin, Forres*, shall at any time hereafter baptize and christen any male childe with the name of *Gregour*, under the paine of deprivation, and that

that no Clerke or Notar in any time coming, shall make or subscribe any band or other securitie under the name of *Gregour*, or *Mac-Gregour*, under the paine of deprivation. And sicklike, statute and ordaine that all and whatsoever of the said *Clan-Gregour* that shall happen to bee within the said Kingdome upon the fiftenth day of March next to come, shall give their compearance before the Lords of privie Council at *Edinburgh*, or where it shall happen them to bee for the time, or the next Council day thereafter; To the effect that such of them as have alreadye found caution, and whose cautioners are dead, may finde newe caution for their good behaviour in time coming. And such of them who have never found caution, may finde caution and suretie for their obedience in time coming, with certification to them if they do not compeare, and that the Lords of privie Council, for their disobedience, shall direct letters of horning against them, or any of them, and that they therefore be put to the home; that then it shall be lawful to any of his Majesties good Subjects, to take and apprehend them, where ever they may bee had, and put them to the next Sheriffe, Stewart, Bayliffe of regalitie, or their deputies; To any of the Justices of peace, or to the Provest and Bayliffs of Burrowes, to the effect they may present them before the Lords of his Majesties privie Council, that such order may bee taken with the said rebels, as the said Lords shall thinke expedient. And farther, our said Sovereigne Lord declares, that if any of his Highnesse good subjects shall happen in taking of the said rebels, to hurt, mutilate or slay any of them, the partie who shall happen so to doe, and their complices, shall no wayes be subject nor lyable to law therefore, nor incurre any paine or skaithe in their bodie or goods; and shall be free of all pursute criminal or evil, to be intended against them, at the instance of his Highnesse Advocate, or any other partie: But the same shall be holden as good service done to his Majestie. And likewise, his Majestie and Estates foresaid, statute and ordaine, that if any of the said *Clan-Gregour*, who shall happen to have compeared, and found caution in manner above-specified, bee found masterlesse in time coming, having neither possessions nor callings, whereupon to live, nor will not take them to service, That it shall bee lawful to any of his Highnesse good subjects to take and apprehend them, and present them to the next Sheriffe, Stewart, Bayliffs of Regalitie and their deputies, or to the Provest and Bayliffes of Burrowes; and that they may present them to the Lords, and others of his Highnesse Council, there to bee taken order with, as they thinke meete. And sicklike, his Majestie and Estates of Parliament, statute and ordaine, That if any of the said *Clan-Gregour* shall happen to be put to the home by letters of horning direct against them bee made thereof by the Lords of Council, for the cause above-written: And that publication the said Lords, to all his Majesties Lieges, and at all places needful; That then whatsoever person or persons shall receive, supply, or intercommoun with the said rebels, or any of them, or supply them with meate, drinke, lodging, or weapons, directly or indirectly, or any other necessaries, shall be punished in their bodies, goods, and geate, as intercommoners with rebels and forners, conforme to the lawes of this Kingdome against intercommoners and forners. And also his Majestie with consent of the Estates foresaid, statutes, and ordaines, and commands all Sheriffes, Stewarts, Provests, Bayliffes of Burrowes, and Regalities, and all and sundrie his Majesties good subjects to assist and concurre with any of his Highnesse good subjects, who shall happen to be in pursute of the said rebels. And sicklike, statutes and ordaines the said Provests, and Bayliffes of Burrowes, and Bayliffes of Regalitie, to receive from the hands of his Highnesse good subjects, the said rebels, who shall happen to be apprehended by them in manner foresaid, put, keepe, and detaine them in sure ward and firmance, aye and while they be presented before his Majesties Council, or Justice. And lastly, his Majestie and Estates foresaid, for suppressing of the said lawlesse lammers and *Clan of Mac-Gregour* nominate and appoints the Sheriffes of the Sherifdomes of *Perth*, *Dumbartane*, *Angus*, *Mernes*, *Sterling*, and Stewarts of the Stewartries of *Strathberne*, *Monteith*, *Banffe*, *Immernesse*, *Elgin*, and *Forres*, and their deputies, and the Shireffe of *Cromartie* and his deputies, and the Provests and Bayliffes of the Burrowes there; The Earles of *Errole*, *Montros*, *Arbol*, *Perth*, *Tullibairdin*, *Sea-fort*, Vicount of *Stormouth*, Lord *Ogibvie*; The Lairds of *Glenurquy*, *Lawers*, *Garnullie*, *Weymes*, *Glenlyon*, *Glenfalloch*, *Edinampil*, *Grant*, or any of them, his Majesties Justices in that part, for setting, trying, and doing Justice upon the said rebels of *Clan-Gregour*, or any of them and their complices, who shall be apprehended by any of his Highnesse good subjects, for theft, forning, or slaughter, with power to them to hold Courts, proceed and minister Justice upon the said rebels apprehended, as said is, as accords. And where ever his Majesties good subjects shall happen to apprehend any of the said rebels forning, committing theft or slaughter, and shall present them to the said Lords of Council, Justice or Justice-general, or Commissioners above-specified, or either of them, the doer of that service, shall have for his reward, the moveable goods and geare of the offender, taken and presented by him in manner foresaid.

ACT XXXI.

In favour of his Majestie and Lieges, Intitulate; Salvo jure Cujuslibet.

OUR SOVERAIGNE LORD and Estates of Parliament declare, that no particular Acts made in favour of any of his Majesties subjects at this present Parliament, nor no Acts of Ratification made in their favour, shall prejudge his Majestie nor his Successours, of the Acts and Statutes underwritten, made in favour of his Majestie in this same Parliament, *viz.* The Act of his Majesties Revocation: The Act anent the Superiorities of Erections: The Act anent Regalities of Erections; and the Acts made or ratified anent his Majesties annexed properties: And his Majestie and Estates, finde and declare the said particular Acts, and Acts of Ratification, made in favour of any of his Majesties subjects, in so far as the same, or any of them may prejudge his Majestie or his Successours, of the saids Acts and Statutes, made in his Majesties favour, or of the benefit thereof in whole or in part, to be null and of none avail, force, nor effect, by way of exception or reply. And siclike, Statute and Ordaine that the saids particular Acts, and Acts of Ratification, shall nor prejudge any third party of their lawful rights, nor of their Actions and defences competent thereupon, before the making of the saids particular Acts and Acts of Ratification; But that the Lords of Session and all other Judges shall be obliged to judge betwixt the parties, according to their rights standing in their persons, before the making of the saids particular Acts. And that in respect the saids particular Acts, and Acts of Ratification, are made without hearing of parties having interest; and therefore are made *Salvo jure cujuslibet*; Like-as his Majestie and Estates declare, That this is and was the true meaning of all the Acts made in the preceeding Parliaments, Intitular, Acts *Salvo jure cujuslibet*; Excepting alwayes forth of this present Act a Ratification of the Mortification of the Abbacie of *Dundrenan* to the Chapel-Royal, in favour of the Bishop of *Dunblane*; The Act of Ratification of the Benefice of *Faillfurd* with the pertinents, granted to Master *Walter Quhytfurd*, with the Act of dissolution of the Abbacies of *Holy-rude-house* and *New-Abby*, all past in this present Parliament: excepting also forth of this present Act, The Act of Ratification and dissolution, made in favour of the Marquess of *Hamiltoun*, anent his right to the Impost of the Wines new and old, gifted by his Majestie to him for the space of Sixteen yeares specified in his gifts and grants made to him thereupon; and also excepting forth hereof the Ratification of the contract past betwixt his Majestie and the Lord *Lorne*, Anent the heritable offic of Justiciarie, within the bounds therein mentioned, dated the third, and twentie third day of April, 1628. yeates: And of the Charter under the great Seal, precept, and instrument of seizing following thereupon, together with libertie of creation of Clerks and Members of court, directing of precepts, and letters of homing, and power to denounce; and with all other priviledges therein contained. And siclike of the three severall acts of Council and an act of Exchequer, all relative to his rights of the said office of Justiciarie, and in favour of the said Lord *Lorne*.

Collected, visied and extracted forth of the Book and Register of the Acts of Parliament, by me Sir John Hay of Lands Knight, Clerk of his Majesties Council, Register and Rolls: Under my Signe and Subscription manual.

JOHANNES HAY.
Clericus Registri.

F I N I S.

A TABLE Of the PRINTED
ACTS AND LAWS

Pass in the First Parliament of our Sovereign Lord, King CHARLES the First, &c.

- 1 **A** *Act* *enent the taxation granted to his Majestie of thirtie shillings termly upon the pound land, and the sixteenth pemie of all annual-rents.*
- 2 *enent his Collecting and inbringing of the taxation and reliefe to Prelates.*
- 3 *enent his Majesties Royal Prerogative, and Apparel of Kirk-men.*
- 4 *Ratification of the Acts touching Religion.*
- 5 *Ratification of the Act of Council enent the plantation of Schools.*
- 6 *enent the inverting of pious donations.*
- 7 *enent invading of Ministers.*
- 8 *Ratification of the Act of Commission enent the Ministers provisions.*
- 9 *The Kings general Revocation.*
- 10 *enent annexation of his Majesties propertie.*
- 11 *Act of Dissolution.*
- 12 *Ratification of the Acts of Interruption.*
- 13 *enent Regalities of erections.*
- 14 *enent superiorities of Kirk-lands.*
- 15 *enent his Majesties annuities of Teinds.*
- 16 *enent Vassals holding Ward.*
- 17 *enent the rate and price of teinds.*
- 18 *enent the Exchequer.*
- 19 *Commission for valuation of Teinds not valued, rectifying the valuation of the same already made, and other particulars therein contained.*
- 20 *enent the King his designation of the names to be insert in the Commissions enent the tithes and lawes.*
- 21 *enent the annual of eight to be taken of ilk hundred in time to come allennerly, suspending the same for three yeares, and in the interim, two of ten to be payed for the said space to his Majestie.*
- 22 *enent the Lords of Session, their taxation of ten shillings to be imposed upon everie pound land of old extent.*
- 23 *Ratification of the liberties of the Colledge of Justice.*
- 24 *Ratification of the priviledges of the free Royal Burrows.*
- 25 *Ratification of the Acts made in favour of the Justices of Peace, and their Constables, and Commission to the Lords of Secret Council thereenent.*
- 26 *Explanation of the Acts of Parliament made in favour of the Lords of Session, enent twelve pennies of the pound to be payed in decreets, given by the saids Lords hereafter.*
- 27 *Act pardon penal statutes.*
- 28 *Ratification in favour of the Vicount of Sterling of the Infeftments and signature granted to him of the Dominions of new Scotland and Canada in America, and priviledges therein contained, and of the dignitie and order of Knight Baronets, and Act of convention of Estates made thereenent.*
- 29 *Act in favour of the Earle of Mortoun, and the Lord Dalkeith his son, enent the Loch of Levin, and preservation of the fishings thereof.*
- 30 *Act enent the Clan-Gregour.*
- 31 *Act in favour of his Majestie, and Lieges, intitulate; Salvo jure Cujuslibet.*

A T A B L E

Of the

PARTICULAR ACTS, and Others exped and past in this first Parliament of Our Sovereigne Lord CHARLES the First, By the Grace of God, King of Scotland, England, France, and Ireland, Defender of the Faith; Holden at Edinburgh, the twentieth eight day of June, 1633. yeares, not imprinted.

- 1 Commission for surveying the Lawes.
- 2 Commission anent the admiraltie and Chamberlanry.
- 3 Commission to the Lords of Secret Council, for deciding the question betwixt the Shires of *Pertb, Forfar* and *Fyfe*, and the Burgh of *Dundie* anent the Ladle full of corne brought to their markets. Anent the petition given in by the Tanners, against the Lord *Erskine*. Anent Master *David Wedderburnes* Grammer. Anent Freedome of Foggage, Pasturage, &c. to Ministers. Anent reforming the Malt-mens price betwixt the Boll of Beir and Malt. Anent establishing of correction houfes. Anent the mutual interchange of forbidden goods betwixt *Scotland* and *England*. Anent inbringing of Manufactories. Anent Reformation of abuses in presenting playding to Fairs and Markets. Anent discharge of *Robert Buchanes* patent of the pearle and all other monopolies. Anent Reformation of bleaching of Linen Cloath. Anent discharge of impositions upon Victual brought from forraine parts.
- 4 Commission to the Lords of secret Council anent the scarcitie of coyne, of gold, and silver within this Kingdome. Anent the frequent course of Dollors and base copper money. Anent the penaltie of the breakers of the Act of Parliament, anent Metts and Measures. Anent addition to the Booke of rates of the prices to be taken by the Clerk of the Bills for allowance of compyryngs.
- 5 Protestation by his Majesty anent the coyne.
- 6 Commission to the Lords of secret Council anent the petition presented by *Jobiz* Lord *Torphichen* in Parliament.
- 7 Commission to the Lords of secret Council anent the Lord *Spynies* gift, of being General Muster-master, and Colonel within this Kingdome.
- 8 Commission to the Council anent the exchange of moneys betwixt *Scotland* and *England*.
- 9 Commission to the Council anent the criminal Judicatorie.
- 10 Commission to the Commissioners of surrenders, anent the disjoyning of meikle and little Daltouns from the Kirk of *Moufwald*, and planting of the new Kirk of *Beuh*.
- 11 Commission to the Lords of Exchequer anent *Robert Young* Printer his gift. Anent the petition of *Jonet Keine* and the heires of *Andrew Hart*. Anent Maltre *Robert Craiges* pension of five hundredth pound. Anent the meane Vassals of Kirk-lands their entrie. Anent upholding of the Cathedral Kirk of *Orkuey*. Anent the Vassals of ward lands.
- 12 Commission to the Council anent the Ministers stipends of *Edinburgh*. Anent the rebels within the Sheriffdomes of *Elgine*, *Forres*, *Nairne* and *Inverness*. Anent the erection of *Stranraver* in a Free-burgh, and the Burgh *Wigtouns* petition in the contrary. Anent directing of Letters against the inhabitants of the West and North Yles. Anent the Articles given in by the inhabitants of *Orkney* and *Zetland*. Anent the prices of these writs that passe the Chancellarie. Anent erecting of a Colledge of Physitians in *Edinburgh*.
- 13 Commission to the Commissioners of Surrenders anent the Kirks of *Nisbet* and *Crailling*.
- 14 Act anent the dissolution of the Abbacies of *Holy-rude-houfe* and *New-abby*.
- 15 Act of rehabilitation of *Francis Stewart*, with provision therein, in favour of the Marques of *Hamilton*, and Sir *Thomas Thomson*.

- 16 Protestation Bishop of *Dumblane*.
- 17 Protestation Sir *Patrick Murray* of *Elibanke*.
- 18 Protestation Marquess of *Dowglas*.
- 19 Protestation Laird of *Waichtoun*.
- 20 Protestation Sir *James Lobbart* younger of *Ley*.
- 21 Protestation Sir *James Maxwell* of *Calderwood*.
- 22 Act in favour of the Earles of *Roxburgh* and *Buckcleuch*.
- 23 Act in favour of Master *Robert Craige* for printing the Book called, *De feudis*.
- 24 Act in favour of *William Dowglas* of *Cavers*.
- 25 Act of naturalization of certaine Noble-men and Gentlemen of *England*.
- 26 Act in favour of *George Earle* of *Kinnoul* Chancellor.
- 27 Protestation Archbishop of *Sanct-Andrews*.
- 28 Act in favour of the Duke of *Lennox*.
- 29 Protestation Lord *Lindesay*.
- 30 Act in favour of the Marquess of *Hamiltoun*.
- 31 Act in favour of the Marquess of *Hamiltoun*.
- 32 Act in favour of the Earle of *Sutherland* anent the Regalitie and Sheriffship of *Southerland*, and making thereof a distinct Sheriffdome and erecting *Dornoch* in a Free-burgh Royal.
- 33 Act in favour of the Earle *Marshall*.
- 34 Protestation Bishop of *Murray*.
- 35 Act in favour of the Earle of *Buchane*, for precedencie before certaine other Earles.
- 36 Act in favour of the Earle of *Buchane*.
- 37 Act in favour of the Earle of *Galloway*.
- 38 Act in favour of *Alexander* Lord *Gairties*.
- 39 Act in favour of the Earle of *Annandail*.
- 40 Act in favour of the Earle of *Annandail*.
- 41 Act in favour of the Archbishop of *Glasgow*.
- 42 Act in favour of the Bishop of *Rosse* anent annexation of *Ferne* to *Rosse*.
- 43 Act in favour of the Bishop of *Galloway*.
- 44 Act in favour of the Bishop of *Dunblane*.
- 45 Act in favour of the Universitie of *Sanct-Andrews*.
- 46 Act in favour of the Kings Colledge of *Aberdeen*.
- 47 Act in favour of the Colledge of *Glasgow*.
- 48 Act in favour of the Lord *Lorne*.
- 49 Act in favour of the Lord *Lorne*.
- 50 Act in favour of the Lord *Lorne*.
- 51 Act in favour of the Lord *Lorne*.
- 52 Act in favour of the Lord *Yester*.
- 53 Act in favour of the Lord *Lowdown*.
- 54 Act in favour of the Lord *Lewdown*.
- 55 Act in favour of the Lord *Napeir*.
- 56 Act in favour of the Lord *Lindesay*.
- 57 Act in favour of the Burgh of *Aberdeen*.
- 58 Act in favour of the Burgh of *Glasgow*.
- 59 Protestation Chapter of *Glasgow*.
- 60 Act in favour of the Burgh of *Culrofs*.
- 61 Act in favour of the Burgh of *Hadingtoun*.
- 62 Act in favour of the Burgh of *Bruntland*.
- 63 Act in favour of the Burgh of *Bamffe*.
- 64 Act in favour of the Burgh of *Pittinweyme*.
- 65 Protestation Earle of *Kelty*.
- 66 Act in favour of the Burgh of *Selkrik*.
- 67 Protestation Marquess of *Dowglas*.
- 68 Protestation Earle of *Roxburgh*.
- 69 Protestation Sheriffe of *Forreik*.
- 70 Protestation *Andrew Riddel*.
- 71 Act in favour of the Burgh of *Air*.
- 72 Act in favour of the Burgh of *Innernes*.
- 73 Protestation Earle of *Murray*.
- 74 Protestation Lord *Gordoun*.
- 75 Act in favour of the Burgh of *Carrail*.
- 76 Protestation Sir *James Learmonth* of *Balcomy*.

- 77 Protestation Laird of *Barnes*.
 78 Act in favour of the Burgh of *Kingborne*.
 79 Act in favour of the Burgh of *Dunbartane*.
 80 Act in favour of the Burgh of *New-Galloway*.
 81 Protestation Burgh of *Kirkcudbright*.
 82 Act in favour of the Burgh of *Lawder*.
 83 Act in favour of Sir *Robert Douglas* of *Spot*.
 84 Act in favour of Sir *William Anstruther*.
 85 Protestation Earle of *Kellie*.
 86 Protestation Town of *Pittinweyne*.
 87 Act in favour of the Laird of *Panmoor*.
 88 Act in favour of *James Livingstone* of *Beill*.
 89 Act in favour of *James Maxwell* of *Innerweik*.
 90 Act in favour of the said *James Maxwell* and his Spouse.
 91 Act in favour of the Heires of Master *Patrick Murray*.
 92 Act in favour of *William Murray*.
 93 Protestation Vicount of *Stormouth*.
 94 Act in favour of Sir *Thomas Hope* of *Craig-ball* Knight Baronet.
 95 Act in favour of Sir *James Lohbart* younger of *Ley*.
 96 Act in favour of the said Sir *James Lohbart*.
 97 Act in favour of Sir *Patrick Murray* of *Elibank*.
 98 Act in favour of Sir *John Dalnaboy*.
 99 Act in favour of the Laird of *Glenurquy*.
 100 Act in favour of Doctour *Beatone* and his Spouse.
 101 Act in favour of *Henric Nisbet*.
 102 Protestation Lord *Balmerinloch*.
 103 Act in favour of *John Oliphant* of *Bachiltoun*.
 104 Protestation Duke of *Lennox*.
 105 Act in favour of Sir *James Mack-Gill* of *Cranston* Riddel Knight Baronet.
 106 Act in favour of Sir *Thomas Thomson* of *Dudinstoun* Knight.
 107 Act in favour of the Laird of *Swynton*.
 108 Act in favour of Master *Walter Quibysfuir*.
 109 Act in favour of Master *Walter Quibysfuir*.
 110 Act in favour of the Laird of *Philorth* younger.
 111 Act in favour of the Laird of *Corshill*.
 112 Act in favour of Master *James Bamatine* of *New-bal*.
 113 Act in favour of Master *Andrew Aytton* of *Logy* Advocate.
 114 Act in favour of Sir *James Hamiltoun* of *Priest-field*.
 115 Protestation Sir *Thomas Thomson*.
 116 Act in favour of *John Campbell* Fear of *Calder*.
 117 Act in favour of Sir *Iohn Spottiswood* of *Darrie*.
 118 Act in favour of the Laird of *Pitligo*.
 119 Act in favour of the Laird of *Edzel*.
 120 Act in favour of the Laird of *Rouchlaw*.
 121 Act in favour of *John Sinklar* of *Stevinson*.
 122 Act in favour of *Thomas Crombie* of *Kemno*.
 123 Act in favour of Sir *Patrick Mack-Gie* of *Larg*.
 124 Protestation *Archibald Stewart* of *Phinilloch*.
 125 Act in favour of the Ministers of *Port-Patrick*.
 126 Protestation Laird of *Kinhilt*.
 127 Act in favour of Sir *Arthur Douglas* of *Quibittinghame*.
 128 Act in favour of Master *William Drumond*.
 129 Act in favour of the Skinners of *Edinburgh*.
 130 Act in favour of Master *James Nicolson* of *Colbrandspeth*.
 131 Act in favour of the Fewars of *Inverask*.
 132 Act in favour of *James Scot* of *Gallowshiels*.
 133 Protestation Earle of *Roxburgh*.
 134 Protestation Sheriffe of *Forrest*.
 135 Act in favour of the Laird of *Bishoptoun*.
 136 Protestation Earle of *Lauderdaill* contra the Earle of *Amandail* for prioritic of place.
 137 Act in favour of Master *William Cuninghame* of *Broome-hill*.
 138 Act in favour of Master *James Raith* of *Edmiston*.

- 139 Act in favour of the Laird of Tindal.
 140 Act in favour of *John Erskyne* of Balhagardie.
 141 Act in favour of the Laird of Makelachin.
 142 Act in favour of the Kirk of Pittinwyme.
 143 Act in favour of the Kirk of Eymouth.
 144 Act in favour of the Minister of Coldinghame.
 145 Act in favour of the Minister of Brunt-land.
 146 Act of dissolution of Lugtroun and Melvil from the parish of Sanct-Andrewes, and union thereof to Dalkeith and Laswade.
 147 Act anent the Parsonage of Dalkeith and payment of the taxation thereof.
 148 Act in favour of Sir *Richard Murray* of Cokpul.
 149 Act in favour of the Minister of Colbrandspeth.
 150 Act in favour of Sir *John Charters* of Aimsfield.
 151 Act in favour of Sir *Patrick Hamilton* of little Prestoun.
 152 Act in favour of the Laird of Balvaird.
 153 Protestation Earle Ammandail.
 154 Act in favour of *John Hamilton* of Boghal and his Spouse.
 155 Act in favour of *William Lokhart* of Caritains.
 156 Protestation Marquefs of Hamilton.
 157 Protestation Marquefs of Dowglas.
 158 Protestation Archbishop of Glasgow.
 159 Act in favour of Master *Robert Gordoun* of Strealoch.
 160 Act disuniting the Kirks of Ebdie and Newburgh.
 161 Act anent the erection of the Parish Kirk of Strechine.
 162 Protestation Lord Lunders,
 163 Act in favour of Sir *George Hamilton*.
 164 Act uniting certaine lands to the Kirks of Corstorphine and Hails.
 165 Act in favour of *James Hay* of Smithfield.
 166 Act in favour of Sir *James Balfour*.
 167 Act in favour of *Alexander Cunninghame* of Barnes.
 168 Protestation Archbishop of Sanct-Andrewes,
 169 Act in favour of the Master of Elphinstoun.
 170 Act in favour of Master *Alexander Keith* of Benholme.
 171 Act dissolving four Prebendaries from the Parish Kirk of Corstorphine to the Colledge Kirk thereof.
 172 Act in favour of Sir *John Achmsotie* of Gosfuird.
 173 Act in favour of Sir *George Ogilvie* of Bamffe.
 174 Protestation Doctour *Philip* contrary the Act of erection of the Kirk of Kingisbarnes, in favour of the Lerd Lindesay.
 175 Protestation Earle Lauderdale, contra *James Levingstoun* of Beill.
 176 Act in favour of Sir *Thomas Hope* of Craig-hall Knight Baronet.

F I N I S.

SUBMISSIONS, AND SURRENDERS

Of TEINDS, &c.

With

His MAJESTY'S Decrets following thereupon.

Submission made be the Lords of Erections, Titulars, Tack-men, &c. Gentry, Heretours of Lands; To His Majesty, anent their Superiorities, and Teinds, &c.



T WHITE-HALL, The first day of *Februar*, And **HALT-ROOD-HOUSE**, The twenty third day of *Februar*, The year of God, One thousand, sex hundred, Twenty eight. The Persons under-written having or pretending right to whatsoever Erections, & Temporalities of Benefices, Superiorities, and Few-dewties of the same, or to the Kirks, and Teinds great and small, Parsonage, and Viccarage, or Patronages of Kirks pertaining to the saids Erections, or to any other which they, or any of them, have of other mens Lands, be whatsoever Right, or Title. And siclike, the Heretours, and Possessours of Lands; lyand within the saids Kirks, and Benefices, erected, for themselves, and in name of all Others, who are desirous to have Right and Title, of the Teinds of their own Lands, at a competent rate, and price, conform to His Majesties

Proclamation made to that effect, THAT IS TO SAY, All the saids Persons, Considering, That his Majesty their Dread, and Gracious Sovereign, out of his Royal care, Fatherly, and tender affection, to the publick well of his Majesties Ancient, and Native Kingdom of *Scotland*, was lately pleased in the Moneth of *Januar*, the year of God 1627. years, for the ease of his Majesties Subjects, and removing of the general fears which were conceived, by reason of his Majesties Revocation, given forth, and published in the Moneth of *October* 1625. years, To grant Commission under his Majesties great Seal, to certain his Majesties Commissioners nominat in the said Commission, to meet, convene, dealc, and treat, anent such reasonable satisfaction, and composition, to be given to such of his Majesties Subjects, as had right to whatsoever erection of Benefices, Temporalities, Few-mails; Kirks, Teinds, and others foresaid, who should make surrender thereof in his Majesties hands, and anent the most convenient and lawful form how the saids Persons should be denuded of the Superiorities of the saids Erections, without any composition to be made therefore; except for the Few-mails, Few-ferms, and other constant Rent of the saids Superiorities; And how lawful Dispositions should be made to the Heretours, and possessours of Lands, of the Teinds of the saids lands pertaining to Erections, for such composition, and yearly dewties, to be paycd, and refunded to His Sacred Majesty, as the saids Commissioners should think expedient. With power to the saids Commissioners, to consult, and agree, upon the establishing, and annexing, of a certain Parimony to the Crown and means thereof, to remain with the Crown for ever; As the said Commission of the date foresaid, bearing certain Declarations, Reservations, and other Provisions in favours of his Majesties Subjects having right to Erections; And in favours of Heretours, and Possessours of Lands, for securing of the Teinds of the same, at more lenth is contained. BY VERTUE, and conform to the which Commission, the saids Commissioners having now convened, and treated anent the premisses, from the said Moneth of *Januar*, until the last day of *June*, last by-past: There was during that time a good progress made by them in the said business committed to their care, And by an Act of the date the Twenty ninth day of *May* last by-past, It was advised, concluded, and enacted, That his Majesty and His Successours, should have a constant, Rent and Dewty paycd out of the whole Teinds of the said Kingdom consisting in victual, or silver, excepting the particular Teinds, excepted and reserved be the said Act, viz. Of every boll of the best Teind Wheat, *Ten shillings*, of every Boll of best Teind Bear, *Eight shillings*; and of every Boll of the best Teind Oats, Pease, and Rye, *Six shillings*, and so the saids Rents to be modified out of the whole of the Teind bolls of victual, of the Teinds foresaid, being of inferiour worth; goodness, and, prices, according to the proportion of the saids Dewties, and Rent, laid, and imposed upon the best Boll of every kinde, in manner foresaid, And where Oats are of the nature, that they will not render above half meale, the Rent to be *Three shillings*: And also of every *Hundred merks* of Parsonage; and Viccarage Teinds, which are not Victual, the sum of *Six merks* money, of yearly rent, and dewty: LIKE AS the saids Commissioners having entered upon consideration of the composition to have been given be his Sacred Majesty, for the Few-mails, and other certain rent depending upon the Superiority of the saids

Erections

Erections, and for the Teinds, Parsonage, and Vicarage, pertaining to the saids Erections, and anent the rate, and price of the saids Teinds; THE SAIDS COMMISSIONERS be their Act of the date the 29. day of June, last by-past, Found, that all Superiorities of Erections, should be freely resigned, and surrendered, in his Majesties hands, without any composition. And because the saids Commissioners could not uniformly agree anent the composition to be payed for the Few-ferms, Few-mails, and other constant Rent of the saids Superiorities, nor yet anent the true estimation, in the rate, quantity, and prices of the same, Therefore, be another Act of the date the 29. day of May last by-past, It was condescended that the determination thereof should be refered to his Sacred Majesty. AND all the saids persons acknowledging in all humility, his Majesties Royal and Princely care, providence, and wisdom, with his Fatherly and tender affection, tending to the removing of all these questions, and contraversties, and to the publick well, and good of the Kingdom; THEREFOR E. All the saids Persons, have with one consent, and assent, of certain knowledge and proper motive, Ratified, and Approven the said Act made by the saids Commissioners, anent the said constant Rent, and Dewty, to be payed to his Majesty, and His Successours, forth of the Rents of the Kingdom; except, as is excepted in the said Act, and with the quality, restrictions, and provisions, mentioned in the said Act, which is of the date the 29. of May last by-past, Together with the said other Act made upon the said 29. of June last by-past: Whereby It is Ordained, That all Superiorities of Erections shall be lreely resigned, and surrendered in his Majesties hands: Likeas the saids Persons, and every one of them, for all Right, and Title, which they have, or may pretend to the Superiorities of whatsoever Lands pertaining to whatsoever Benefices erected, of whatsoever Title, name, or designation, the same be, Are content in all humility, promptitude, and alacrity of mind, To make surrender of the saids Superiorities, in manner after-mentioned. And therefore They, and every one of them, of certain knowledge, and proper motive, have made, constitute, and ordained, and be their presents makes, constituts, and Ordains; Master *William Elphinstoun*, Cup-bearer to his Majesty, and

Their Procuratours: With power to them, and ilk one of them, conjunctly, and severally, to compare before their Gracious, and Dread Sovereign, his Sacred Majesty, and his Successours, or before their Commissioners, having power to receive Resignations, whatsoever day, and place convenient, and there, with all humility and reverence as becomes, To Resign, up-give, and Surrender, in the hands of their said Gracious, and Dread Sovereign, his Sacred Majesty, and his Successours, or in the hands of their Commissioners foresaid, *Ad perpetuam remanentiam*: Likeas they and every one of them, for their own right, for them, and their Successours, Resigns, and Surrenders in his Majesties hands, *Ad perpetuam remanentiam*, The Right and Title of Superiority, of all and sundrie Lands, Baronies, Milnes, Woods, Fishings, Towers, Fortalices, Mannour-places, and other Pertinents, pertaining to whatsoever Erections, and Temporalities of Benefices, of whatsoever Title, name, or designation, the same be, to which, they, or any of them, have, or may pretend to have, or pretend right of Supcrioty, at the day and date of their presents, and which are holden of them, as Lords of Erection be

Reserving unto them, and every one of them, the Few-mails, and Few-ferms, of their saids Superiorities, ay and while they receive payment, and satisfaction, of that which shall be ordained to be payed to them for the same, in manner after-mentioned. LIKEAS, It is expressly provided, and declared, that they shall use, brueick, and possess, the saids Few-mails, Few-ferms, of the saids Superiorities, ay and while they receive payment, and satisfaction, of the composition which shall be ordained, and appointed to them, be vertue of the Submission after-mentioned. and that by vertue of their present Rights, and Infeiments of the same; Norwithstanding of the surrender, and resignation above-specified, or any thing that shall follow thereupon. And als it is expressly declared, that under the Surrenders, and Resignations above-specified, shall no wayes be comprehended, the right of property of whatsoever Lands, Baronies, Woods, Fishings, Manour-places, Milns, Multets, and Others of the saids erected Benefices, pertaining to the saids Surrenders in property, and whereof they have had, or acquired the right of property of before, or since the saids Erections, be whatsoever manner of way, according to the Law of the Kingdom. To be holden of his Majesty, and His Successours, as the same were holden before the date of the saids Erections; And also reserving to them, the whole provisions, reservations, and other favours, and Benefites, granted, and reserved to them, be his Sacred Majesty, be vertue of the said Commission: *And specially*, but prejudice of the generality foresaid, Reserving the particular clauses following, whereby his Sacred Majesty hath declared, That it is not his Majesties intention, nor pleasure, to quarrel, and annull, any of the consumed Fewes, or other lawfull Rights of any of the Lands, Temporalities of Benefices, formerly set be the Ancient Titulars thereof, without diminution of the Rentals, or Fewes granted be his Majesties late Father, to any of the Lords of Erection before their Erections, without diminution of the Rentals, or Fewes bought *bona fide*, be any of the Lords of Erection, or by any other from them, before His Majesties late Revocation, from any Heretour thereof, without diminution of the Rentals, nor yet to quarrel, nor annull, any of the saids Fewes, set be the saids Lords of Erection, before his Majesties late Revocation, to any of their own Vassals, without diminution of the old Rental. And whereby it is declared, That it is his Majesties special will and pleasure, That the Mansions, Circuits, Places, Orchards, and Gardens, of all the saids erected Benefices, shall be fewed unto such of the saids Lords of Erections, as are in present actual possession thereof, without any other

compo-

composition then a very small Few-dewtie, to be a testimony, that the same are holden of his Majesty immediately. And also that such Demesnuages, and other Messuages Lands, or other parts of the said Temporalities of Benefices, as were never before set in Few, or Rental, by the Ancient Titulars before the Act of Annexation, nor by his Majesties dearest Father of Eternal memory, since the said Act, and yet is presently possess'd be any of the saids Lords of Erections, *Mzy*, and shall be fewed to the saids Lords of Erections, and to no others over their heads nor to their prejudice, and that for such reasonable Few-dewties, as the saids Commissioners shall appoint. And also that such Lands of the Temporalities of Benefices which are not erected, shall be Fewed to the present Possessours thereof, and to no others, for such a reasonable composition, and Few-dewties, as the saids Commissioners shall think fit, according to the validity and invalidity of their present Titles, which his Majesty is graciously pleased to amend to them, by all the lawful wayes, and means that shall be advysed by the saids Commissioners. Which whole Inseftments, Rights, and Securities, his Majesty hath graciously pronounced to be ratified, and secured by Deliverance, Decreet, and Confirmation of Parliament; As in the said Commission at more length is contained. *And also* it is specially provided, that the saids Persons, and every one of them, shall be no farther obliged in warrantice of the Resignation above-specified, but from their own proper fact, & deed allegerly. *And scilike* all the saids Persons have ratified, and approved, and be thir presents Ratified, and Approves the said Act made by the saids Commissioners upon the 29. of *June* last by-past, Where by the determination of the Composition for Few-mails, with the quantity, rate, and price of Teinds, is referred to His Sacred Majesty. *And farther*, To the effect, that this general and great work intended for the security of every Heretour his own Teinds, may be brought to full perfection, All the saids Persons of certain knowledge, and proper motive, have of new submitted, and by these presents submits, To his Majesty, to stand, & abide, at His Majesty Determination, and Decreet, aenent what composition, and price of Teinds, shall be given by his Majesty, to them, or any of them, for the Few-mails, Few-ferms, and other constant Rent of the saids Superiorities Resigned, and Surrendered be them, in his Majesties hands, as said is; And doe freely, and absolutely by these presents submit to his Majesty, All and sundrie Teinds that they or any of them have of other Mens Lands, by whatsoever Right or Title, they possess or occupy the same: Submitting likewise to his Majesty, how they may be denuded thereof in his Majesties favours, *omni habili modo quo de jure*; *And* doe in like manner submit to his Majesty to appoint the quantity, and rate thereof, and what price shall be given them for the same, and what securities shall be made there aenent, They always being freed, and relieved of the burden of Ministers, *pro rata*. *And because* his Majesty will take specially into his Princely consideration, the lawful Rights, and Tacks of Teinds, of Erected Benefices, and of all Laick Patronages, made and set to the present Possessours, or their Authors, by lawful Abbots, Priors, Laick Patrons, and other Titulars of Benefices, lawfully set before the date of the saids Erections, and for the space, and years of the saids Tacks, Rights, and Patronages yet to run, to the effect they may have plenarie and full satisfaction for the saids Tacks, Rights, and Patronages, according as his Majesty shall find the validity thereof, as is usual in the like cases, with the burden always of his Majesties Annuity above-mentioned. *And to the effect* his Majesty may be informed of their saids Tacks and Rights, before the giving forth of his Majesties determination in the premisses; such of the Lords of Erektion, and other Persons foresaid, as have such Rights, and Tacks, made, and set to them, or their Prodecessours, or Authors, before the saids Erektion, shall be obliged to exhibit, Likeas they oblige themselves, to exhibite, and produce the saids Rights, and Writs, to his Majesties Advocats, at such diets, and times, as shall be Ordained by his Sacred Majesty, or his Majesties Chancellour, at his Majesties command, and direction, before the giving forth of his Majesties determination upon the premisses. **AND ALSO** it is specially PROVIDED, that this present Submission, shall no wayes be extended, to the Teinds of whatsoever Lands, and Baronies, pertaining to the saids Persons Surrenderers in property, but that the Teinds of their own Lands shall be specially excepted out of this present Submission, the same being always subject and lyable to his Majesties annuity foresaid. **AND ALSO IT IS PROVIDED**, that this present Submission shall be no wayes prejudicial, to whatsoever action of Warrantice, competent to the saids Persons Submitters, or any of them, against their Authors, from whom they bought, and acquired the Rights of the saids Teinds, which falls with in the compass of this present Submission, be sums of money; But that either their actions of Warrantice, shall be referred to them, conform to the tenour of the Rights made to them thereupon; Or otherwise, that the satisfaction to be decerned in their favours, shall be answerable to their Warrantice, and no wayes inferiour thereto, The saids Persons, and so many of them as have their actions of Warrantice reserved to them in manner foresaid, exhibiting, and producing their saids Rights bearing the warrantice foresaid, To his Majesties Advocats, at such diets, and times, as shall be appointed, & prescribed to them by his Majesty, or by his Majesties Chancellour, at his Majesties command, and direction, before the giving forth of his Majesties determination in the premisses. *And all the saids Persons* are content and consents, That his Sacred Majesty give forth his pleasure, and determination, aenent the premisses referred to his Majesty, in manner foresaid, berwixt the day, and date hereof, and the first day of *August* next to come. With power also to his Majesty to prorogate the time of his giving forth of the said determination, to whatsoever, ever day or diet thereafter, as shall seem good to his Majesty, out of his Royal Wisdom. **LIKEAS**, all the saids Persons binds and obliges them, their Heirs, and Successours, in all humility

to fulfil, obtemper, and obey his Majesties said determination, They receiving lawful and perfect securities, conform to the tenour of his Majesties Commission foresaid; And also receiving real payment of that which shall be ordained be his Majesty, before they denude themselves, either of right or Possession, of the saids Few-mails, and Teinds, And that, at, or within such time or times, as his Majesty shall appoint, be his said determination. *And for the more security*, All the saids persons and every one of them are content, and consents, that thir presents, with his Majesties determination to follow thereupon, shall be Registrat in the books of Council and Session, and shall have the strength and force of a Decreet of the Lords thereof, with execution to pass thereupon, in form as effects; And the Horning to pass on a simple charge of ten dayes allennety; And to that effect makes and constituts

Their procuratours to compare and consent to the Registration hereof in manner foresaid, *In Witness whereof* (written be *William Ferguson* Writer in *Edinburgh*) All the saids persons have subscribed thir presents, with their hands, Likeas his Sacred Majesty, in token of His gracious acceptation hereof hath subscribed the same with His Majesties hand, days, year, and places foresaid, Before thir Witnesses &c. *Sic subscribitur*; *Anplin, Lennox, Hamilton, Marr, Marechal, Mortoun, Rothes, Menteith, Eglintoun*, for my self and my Son, *Nithisdale, Wintoun, Fladdingtoun, Linlithgow, Buchan, Murray, Home, Roxburgh, Buccleugh, Lauderdale*, for my self and my Son, *Seaforth, Galloway, Amundale, Abercorne, Kellic, Aire, William Cuninghame, Boyd, Lindsay, Binning*, as Curatour for my Lord *Lindsay*, Consents, *Balmerinoch, Cowper, Haly-rood-house, Cranstoun, Carnegie, Loudoun, Spynie, Lindores, Gray, Thomas Bruce*, for the Teinds of *Cowper, Ochiltry, Traquair, Drumlangrig, John Stewart, Andrew Ker, Henrie Areskin, Sir John Hamilton, Annabel Countess of Lothian*, Curatrix to *Anna Ker*, Consents, *Sir George Elphinstoun, Colin Cambel, Fiar of Glenurquhie*, for my self, and taking Burden for my Father, and *Alexander Campbell* my Nephew, *Sempil* as Procuratour for my Lord *Sempil, Robert Innes* of that ilk, *James Livingstoun, Sir Robert Gordoun, Master George Fletcher, Archibald Campbell, Robert Dalzell, James Carmichael, James Lockhart, Sir Alexander Gordoun, Patrick Home Strachan, Hay, Lundie, George Bruce, James Bailie, Richard Balfour of Denmylne, Master Patrick Lindsay, Sir John Campbell of Calder*.

*Written on the back of the Submission above-written. Supercribed by
his MAJESTY.*

CHARLES R.

WEE CHARLES, *By the grace of God, King of Great Britain, France, and Ireland; Defender of the Faith &c.* Prorogats the Submission within written, with Our Decreet and Determination to be given be Us thereupon, unto the last day of December 1629. years, Betwixt and the which day, or any time within the same, it shall be Lawful to Us, to give forth Our Determination upon the said Submission: *And Wills and consents that this Prorogation be insert in the Books of Council and Session, ad futuram rei memoriam. And to that effect, makes and Constituts*

Our Procuratours, With Power to them, or any of them, to compare for Us before the Lords of Our Council and Session, and in Our Name to consent to the registration of this present Prorogation, In Witness whereof, Wee have Signed thir presents with Our Hand, at Our Palace of White-hall, the 21 day of May, the year of God 1628. Before thir Witnesses, William Earl of Menteith President of Our Privy Council of SCOTLAND, Sir William Alexander of Menstrie Knight, Our Principal Secretary, Sir James Skeen of Curriehil Knight, President of Our Colledge of Justice, Sir Archibald Atchison of Glencairn, also Our Secretary, and Sir Thomas Hope of Craighal Knight, Our Advocat, Master Alexander Burnet Secretary to the Advocat, Writer of the premisses.

*At WHITE-HALL the 14. Day of
May 1628. years.*

THE WHICH DAY, In presence of me Notar Publick, and Witnesses under-written, Master *William Elphinstoun* Cup-bearer to his Majesty, as Procuratour for the Constituents within-written, Compared in presence of his Sacred Majesty, and in all Humility, and upon his Knees, Resigned, and Surrendered in his Majesties hands, *Ad perpetuam remanentiam*, the Right, and Title of Superiority, of all and sundry Lands, Baronies, Milnes, Woods, Fishings, Towers, Fortalices, Mannour-places, and other Pertinents, pertaining to whatsoever Erections, and Temporalities of Benefices, of whatsoever Name or Designation, the same be of, To the which the Constituents, or any of them within-written, have, or may pretend right of Superiority, and which are holden of them, as Lords of Erections, be whatsoever his Majesties Subjects, Reserving, and under the Provisions, and Reservations within specified. **WHICH RESIGNATION**, his Majesty accepted with a special *Proviso*, that the same should be without prejudice

dice of His Majesties Rights, to the saids Superiorities, and that the Acception hereof shall not import a grant or acknowledgment, of any Right, or Title, of the saids Superiorities in the Persons of the saids Resigners, *sed accumulando jura jurius*. WHEREUPON Sir *Thomas Hope* of *Craigal* Advocat to his Majesty, in his Majesties name asked Instruments of me *Notar Publick* under subscribing. This was done within the said Palace of *Whitehall*, within his Majesties withdrawing Chamber, the same Day, Place, and Year fore-
said, betwixt Eleven and Twelve houres before Noone, Before thir Witnesses, *George Duke of Buckingham*,
Sir *James Fullartoun*, Gentleman of His Majesties Bed-Chamber, Sir *William Alexander* of *Menstrie*
Knight, Principal Secretary, Sir *Archibald Archibson of Glencairn* Knight, also Secretary to His Majesty,
Sir *George Elphinston* of *Blythwood* Knight, Justice-Clerk, Witnesses required, and Desired to the
Premises. *Sic subscribitur Ita est Jacobus Phillip Notarius Publicus ad premissa requisitus, Testan-*
meis signo, et Subscriptionem manualibus, &c.

Submission made be the Bishops and Clergie of SCOTLAND, To his Majesty, Anent the
Rights of Teinds.

AT The Day of One Thousand, six Hundred
Twenty eight years Wee the Arch-Bishops, and Bishops, and remanent Clergie within the Kingdom of
Scotland under Subscribing, Considering that His Sacred Majesty, Our Dread Sovereign, out of His Royal
Care, Fatherly and tender affection to the Publick good of all his Majesties Subjects of His said Kingdom,
for freeing them from the extremitie of damage, which may ensue to them, by leading of their Teinds, Intends
to take such course as hereafter every Heretour may possess, and enjoy the Teinds of his own Lands, for
payment of a reasonable Rate, and Dewty for the same; And Wee acknowledging our selves to be bound in
Dewty for the advancement of that his Majesties Royal design, tending to the Publick good of the Common-
wealth. And being most willing that such Heretours as are subject to the payment of any Teinds to Us, or
any of Us, may have their own, being desirous thereof, for payment to Us, and our Successours, of such
a reasonable rate, and constant yearly Rent, as his Majesty shall determine to be the *Quota*, and Rates of
the Teinds, within the rest of the Kingdom, so as the Rent and Dewty, in Silver, and Bols payed at the
present, as well to Us, as to the Ministers serving at our particular Churches, be not in any sort hurt, or
diminished. And also considering the great benefite, which the said course intended be His Majesty, may Im-
port to Us and our Successours, who are thereby to have a certain, and yearly Rent, which may not be altered
by any Titulars in prejudice of their Succesours. THEREFORE to be bound and oblidge, Likeas
Wee Bind and Oblidge Us, and Our Successours, to grant to every Heretour of the several Lands, the
Teinds whereof doe appertain to us, or any of us (being desirous of the same) such sufficient security thereof,
as may stand with the Laws of the Kingdom, and for such a reasonable Rate and Rent, or rental Bols as his
Majesty shall determine to be the *Quota*, and Rate of the Teinds: Submitting our selves hereby, to his Ma-
jesties Royal Decreet, and Sentence to be pronounced, at, or before the last Day of December, in the year
of God 1629. And anent what lawful security in manner fore said, shall be made, and given by Us; or any
of Us, to the saids Heretours of their own Teinds, belonging to Our Bishopricks, or Benefices, for pay-
ment to be made, be the saids Heretours, to Us, and Our Successours of the said *Quota*, and Rate, or
constant Rent, and Rental, to be set down be his Majesty, for the saids Teinds, out of the saids Lands sub-
ject in payment thereof yearly, in such manner, and at such terms, as his Majesty shall be pleased to appoint:
And anent the making, setting down, and establishing of the said *Quota*, and Rate of the saids Teinds, Rental,
or Rental-Bols, payable yearly, for the same to Us, and Our Succesours; And anent what Security the
saids Heretours shall make, for the sure, true, timeous, and thankful payment to Us, and Our Successours,
of the said yearly Rent, and Rental-Bols, at such Times, and Terms of payment, as his Majesty shall think
fit to be contained in the security of the said Teinds: And anent the Annuity hereafter payable, be the saids
Heretours, for encrease of his Majesties Rent, Providing that Wee, and every one of Us, enjoy the Fruit,
and Rent, of Our several Benefices, as they are Possess by Us, at this present time, and that the same
be not hurt, nor diminished, neither in quantity, nor quality, whether the same be payed to Us, in Rental-
Bols, or by gathering of the Teind-sheaves; But that Wee, and our Ministers, provided to the particular
Churches under us, and our, and their Successours, may freely enjoy the same, without any alteration;
and that such Rent as shall hereafter belong, and accrefce to us, and any of us, and our Succesours, by his
Majesties said Decreet, anent the said *Quota* to be payed be the saids Heretours, for the remanent of the
Teinds, which are not in our present possession, be secured and made sure to Us, and Our Successours, lea-
ving the saids Heretours of the Lands, out of which the Teinds are due unto Us, To submit themselves to
his Sacred Majesty his Decreet and Determination, anent the Annuity, and other Premises which con-
cern them, to be pronounced before the said last Day of December 1629. AND for the more security,
Wee, and every one of Us, are content, and consents, that thir presents be Insert and Registrat, Together
with his Majesties Determination to follow thereupon, in the Books of Council, and Session of *Scotland*;
to have the strength of a Decreet of the Lords thereof Interponed thereto, and that all Letters, and Execution
needful may pass hereupon, in form as effects, and the Hoing to pass on a simple charge of Ten dayes

only: And for Registrating hereof, and determination forefaid to follow hereupon as faid is, Makes and Constituts
 Conjunctly and severally, Our lawful Procuratours, Promitten *der ato*, In Witneß whereof (Written be *John Law* Servitour to the Right Reverend Father in God *John Archbishop of St. Andrewes*) We have Subscribed this presents, with Our Hands, Day, Moneth, Year, and Place forefaids, Before their Witneses &c. *Sic Subscribitur*, Bilhop *St. Andrewes*, B. *Dunkeld*, *James B. Glasgow*, P. *Aberdeen*, J. B. *Caitneß*, *John B. Murray*, Pat. B. *Rofs*, *John Ep. Soderensis*, *David B. Brechin*, *And. B. Dumblane*, *And B. Galloway*, *And. Lefmorensis*, *Geo. Orca-den*. J. *Primerose* Witneß, Maister *James Law* Witneß to the Bilhop of *Galloway* his Subscription.

Submission made be the Burrowes, To his Majesty, Auent their Teinds.

AT *P E R T H*, The Second Day of *July* 1628. years, Wee the Commissioners of the Free Royal *Burrowes of Scotland*, under-Subscribing, having full Power, and Commission, from Our several Burghs under-written, for their Right to the Teinds, great, and small, Parsonage, and Viccarage, of all, and whatsoever Benefices, doted be his Majesties most Royal Progenitours, be Vertue of the Acts of Parliament, and Securities made to them, and ilk one of them, for their own parts *respective*, for Sustentation of the Ministrie, Colledges, Schools, and Hospitals, of the several Burghs under-specified, to the effect after-mentioned. **C O N S I D E R I N G**, That his Sacred Majesty, Our Dread Sovereign, Out of his Fatherly, and tender affection, and Royal care to the publick good of all his Majesties Subjects, of his Majesties Native, and Aeneient Kingdom of *Scotland*, for freeing them from the extremity, and damage, which may ense to them, by leading of their Teinds, Intends to take such eourse, as hereafter ilk Man may possesse and enjoy the Teinds of the Lands pertaining to him 'in property. **A N D** Wee acknowledging our selvs to be bound in dewty, to the advancement of all his Majesties Royal designs, tending to so publick a good; **T H E R E F O R E** to be Bound, and Oblidged, Likeas Wee, and ilk anc of us for our own Burghs *respective* under-written, Binds, and Oblidges Us, and Our Successours, to grant unto the Heretours of the several Lands, whereof the Teinds doth to Us appertain, after the expiring of the present Tacks already granted be Us, to the present Tackf-men, such Rights, and Securities, for perpetual enjoying of their own Teinds, and for payment of such Rates, and Teind Rental, and Teind Bols of Victual, as his Majesty in His Royal Judgment shall deem; Wee Submitting our selves, ilk anc of us for our own parts hereanent, To his Majesties Royall Decreet, and Sentence, and what shall be the true Rate, Estimation, and Quantity of the faids Teinds, and what Security shall be made to Us, be the faids Heretours, for yearly payment to be made to Us, ilk anc of Us for our own parts, of the faids Teind-Bols of Victual, of such sorts, as shall grow upon the same Lands yearly, as shall be decreed by his Majesty, betwixt *Zuile* and *Candlemes*, for payment whereof, the same Lands shall be lyable, and bound in security for the same. And are content, and consents, ilk anc of Us, for our own parts; That his Sacred Majesty give forth his pleasure, and determination, anent the premises, Referred to his Majesty in manner forefaid, betwixt the day, and date hereof, and the last day of *December*, in the year of God 1629, as shall seem good to his Majesty. With power also to his Majesty, to prorogate the time of the giving forth of his said determination, to whatsoever day, or dayes thereafter, as shall seem good to his Majesty, out of his Royall Wisdome, *And farther* Binds, and Oblidges Us, and Our Successours, ilk anc of Us for our own parts, and Burghs, *respective* under-written, In case it shall be found, that the Rents of the Teinds, great, or small, Victual, or Silver Dewty of the same, doted for Satisfaction of the Ministres, Rectors, and Regents of Our Colledges, Masters of Our Schools, and Poor of Our Hospitals of Our several Burghs, payed to Us, shall exceed the several Sums of Money expended be Us, for the forefaids Pious Uses, and their entertainment in the Stipends of the faids Ministers, Rectors, Regents of Our Colledges, Masters of Our Schools, and of Our Poor, and of Our faids Hospitals, then, and in that case, to pay yearly to his Majesty, and his Collectours, ilk anc of them for their own parts, forth of the super-plus and exercee of the faids dewties remaining, by and attour the payment of the Stipends of the faids Ministers, Rectors, and Regents of our faids Colledges, Masters of Our Schools, and entertainment of the Poor in our faids Hospitals, out of ilk Boll of best Wheat, *Ten shillings*, and out of ilk Boll of best Bear, *Eight shillings*, And out of ilk Boll of best Oats, Pease, and Meale, *Six shillings*, and the said Rent to be Modified out of the whole Rest of the Teind-Bols of Victual of these Teinds forefaids, being of inferiour worth, goodness, and prices, According to the proportion of the said dewty, and rent, made, and imposed upon the best Boll of every kind in manner forefaid. And where Oats are of the Nature that they will not render above halfe Meale, the Rent to be *Three shillings*, And of every *Hundred Merks* of Personage, and Viccarage Teinds, which are not of Victual, the Sum of *Six Merks* moneys, of yearly Rent, and Dewty. **A N D F O R** the more Security, Wee are content, and consents, that this presents, with his Majesties determination to follow hereupon, shall be Insert, and Registrat in the Books of Council, and Session, and shall have the Strength of a decret of the Lords thereof, with Execution to follow thereupon, in form as effects, And the Horning to pass thereupon, On a simple Charge of Ten Dayes allennerly: And to that effect, Makes and Constituts

Our Procuratours, To Compare, and Consent to the Registrating hereof in manner forefaid,

In Witness whereof (Written be James Phillip Servitour to Master John Hay Common Clerk of Edinburgh) Wee the Commissioners of the Burghs under-written, have subscribed thir presents with Our Hands: Likeas his Sacred Majesty, in token of his acceptation hereof, hath Superfcribed the same with his Majesties Hand, Day, Year, and Place foresaids. Before thir Witnesses, George Sutie, Patrick Eleis, and John Tod, Burgeses of the said Burgh of Edinburgh, and Alexander M'naught Writer, with diverse others. Sic Subscribitur. Alex: Peebles Moderatour, John M'naught for Edinburgh, Tho: Weir for Edinburgh, And: Wilson for Perth, Thomas Halyburton for D'ndee, Master Alexander Forbess for Aberdeen, Alex: Cowan for Stirling, Will: Bell for Linlithgow, Simcon Greg for St. Andrews, Gabriel Cunningham for Glasgow, John Knight for Aire, Mr. James Cockburn for Haddington, David Christison for Dysert, Alex: Law for Kirkaldie, John Yarden for Montross, Rob: Pearson for Couper, Henry Moreis for Anstruther, John Irving for Dumfries, Duncan Forbess for Innermess, Will: Meiklejohn for Bruntisland, Mr. Rob: Cuninghame for Kinghorn, Allan Dnulp for Invering, Mr. John Ruthersford for Jedburgh, John Ewart for Kirkcudburgh, Pat: Edgar for Wigtoun, Mr. Thomas Wardlaw for Dumfermling, Mr. John Ker for Selkirk, Geo: Purves for Dmbar, Mr. Ja: Pearson for Arbroth, Alexander Muir for Peebles, David Watson for Dumbartoun, Gideon Jack for Lanerk, Tho: Cuninghame for Carrail, David Forrest for Tayne, Mr. Edward Black for Cnhross, Andrew Hunter for Forfar, John Thomson for Rutherglen, John Meinzie for Northberwick, George King somger for Pettinweym. Ita est Magister Alexander Guthrie Scriba Burgorum, Regni Scotie Notarius Publicus, in premissis requisitus, nomine reliquorum Burgorum, de speciali mandato reliquorum Commissionariorum, Testan his meis Signo, & Subscriptionibus Manualibus, Mr. Alexander Guthrie, George Sutie Witnesses, Patrick Eleis Witnesses, John Tod Witnesses, and Alexander M'naught Witnesses.

Submission made to His Majesty, be certain Tacksmen, and Others having Right to Teinds, &c.

AT the Eighteenth day of 1628. The Persons under-written, having, or pretending a right, be whatsoever Title, Tack, or other manner of right, to whatsoever Teinds of other Mens Lands pertaining to whatsoever Bishoprick, Abbacie, Priory, Parsonage, Vicarage, Colledge-Kirks, Prebendry, Chappainry, or other Benefices whatsoever. And siclike, the Heretours, and Possessours, of whatsoever Lands lying within the saids Benefices, and who are desirous to have the Teinds of their own proper Lands pertaining to the saids Benefices, at a competent rate, and price, conform to his Majesties gracious intention, declared, and signified for the well of the Kingdom; And conform to his Majesties many, and severall Proclamations made thereanent, THAT IS TO SAY, The saids Persons Considering that his Majesty, their Dread, and Gracious Sovereign, out of his Royal care, Fatherly, and tender affection to the publick well of his Native, and most Ancient Kingdom of Scotland, was lately pleased in the Moneth of Januar 1627. Years, for the ease of his Majesties Subjects, and removing the general fear which was conceived be reason of his Majesties Revocation, given forth, and published, in the Moneth of October, 1625. years, to grant Commission under his Majesties Great Seal, to certain his Majesties Commissioners, nominat in the said Commission, to Meet, Conveen, Deale, and Treat, anent such reasonable Composition, and Satisfaction, to be given to such of his Majesties Subjects, as had Right to whatsoever Erections of Benefices, Temporalities, Few-mails, Kirks, Teinds, and Others pertaining thereto, and how lawful Disposition may be made to the Heretours, and Possessours of Lands, of the Teinds of their saids Lands, for such Composition, and yearly Dewty, to be payed, and Reserved to his Sacred Majesty, as the saids Commissioners should think fit, and expedient: As in the said Commission of the Date foresaid, bearing certain Declarations, Restrictions, and other Provisions, in favours of his Majesties Subjects having Right to Erections, and in favours of Heretours, and Possessours of Lands, for Security of their Teinds, at more length is contained. BE VERTUE, and CONFORM to the which Commission, the saids Commissioners having Conveened, and Treated anent the Premisses, from the said Moneth of Januar, to the last of June 1627. years, There was during that time, a great progress made be them, in the said business committed to their care, And be an Act of the 29 of May 1627. years, It was Advised, Enacted, and Concluded, That his Majesty, and his Successours, should have a constant Rent, and Dewty, payed out of the whole Teinds of the said Kingdom, consisting in Victual, or Silver, Except the particular Teinds excepted, and reserved be the said Act, Likeas the saids Commissioners having entered upon consideration of the Rate, and Price of Teinds, found such difficulties, as they could not uniformly agree upon the true Estimation of the saids Teinds, in the Rate, Quality, and Prices thereof; And Therefore be ane Act of the Date of the said 29 Day of June 1627. years, Condescended that the determination thereof should be referred to his Sacred Majesty, As the saids Acts of the Dates foresaids, in themselves at more length reports. And all the saids Persons acknowledging in all Humility, his Majesties Royall, and Princely Care, Providence, and Wisdom, with his Fatherly, and tender Affection, Tending to the removing of all questions, and controversies, to the publick well, and good of the Kingdom. THEREFOR All the saids Persons, with one consent, and assent, of certain Knowledge, and proper Motive, have Ratified, and Approven the said Act made be the saids Commissioners, anent the said constant

stant Rent, and Dewty, to be payed to his Majesty, and his Successours, forth of the Teinds of the Kingdom, Except as is excepted in the said Act, and with the qualities, restrictions, and provisions mentioned in the said Act, which is of the date the said 29. of May 1627. years, Together with the said other Act, made upon the said 29. Day of June 1627. Years, whereby the Determination of the rates, quality, and prices, of Teinds of other Men's Lands is referred to his Sacred Majesty. AND FOR SAMEIKLE as there was a General Submission drawn up concerning the premisses, which was subscribed by the most part of the Titulars, and Heretours of the Kingdom, And that a few number deferred to subscribe the saids Submissions, upon pretence that the Arch-Bishops, Bishops, Parsons, Vicars, and others of the Clergy of the Kingdom, who had Right to the Teinds, had not subscribed the saids Submissions, which Impediment is now removed, in respect the Arch-Bishops, and Bishops, have subscribed a several submission to his Majesty, In so farre as concerns the Teinds pertaining to the Bishopriks. AND his Majesty being willing, and resolved, to have an universal order established within the whole Kingdom, anent the matter of Teinds, and that every Heretour shall have, and brueik his own Teinds, of whatsoever nature the said Teinds be, and to whatsoever Benefice the same pertains, at a competent Rate, and Price, THEREFOR his Majesty be his Letter, and Warrant, direct to the Commissioners for Teinds, of the date the day of last by-past, hath signified his Majesties Gracious will and pleasure; That all Titulars of Teinds, pertaining to whatsoever Kirk, or Benefice, and als all Heretours of Lands, the Teinds whereof pertains to the said Benefices, or Kirk shall subscribe a general submission to his Majesty in referring to his Majesty the price, rate, and quantity of whatsoever Teinds of other Men's Lands: WHICH Letter being read, and considered by the saids Commissioners for Teinds, They be their Act of the date the day of December last by-past, have in all Humility acknowledged his Majesties Gracious, and Fatherly Care, for the Good of his Ancient Kingdom, and have allowed, and approved the said Letter, and interponed their authority thereto. And all the saids Persons being most ready, and willing, in all humility, submission, Promptitude, and Alacrity of Mind, to give Obedience to his Majesties desire for the Publick well of the Kingdom. THEREFOR They all of certain knowledge, and proper motive, have submitted to his Sacred Majesty, All and sundrie Teinds, that they, or any of them have of other mens Lands, be whatsoever Right, or Title, they possess, or enjoy the same, and how they may be deuded *Omni habili modo quo de jure*, And in like manner do submit to his Majesty, to appoint the rate, and quantity of Teinds, and what prices shall be given for the same, and what security shall be made of the Teinds of other Mens Lands, to the Heretours, and Possessours thereof, in such form as may stand by Law: And all the saids Persons are content, and consents, that his Sacred Majesty give forth his pleasure, and Determination, anent the premisses referred to his Majesty in manner foresaid, betwixt the day, and date hercof, and the last day of December 1629. years: With power also to his Majesty to prorogat the time of the giving forth of his said Determination, to whatsoever day, or dayes thereafter, as shall seem good to his Majesty, out of his Royall Wisdom. Likeas all the saids Persons, Binds, and Oblidges them, their Heirs, and Successours, in all Humility to obtemper, fulfill, and obey, his Majesties said Determination, they receiving perfect, and Lawful securities, conform to the Tenour of his Majesties Commission foresaid, and als receiving real payment of that which shall be Obtained by his Majesty, before they denude themselves, either of Right, or Possession of the saids Teinds, and that, at, or within such time, or times as his Majesty shall appoint, be his said Determination. AND for the more security, all the saids Persons, and every one of them, are content, and consents, that thir presents, with his Majesties Determination to follow hereupon, shall be insert, and Registrat in the Books of Council, and Session, and shall have the strength of a Decreet of the Lords thereof, and Execution to pass thereupon, in form as effects, and the Horning to pass one a simple charge of Ten dayes allennerly, And to that effect makes, and Constituts

Their Procuratours to compar, and consent to the Registration thereof, in manner foresaid. In Witness whereof (Written by *William Ferguson* Writer,) All the saids persons have subscribed thir presents, with thir hands, day, year, and place foresaid. Before thir Witness&c. *Sic Subscribitur, Ja.* of *Lawes*, *John Buchanan* Portioner of *Batlashe*. *Ita est Walterus Watson* Notarius Publicus in premissis requisitis, de mandato dicti Jacobi Buntein de Kirkcoun, scribere nescien, ut asseruit, & hunc Calamum meum tangen, Teste manu propria. *Ita est Robertus Glen* Connotarius in premissis requisitis, de speciali mandato dicti Jacobi Buntein de Kirkcoun Scribere nescien, ut asseruit, Teste manu propria.

A P R O C L A M A T I O N

By his Majesty, For Publishing his Majesties Decrees upon the Submissions foresaid.

CHARLES By the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To Our Lovits, Lyon King at Armes, and his Brethren Hieraulds, Messengers, Our Shurreffs in that part, conjunctly, and severally, specially constitute, greeting. FOR SAMEIKLE,

As Wee having now after good Advice, and Deliberation, pronounced, and given forth Our Royal Decree, Sentence, and Determination, in the matters referred, and submitted unto Us, by the General Submissions made by the Arch-Bishops, and Bishops, Lords of Erections, Patrons of Kirks, and Benefices, Titulars of Teinds, and Heretours of the Lands out of which Teinds are payed, and by Our Burrowes, and Others Our subjects, particularly expressed in the saids Submissions, as in the four several Decrees following, pronounced by Us in these matters, as length is contained. AND Wee finding it necessary, and expedient for the good of Our subjects, that Publication, and Intimation should be made of Our saids Decrees, to the intent that Our subjects being acquainted with the Tenour, and substance of the same, they may be the better prepared and resolved, to obtemper, & obey the same. Wee therefore Recommended to the Lords of Our Privy Council, the Publication of Our saids Decrees, which Decrees being exhibit unto Our said Council, and Read in their Audience, upon the Eighteenth Day of September instant, and they in all dewtiful Obedience, acquiescing to Our Royal Direction anent the Publication of Our saids Decrees: Therefore they have Ordained, and Ordains, the saids Decrees to be Published at the Mercat-Crosses of the Head Burrowes of this Our Kingdom, and hath Ordained these Our Letters to be direct for that effect, as an Act made thereupon bears, **OUR WILL IS** Herefore, and Wee Charge you straitly, and Commands, that incontinent these Our Letters seen you pass to the Mercat Cross of *Edinburgh* and to the remanent Mercat Crosses of the head Burrowes of this Our Kingdom, and there by open Proclamation, in Our Name, and Authority make Publication, and Intimation of Our saids Decrees, To all, and sundry Our Lieges, and Subjects, wherethrough none pretend ignorance of the same: As you will answer to Us thereupon: The which to doe, Wee commit to you conjunctly, and severally, Our full power by these Our Letters, delivering the same by you duely Execut, and Indorsed again to the Bearer.

GIVEN under Our Signet, at Holy-rude-houfe, the Eighteenth Day of September, and of Our Reigne the fifth Tear 1629.

Per Actum Dominorum Secreti Concilij.

HERE FOLLOWETH THE TENOUR OF THE DECREETS.

His Majesties Determination upon the first General Submissions.

CHARLES By the grace of God King of Great Britain, France, and Ireland, Defender of the Faith. To all and sundry Our Subjects whom it effeirs. **FOR SAMEIKLE** as by the general Submissions made to Us, by all and sundry persons, having, or pretending Right to whatsoever Erections, and Temporalities of Benefices, Superiorities, and Few-dewties of the same, or to the Kirks, and Teinds, great, and small, Parsonages, and Vicarages, or to Patronages of Kirks pertaining to Erections, or to any Teinds, which they, or any of them have of Other Mens Lands, by whatsoever Right, or Title: And als by the Heretours, and Possessours of Lands lying within the saids Kirks, and Benefices erected, for themselves, and in name of all Others, who were desirous to have the Right, and Title of the Teinds of their own Lands, at a competent rate, and price, conform to Our gracious Proclamations made to that effect; The saids Persons Subscribers of the saids general Submissions did submit themselves to Us; And are bound to stand, and abide, at Our determination, & decree, anent what composition, and satisfaction shall be made, and given by Us, to them, or any of them; for the Few-mails, Few-ferms, and other constant Rent of the Superiorities, of whatsoever Lands, Barronies, Mylnes, Woods, Fishings, Towers, Fortlices, Mannour-places, and their pertinents, pertaining to whatsoever Erections, and Temporalities of Benefices, of whatsoever title, name, or designation, the same be, resigned, and surrendered by them in Our hands: And als did freely, and absolutely submit to Us, all and sundry Teinds, that they, or any of them have of Other mens Lands, by whatsoever Right, or Title, they possess, & enjoy the same: And how they may be denuded thereof, in Our favours, *Omni habili modo quo de jure*: and als submitted to Us, to appoint the rate, and quantity of the saids Teinds, & what price should be given to them for the same, and what securities should be made thereanent, they always being liberat of the burden of the Ministers Stipends *Prorata*; As in the saids general Submissions, containing diverse other Heads, and Articles, and bearing full power to Us to pronounce Our determination in the premises, and als to Prorogate the time of giving forth of Our said determination, betwixt and the first day of *August* then next to come, and now by-gone, to whatsoever day, or dayes thereafter, at more length is contained. *And Wee Having* called up to Us a number of Our Nobility, Privy Council, and Others, able, expert, and well affected, to give their Advice to Us, in a matter of so great Importance, in the Moneths of *April*, and *May* 1628. years, with whom Wee had diverse meetings, and conferences; and heard, and considered, the Reasons, and Arguments of all Parties having interest, with their Opinions, and Judgments thereanent. *And* in respect of the consequence of the business, Wee took the same to Our farther consideration, and in the meane time Prorogate Our determination to be given upon the saids Submissions, till the last day of *December* 1629. years, betwixt and the which time, Wee Declared that Wee would give forth Our Royal determination in the matters submitted to Us, by the saids general Submissions: **AND NOW** Wee being well, and ripely advised therein, and tendering the Well, and Plan-
 tion

ration of the Kirks, with the Peace, and Quietness of that Our Ancient Kingdom; PRONOUNCE Our Sentence, and Determination as follows. IN THE FIRST, as to the composition to be given by Us, for the Few-mails, Few-ferms, and other constant Rent of the saids Superiorities, *Wee Find*, and *Decern* the sum of *One Thousand merks Scots* money to be a competent, and reasonable satisfaction, to be payed for each *Chalder* of Few-ferms Victual over-head, and for each *Hundred merks* money worth of all other constant Rent, of the saids Superiorities (not consisting in Victual, or Money, and not being naked service of Vassals) the same being valued, and redacted in Moneys by Our Commissioners after-specified: *Deducing* always of the saids Few-ferms, Few-mails, and other constant Rent foresaid, the *Blench-dewties* contained in the Insetments of Erections made to the saids Submitters, or to their Authours: For the which *Wee find* that *Wee* ought, nor should give no satisfaction, in respect the same pertains to Us, as Our proper Rent, by their saids Insetments of Erections. *And because* It is not constant what is the true Rental, and quantity of the saids Few-ferms, Few-mails, & other constant Rent of the saids Superiorities. & what part thereof pertains to every particular Person, and what is free deducing the saids *Blench-dewties*, without the which were tryed, and known, there can be no payment made to them of the said composition, and satisfaction; **T H E R E F O R E** Wee Ordain the saids Lords of Erections, and all others having right to any part of the saids Few-ferms, Few-mails, and other constant Rent foresaid of the saids Superiorities, to give in the just Rental of the saids Few-ferms, Few-mails, and other constant Rent of the saids Superiorities, and what part thereof pertains to every particular Person heretaby in Life-rent, or otherwise; and what part thereof is presently payed, or hath been payed to them, or any of them, having, or pretending right thereto, of the years preceeding the decease of Our Umquhile dearest Father of Eternal memory, and sensyne; and what is free there-of deducing the saids *Blench-dewties* before Our Commissioners nominat, or to be nominat by Us to that effect, at such dayes, and times as they shall be required thereto: And to subscribe the saids Rentals with their hands, and therein to be bound to Warrant the saids Rentals to be just Rentals thereof, from their own deed; and that the same hath been payed these Seven years inmediately by-gone, at the least payable by lawful Fewes set before the Act of Annexation: And that the same is not burdened with any pension, nor Life-rent, nor other right flowing from them, their Authours, or Predecessours, since the date of their Erections, which may prejudice Our present Intromission therewith: Which being done, and the saids Rentals tryed, allowed, and approved, by Our saids Commissioners, **D E C E R N S**, and **O R D A I N S**, Our Thesaurer, Thesaurer-depute, and Receivers of Our Rents present, & to come to make a good & thankful payment to them, and every one of them, according to the saids Rentals, to be tryed by Our saids Commissioners, of the said sum of an *Thousand merks*, for each *Chalder* of Few-ferms, & for each *Hundred merks* of Few-mails, and for each *Hundred merks* worth of all other constant Rent foresaid, of the saids Superiorities as said is, and that within the space of a Moneth thereafter, with this special provision, and declaration: That in case Our said Thesaurer-Principal, Thesaurer-Deput, and Receivers, failzie in payment, that then, and in that case, the saids Lords of Erections, and other Persons foresaid, having right to the saids Few-ferms, Few-mails, and other constant Rent foresaid of the saids Superiorities, shall have good right to meddle, and intromet with the saids Few-ferms, Few-mails, and other constant Rent foresaid, of all years, and terms thereafter, ay and while the saids sums be really payed, and satisfied to them, and als with this provision, that if it shall happen any of the saids Lords of Erektion, or any others having, or pretending right to the saids Few-ferms, Few-mails, and other constant Rent foresaid to failzie in comparing before the saids Lords Commissioners, and giving up of the true Rentals thereof, in manner above-designed, at the dict, and times to be assigned to them; That then, and in that case, it shall be lawful to Us, and Our Thesaurers, and Receivers, to intromet with the saids Few-ferms, Few-mails, and other constant Rent of the saids Superiorities, they always being acted, and bound before Our saids Commissioners, appointed, or to be appointed by Us, to pay to the Person sua failzie and the said price, and composition of an *Thousand merks* money for each *Chalder*, or *Hundred merks* of the saids Few-ferms, Few-mails, and other constant Rent foresaid: And that within the space of a Moneth after they shall give up a just, and true Rental, in manner, and with Warrantice above-exprest, and that the same shall be tryed, and found by Our saids Commissioners, to be just, and Lawful: And als with this provision, that if the Failziers shall purge themselves, by lawful, and reasonable causes before Our saids Commissioners, of their not up-giving of their Rentals. That then, and in that case, Our saids Commissioners shall have power to appoint to them whose failzie shall be so purged, Annual-rent at *Ten* of the *Hundred*, from the time of Our Thesaurer's entry to their said Few-mails, to the time of the payment of the said Composition, which is appointed to be made at the up-giving of their said Rentals in manner foresaid. *And because*, in trying of the Rentals of the saids Few-ferms, Few-mails and other constant Rent foresaid, there may occur question betwix Two, or moe Persons, and Parties claiming right to the saids Few-ferms, Few-mails, and other constant Rent foresaid, in whole or in part, by Insetments, Pensions, Life-rents, or other Right standing in their Person; In the which case Justice, and Equity craveth that each Person shall receive a portion of the said satisfaction, according to the quality of their Right, whether the same be Life-rent, Fee, Pension, Annual-rent, or other Right whatsoever, **T H E R E F O R E** Wee Ordain Our saids Commissioners to take trial of the saids several Rights.

and accordingly to appoint the saids sums ordained to be payed by Our said Thefaurers, and Receivers for composition, and satisfaction as said is, to be payed, or divided amongst them, according to the quality of their Rights. *And Wee Will, and Declare* that the Difference or dispute to be made amongst the saids Parties, having, or pretending to have right to the saids Few-ferms, Few-mails, and other constant Rent foresaid, after the true Rental thereof be once tryed, as said is, shall be no hinderance nor impediment, to Our said Thefaurer, and Thefaurer-deput, to meddle, and intromet, with the saids Few-ferms, Few-mails, and other constant Rent of the saids Superiorities: They alwayes paying, or consigning the saids sums decreed by Us, as said is, in presence of the saids Commissioners, to be forth coming to all the saids Parties, who pretends interest thereo, according as Our saids Commissioners shall appoint. *And Farther Wee Declare*, that Our entry to the saids Few-ferms, Few-mails, and other constant Rent foresaid of the saids Superiorities, shall be, and begin at the Feast, and Term of *Whit Sunday*, or *Martimes* next, and immediatly following the payment, or consignment to be made by Our Thefaurer, Principal, or Deput in Our Name, to each per-son up-giver of his Rental of the sums of money dew to be payed, conform to this Our Decree, and determination. And at the term next, and immediatly following the saids failzie to be committed by those who shall not give up their Rental in manner foresaid, Our Thefaurer, and Thefaurer-deput, being alwayes acted for payment to them, after they shall give up their Rentals in manner foresaid. *And als Declares*, if any of the saids Few-ferms, Few-mails, and other constant Rent foresaid, be payable at other terms, nor the saids ordinary terms of *Whit Sunday*, or *Martimes*, that Our entry shall be ruled, and divided according to the respect of the saids ordinary terms of *Whit Sunday*, and *Martimes*, in manner above-exprest, sua that if payment, or consignment shall be made by Us at *Whit Sunday*, then the whole year, and Cropt shall be due to Us, and if the same shall happen to be at *Martimes*, then the halfe allemnerly shall be dew to Us; And the like course to be observed, where the saids failzie shall be committed in not up-giving, of the Rentals in manner before exprest. **NEXT**, Whereas the saids Persons Submitters hath submitted to Us, All and sundry the Teinds that they, or any of them have of Other mens Lands by whatsoever right, or title they possess, or enjoy the same, and how they may be denuded thereof in Our favours; And als have submitted to Us the rate, and quantity of Teinds, price of the same, and manner of security to be made thereanent. *Wee find*, That it is necessary, and expedient, for the publick well, and peace of this Our Ancient Kingdom, and for the better providing of Kirks, and Ministers Stipends, and for the establishing of Schooles, and other Pious uses, that each Heretour have, and enjoy his own Teinds. **AND THEREFORE**, to the effect, full, and perfect security may be made to every Heretour of his own Teinds. **WE DECERN**, and **ORDAIN**, the saids Submitters, and every one of them, and their Heirs, to denude themselves of the right of Other mens Teinds, in Our favours, by all lawful manner, as may stand by the Laws of the Kingdom, and that of the Cropt 1629. years, and yearly thereafter in all time coming. *And to that effect*, Wee decern the said Submitters, and every one of them, and their Heirs, to exhibit their Rights, Infeftments, Tacks, and other securities whatsoever, whereby they brueick the saids Teinds of Other Mens Lands, to Our Advocat, or Clerks of Our saids Commissions, at such diets, and times, as they shall be required, to the effect, he upon the sight thereof may form such lawful, and valide securities in Our favours as may stand by Law. *Which securities*, Wee decern the saids Submitters to subscribe, providing they be no farther obliged in warrandice thereof, but from their own deeds, and from the facts, and deeds of their Predecessours, to whom they are Heirs. Excepting therefrom such facts, and deeds, as is made, and perfected by any of the Submitters, and their foresaid, in favours of the present Possessours, Tacksmen, and others having right from them of the same Teinds. Whereupon they, and every one of them shall be obliged to condescend at the time of the exhibition of their rights, to Our said Advocat, or to the Clerks of Our saids Commissions. And as to the rate, and quantity of Teinds, Wee ratifie, and approve the course, and order taken by Our special Command, and direction for valuation of the whole Teinds of the Kingdom, so farre as shall be justly, and lawfully done, according to the tenour of Our Commissions, and Ordains the Commissioners, and Sub-commissioners already appointed, or to be appointed to that effect, to expedite the same with all convenient diligence, and finds, and declares that the rate, and quantity of all Teinds of the Kingdom, is and shall be the Fifth part of the constant rent, which each land payeth in stock, and Teind, where the same are valued joyntly. And where the Teinds are valued a part, and severally, *Findeth* that the rate, and quantity thereof is, and shall be such as the same shall be valued, and esteemed to, by the saids Commissioners, or Sub-Commissioners, Deducing alwayes the Fifth part thereof; Which Wee out of our Fatherly, and Royal care, for the well of Our said Kingdom ordaine to be deduced off the saids Teinds severally valued as said is, for the ease, and comfort of Our Subjects: Reserving alwayes liberty to such as shall be enormly hurt, and greived in the valuations foresaid, either conjunctly, or severally made, to appeal to Us, or Our Parliament, to the effect Wee may take such order therein, as may rectifie all abuses, and disorders committed, or to be committed in the saids valuations. **AND AS** to the price of Teinds, *Wee Find* the price of each *Hundred merks* of Teinds consisting in money, to be valued, and esteemed to Nine years purchase, and where the saids Teinds consists in Victual, or other bodies of Goods; Because there is great difference of the quality of Victual, and of the other bodies of Teinds, both in spaces, and kinds, and in worth, and goodness, according to the diverse places in the Countrey where the same groweth, and are bred; *Therefore Wee Decern*, and **Ordain** tryal to be taken by Our Commissioners appointed, or to be appointed by Us, of the price, worth;

worth, and estimation of each Chaldre of Viſtial, and of all other bodies of Goods, wherein the Teinds conſiſteth in Kinds, and Goodneſs, as the ſame commonly ruleth in each part of the Countrey: And this being tryed, and condeſcended upon, and the prices thereof being reduced in moneys: *Wee find* the juſt, and reaſonable Price thereof to be eſteemed to Nine years purchaſe: And Wee declare this Nine years purchaſe, to be the juſt price of the heretable right of Teinds, where the Seller hath the heretable right thereof; But where his rights are not heretable, but temporal, and conſiſteth in Leaſes, and Tacks, or ſome other temporal right, whereof there are many, or few years to run: Wee Declare the price in this caſe to be ruled proportionally, according to the number of the years to run and quality of the rights. *And becauſe* many Heretours of Lands, hath Tacks long, or ſhort of their own Teinds, or ſome other right thereof ſtanding in their Perſon, in the which caſe it is not reaſonable, that the Heretours ſhould pay the full price to the Perſons having right to their Teinds. *Therefore* Wee referre this point alſo to our Commiſſioners appointed, or to be appointed, to determine, and ſet down the proportion of the price, according to the years of the Tacks to run, and quality of rights ſtanding in the Perſons of the ſaids Heretours, and according to the quality of the Rights ſtanding in the Perſons of thoſe who hath Title to the ſaids Teinds, after the our-runing of the Heretours Tacks, and rights of the ſame. *It is alwayes Declared*, that the ſaids Heretours who ſhall buy their own Teinds, ſhall be obliged to pay for no more of the ſame, but ſuch as ſhall reſt by and attour the Miniſters Stipends, and other pious uſes, which by the tenour of the General Commiſſion are ordained to be firſt provided, *And als* that thoſe who ſhall not buy their own Teinds, and are to be ſubject in payment of the rate of their Teind above-ſpecified, ſhall be no farther obliged in payment thereof to the ſaids Titulars, but with deduction of ſuch part & portion thereof, as is, or ſhall be provided to the maintenance of the ſaids Miniſters, and other pious uſes foreſaids, expreſt in the ſaid general Commiſſion, Which Wee Will, and Ordain to be deduced, according to the tenour of the ſaid Commiſſion, and Acts thereof made, or to be made therein, Or in any other Commiſſion to be appointed hereafter by Us, in favours of the Miniſters, and other pious uſes therein mentioned. *And Declares* the ſaids Titulars to be free, and liberat of the Miniſters Stipends *pro rata*. *And Decerns* the ſaids Heretours to free, and relieve the ſaids Titulars at the hands of the Miniſters, and others having right of that part of the ſaids Teinds, which ſhall be aſſigned, and appointed to be payed to the ſaids Miniſters, and to the other pious uſes foreſaids: And als to relieve the ſaids Titulars at Our hands aenent the payment of Our Annuity; And to make yearly payment of the foreſaids burdens, for reliefe of the ſaids Titulars *Pro rata*. **AND SICLYKE** *Wee Decern*, where Wee, or any other have right to Teinds, after inſpection of their Evidents, and due conſideration of their Rights by Our ſelfe, or by ſuch Commiſſioners, as Wee ſhall appoint, That accordingly in regard of the rights that Wee, or they ſhall be found to have, and for making up of a perfect right to the Heretours, ſuch a part, or price, or payable Rent ſhall be ordained to be payed, and applyed to Our, or their uſe. **AND** *Becauſe* Wee have a ſpecial, and particular intereſt in the Teinds of Erected Benefices, and that Reaſon, Conſcience, and Juſtice craveth, that a part of the price thereof, or where price is not payed, a part of the yearly dewty ſhould be applyed to Our uſe. *And becauſe* all Erections are not of one nature, and kind, but ſome of them deſerveth more conſideration, and reſpect nor others, according to the true cauſes, merits, and ſervices, for which the ſame were granted. **THEREFORE** Wee remit the tryal hereof to Our ſaids Commiſſioners, to determine what proportion of price, or rent ſhall be deſeaſed, and allowed to Us of the ſaids Teinds of Erections, according to the validity, and merit of each Perſons rights after the production of the ſame to Our Advocat. **AND** *becauſe*, by ane expreſs claufe in the ſaids Submiſſions, it is ſpecially Declared by Us, That Wee would take to Our Princely conſideration, the lawfull Tacks, and Rights of Teinds of erected Benefices, and of all Laick-Patronages, made, and ſet to the preſent Poſſeſſours, or their Authours, by lawful Abbots, Laick-Patrons, and others Titulars of Benefices, lawfully ſet before the dates of the ſaids Erections: And for the ſpaces, and years of the ſaid Tacks, Rights, and Patronages as yet to run; To the effect that they might have full, and plenary ſatisfaction for the ſaids Tacks, Rights, and Patronages according as Wee ſhould find the validity thereof, as is uſual in the like caſes, with the burden alwayes of Our Annuity mentioned in the ſaids General Securities, and Submiſſions. *And to the effect*, Wee might be informed of their ſaids Tacks, and Rights, before the giving forth of Our determination in the premiſſes. **IT WAS**, and is **ORDAINED**, and *Provided*, that ſuch of the ſaids Lords of Erections, and other Perſons foreſaids, as have ſuch Tacks, or Rights made, and ſet unto them, their Predeceſſours, and Authours, before the ſaids Erections, ſhould exhibit, and produce the ſame to Our Advocat, at ſuch diets, and times, as ſhould be appointed by Us, or Our Chancellour, at Our command, and direction, before the giving forth of Our determinations in the premiſſes: **LYKEAS** alſo it is ſpecially provided, That the ſaids general Submiſſions, ſhould no wayes be prejudicial to whatſoever action of Warrandice competent to the ſaids perſons Submitters, or any of them, againſt their Authours from whom they bought, or acquired their Rights of the ſaids Teinds (which falleth within the Compaſs of the ſaids Submiſſions) for ſums of money; But that either the ſaids actions of Warrandice ſhall be reſerved unto them, conform to the tenour of their Rights made to them thereupon: Or otherwiſe, That the ſatisfaction to be decerned in their favours ſhall be anſwerable to their warrandice, and no wayes inferiour thercto; The ſaid Perſons, and ſua many of them who have their actions of warrandice reſerved to them in manner foreſaid, Exhibiting, and producing their ſaids rights, bearing

bearing the warrandice foresaid, To Our Advocat, at such diets, and times as should be appointed, and prescribed to them by Us, or Our Chancellor, at Our command, and direction, before the giving forth of Our Determination in the Premises; As in the saids general Submissions at more length is contained. **AND FOR SAME IRLE** As Wee according to the provisions contained in the saids Submissions, by Our Letter, of the date the last day of *Junij* 1628. Gave special warrand to Our Commissioners for production of the foresaid Tacks, Leases, and others foresaid, who by their Act, and Ordinance of the date the Eight day of *August*, and by publick Proclamation past thereupon: Ordained that all the saids Persons having interest, should compare before them upon the first of *November* 1628. years; Bringing, and producing with them, all their Leasses, and Tacks of Other Mens Teinds, set to them, or their Authours, before their Erections, together with all their rights, and securities of the foresaid Teinds, bearing absolute warrandice, or warrandice of their own moneys in case of eviction: To the effect, the same might be seen, and considered by Our Advocat, with certification to them that failzies, that they should not be heard to claime any satisfaction for the same thereafter. *And* that some few allanerly of the saids Persons having interest, have given in their Tacks, and Rights, bearing warrandice as said is: Sua that by rigour of Law, Wee might give out Our Determination without respect of the saids Rights, not produced to Our said Advocat, conform to the provision contained in the saids Submissions. **Y E T W E E** out of Our Royal clemencie, and goodness **D E C E R N**, and **O R D A I N** full, and plenary satisfaction to be made, not only to those who have already produced, and whose productions are extant in the Registers of the said general Commission: But also to all other persons Submitters, who have lawful Tacks set to them, their Predecessours, or Authours of the saids Teinds of Erected Benefices, which falleth within the compass of the saids Submissions, for the Rights of the saids Teinds during the spaces contained in their saids Tacks, and that without any defalcation, or diminution of the price thereof, in respect of Our particular right, and interest; But according to the full avails of the years to run contained in the saids Tacks; They alwayes exhibiting, and producing to Our Advocat for the time, or Clerks of Our Commissions foresaid, their saids Leasses, and Tacks, betwixt this and the last day of *May* next to come, and no otherwayes; And because after production thereof, every Person will not have alike years, and spaces to run in their saids Tacks; *Therefore* Wee referre to Our saids Commissioners to set down the just worth, and valuation of the saids Tacks set before the saids Erections, according to the number, and spaces of years of the same which is yet to run; And to modify the said price, to each Person accordingly. **A N D S I C L I K E**, Wee *Decern*, and *Ordain* That the saids Persons Submitters, not none of them shall be any wayes prejudged by their saids Submissions, of their actions of warrandice, competent to them against their Authours, from whom they bought, or acquired their Rights of the saids Teinds, which falleth within the compass of the saids Submissions: But declares their saids actions of warrandice, to be free, and reserved to them, allowing alwayes in the first end thereof, so much as they are to receive by virtue of this Our determination, in the first end of their said warrandice; And if any of them shall happen to be prejudged by, or through occasion of their subscribing of the saids Submissions, of their saids actions of warrandice, and to be debared therefra in whole, or in part, by occasion thereof. In that case Wee *Decern*, that whatsoever by Law they might obtain against their saids Authours by their action of warrandice, for warrandicing of their rights of the saids Teinds, which falleth within the compass of the saids general Submissions: And for the which they are or shall be debared by and through the saids Submissions, and this Our determination following thereupon: That the same shall be refunded to them by Our said Thefaurer-principal, Thefaurer-depute, and Receivers foresaid: They alwayes exhibiting, and producing to Our said Advocat, or Clerks of Our Commissions foresaid, their saids rights bearing warrandice in manner foresaid, betwixt and the last day of *May* next to come, and none otherwisc. **A N D W E E F I N D**, and **D E C L A R E**, That this general course, and order, That every Heretour shall bring, and possess his own Teinds, shall have beginning in this instant year of God 1629. years. The saids Heretours being alwayes ready to fulfill, and perform their part of this Our determination, *And to the effect*, that the saids Titulars may receive full, and compleat satisfaction of the price of the saids Teinds, sua farre as is due to them by this Our determination, from the saids Heretours who shall buy their Teinds as said is, or where they shall not buy, that the saids Titulars may be secured in the yearly rate, and quantity of the saids Teinds to be payed to them of the said Crompt 1629 years, and yearly thereafter; *Wee Referre* the consideration of the terms of payment of the saids prices, And also the terms of payment of the said payable rent of the said Crompt 1629, and yearly thereafter, Together with the manner, and form of security to be given thereancent, by the saids Heretours, to the saids Titulars, unto Our saids Commissioners; To whom Wee give full power to set down, such ample securities as may stand by Law, both for Our security, and for the security of the saids Titulars in the premices. Which form of security to be ordained by them, Wee decern the saids Heretours to observe, and fulfil in all points, after the form, and tenour thereof. *Like as* also Wee referre to the consideration of Our saids Commissioners, what manner of security shall be made by Us, to every Heretour of the Teinds of his own Lands; To the effect they may bruck the same heretably, and perpetually for ever, according to the meaning of this Our determination. **A N D W E E D E C E R N**, the saids whole Persons Submitters, their Heirs, and Successours, to obtemper, fulfill, and obey this Our determination, in the whole Heads, and Articles thereof; They receiving lawful, and perfect securities, conform to the tenour

of Our Commission, and whole heads thereof, particularly, and generally mentioned in the saids general Submissions: And als receiving real payment of that which Wee have Ordained by this Our determination, before they denude themselves, either of Right, or Possession, of the saids Few-mails, and Teinds; And that in manner particularly exprest in this Our determination, as is above-specified. AND FINALLY, Wee Ordain this Our determination, with the whole Submissions, whereupon the same proceeds, to be registrat in the books of Our Council, and Session to have the strength, and force of a Decreet of the Lords thereof, with execution to pass thereupon in form as effects. and the Horning to pass upon a simple charge of Ten dayes allanerly. And to that effect, makes, and constituts Our Advocat, Our Procuratour, to compear for Us, and consent to the registrating hereof, in manner foresaid. In Witnesß whereof, Wee have signed these presents with Our hand At *Windsore*, the second day of *September*, the year of God 1629. years; Before these Witnesses, *William* Earl of *Menteb*, *President* of Our Council, and *Hig Justice* of *Scotland*; *Sir William Alexander* of *Menstry* Knight, Our *Secretary*, *Sir Coline Campbel* of *Lundee* Knight, *Baronet*, *Sir James Lockhart* younger of *Ley* Knight, and Master *William Elphinstoun* One of Our *Cap-bearers*.

His Majesties Decreet pronounced upon the Submissions made be certain Tack-men, and Others having Right to Teinds

CHARLES By the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith: To all, and sundry Our Subjects whom it effects. For Sameikle, as Wee being fully resolved to have ane universal order established within Our Kingdom of Scotland, anent the matter of Teinds; And that every Heretour shall have, and bruick his own Teinds, of whatsoever nature the saids Teinds be of, and to whatsoever benefice the same pertaineth, at a competent rate, and price; And understanding that diverse of Our Subjects had deferred to subscribe the first general Submissions anent the saids Teinds, upon pretence that the Arch-bishops, Bishops, Parsons, Vicars, and Others of the Clergy had not subscribed the saids general Submissions: Which impediment was thereafter removed by a several Submission, subscribed by the saids Bishops, and Clergy to Us. Therefore, Wee by Our Letter, and Warrant, directed to the Commissioners for Teinds, of the date the 28. day of *October* last by-past, did signify Our will, and pleasure: That all Titulars of Teinds, pertaining to whatsoever Kirks, or Benefices; And als all Heretours of Lands, the Teinds whereof pertaine to the saids Benefices, and Kirks, should subscribe a general Submission unto Us: Referring to Us the price, rate, and quantity of whatsoever Teinds of Other mens Lands. Which Letter being read, and considered by the saids Commissioners of Teinds, they by their Act of the date the Third day of *December* last by-past: Did in all humility acknowledge Our Gracious, and Fatherly care for the good of Our said ancient Kingdom, and allowed, and approved the said Letter, and interponed their Authority thereto. Conform to the which there was certain Submissions drawn up: Whereby all Persons subscribers of the saids Submissions, having, or pretending right, by whatsoever Title, Tacks, or other manner of right, to whatsoever Teinds of Other mens Lands, pertaining to whatsoever Bishoprick, Abbacy, Pryory, Parsonage, Vicarage, Colledge, Kitks, Prebendary Chaplany, or other Benefice whatsoever: And siclike the Heretours, and Possessours of whatsoever Lands lying within the saids Benefices, and who are desirous to have the Teinds of their own Lands pertaining to the saids Benefices, at a competent rate, and price, submitted, and by the tenour of the saids Submissions, did Submit unto Us, All, and sundry Teinds, that they, or any of them had of Other mens Lands, by whatsoever right, or title they Possessed, and enjoyed the same, and how they might be denuded thereof, *Omni habili modo quo de jure*. And als did submit unto Us, to appoint the quantity, and rate of Teinds, and what price shall be given for the same, and what security shall be made of the Teinds of other mens Lands, to the Heretours, and Possessours thereof, in such form as might stand by Law, and were contented, and consented that we should give our Our pleasure, and determination, anent the premises referred to Us, in manner foresaid, betwixt the day, and date of the saids Submissions, and the last day of *December*, 1629. years: As the saids Submissions subscribed by the particular Persons, Titulars, and Heretours of the several dates thereof, in themselves, more fully reports. And Wee being well, and ripely advised anent the premises: And finding it necessary, and expedient for the publick well, and peace of that Our ancient Kingdom; and for the better providing of Kirks, and Ministers Stipends, and for establishing of Schools, and other Pious usfs: That each Heretour have, and enjoy his own Teinds: And therefore to the effect, full and perfect security may be made to every Heretour of his own Teinds: Wee Decern, and Ordain, The saids Submitters, and every one of them, and their Heirs, to denude themselves of the right of Other mens Teinds, by all Lawful manner, as may stand by the Laws of Our Kingdom, and that of the Cropt 1629. years, and yearly thereafter in all time coming, and to make, and subscribe good, valide, and lawful securities to each Heretour of his own Teinds, by the sight of Our Advocat present, and being for the time, providing they be no farther obliged in warrantance thereof, but from their own deeds, and from the facts, and deeds of their Predecessours, to whom they are Heirs: Excepting therefrom such facts, and deeds, as is made, and perfected

fected by any of the Submitters, and their forefairs, in favours of the present Possessours, Tack-men, and Others having right from them of the same Teinds. And as to the rate, and quantity of Teinds, Wee ratify, and approve the course, and order taken by Our special command, and direction, for valuation of the whole Teinds of the Kingdom, sua far as shall be justly, and lawfully done according to the tenour of the Commissions: And Ordains the Commissioners, and Sub-Commissioners already appointed, or to be appointed for that effect, to expd the same with all convenient diligence. *And Finds, and Declares*, that the rate, and quantity of all the Teinds of the Kingdom, is, and shall be the *Fifth* part of the constant rent which each Lands payeth in stock, and Teind, where the same are valued joyntly: And where the Teinds are valued a part, and severally, *Findeth* that the rate, and quantity thereof, is, and shall be such as the same shall be valued, and esteemed to, be the saids Commissioners, or Sub-Commissioners, deducting always the *Fifth* part thereof, which Wee out of Our Royal, and Fatherly care for the well of Our said Kingdom, Ordain to be deduced off the saids Teinds severally valued as said is, for the ease, and comfort of Our Subjects. Reserving always the liberty to such as shall be enormly hurt, and grieved, in the valuations forefairs, either conjunctly, or severally, to appeale to Us, or to Our Parliament; To the effect Wee may take such order therein, as may rectify all abuses, and disorders committed, or to be committed in the saids valuations. And as to the price of Teinds, Wee find the price of each *Hundrea merks* of Teinds consisting in money, to be valued and estimat to *Nine* years purchase. And where the saids Teinds consists in Viſtual, or other bodies of Goods; Because there is great difference of the quality of Viſtual, and of other bodies of Teinds, both in species, and kinds, and in worth, and goodnes, according to the diverse places in the Countrey where the same growes, and are bred. *Therefore*, Wee decern, and Ordain tryal to be taken by Our Commissioners appointed, or to be appointed by Us, of the price, worth, and estimation of each Chalder of Viſtual, and of all other bodies of Goods, wherein the Teinds consisteth in kinds and goodnes, as the same commonly reuleth in each part of the Countrey. And this being tryed, and condescended upon, and the prices thereof redacted to money, Wee find the just, and reasonable price thereof, to be estimat to *Nine* years purchase: And Wee *Declare* this *Nine* years purchase to be the just price of the heretable right of Teinds, where the Seller hath the heretable right thereof; But where his right is not heretabel, but temporal, and consists in Leases, and Tacks, or some other temporal right, whereof there are many; or few years to run. Wee declare the price in this case to be ruled proportionally, according to the number of the number of the years in the Tacks to run, and quality of the Rights. *And because* many Heretours of Lands hath Tacks long, or short of their own Teinds, or some other right thereof standing in their person; In the which case it is not reasonable that the Heretours should pay the full price to the Persons having right to their Teinds. *Therefore* Wee referre this point also to Our Commissioners appointed, or to be appointed, to determine, and set down the proportion of the price of Teinds, according to the years of the Tacks to run, and quality of the Rights standing in the persons of the saids Heretours, and according to the quality of the rights standing in the persons of these who had Title to the saids Teinds, after the out-running of the Heretours Tacks, and Rights of the same. *It is alwayes* declared, that the saids Heretours who shall buy their own Teinds, shall be obliged to pay for no more of the same, but such as shall rest by and attour the Ministers Stipend, and other Pious uses, which by the tenour of the general Commission, are ordained to be first provided. And als that those who shall not buy their own Teinds, and are to be subject in payment of the rate of their Teinds above-specified, shall be no farther obliged in payment thereof to the saids Titulars, but with deduction of such part, and portion thereof, as is resting by and attour the saids Ministers Stipends, and pious uses forefairs. *And sic-like* Wee *Decern*, where Wee, or any of the saids Titulars have right to the Teinds of Other mens Lands, after inspection of their rights, and due consideration thereof by Our Commissioners appointed, or to be appointed for that effect; That accordingly in regard of the rights that Wee, or they shall be found to have, such a part of the price, and payable rent, shall be ordained to be payed, and applied to Our, or Their uses. *And Wee Find, and Declare*, That this general course, and order, that every Heretour shall bruck, and possess his own Teinds, shall have begining in this instant Cropt, and year of God 1629. years: The saids Heretours being always ready to fulfill, and perform their part of this Our determination. And to the effect that the saids Titulars may receive full, and compleat satisfaction of the price of the saids Teinds, sua far as is due to them by this Our determination, from the saids Heretours who shall buy their own Teinds as said is: Or where they shall not buy, that the saids Titulars may be secured, in the yearly rate, and quantity of the saids Teinds, to be payed to them of the said Cropt 1629. and yearly thereafter, Wee referre the consideration of the terms of payment of the said payable rent of the said Cropt 1629. years, and yearly thereafter, together with the manner, and form of the security to be given thereant by the saids Heretours, to the saids Titulars, unto Our saids Commissioners, appointed, or to be appointed, To whom Wee give full power to set down such ample securities as may stand by Law, both for Our security, and for the security of the saids Titulars in the premises: Which form of security to be obtained by them, Wee decern the saids Heretours to observe, and fulfill in all points, after the form, and tenour thereof. *And Wee Decern* the saids whole Persons Submitters, their Heirs, and Successours, to obtemper, fulfill, and obey, this Our determination, in the whole Heads, and Articles thereof, they receiving lawful, and perfect securities conform

conform to the tenour of Our Commission, and whole heads thereof, particularly, and generally mentioned in the saids general Submissions: And als receiving real payment of that which Wee have ordained by this Our determination, before they denude themselves either of right, or possession of the saids Teinds, and that in manner particularly exprest in this Our determination, above-specified. And finally Wee ordain this Our determination, with the whole Submissions whereupon the same proceedeth, to be registred in the books of Our Council, & Session: To have the strength, & force of a Decree of the Lords thereof, with execution to pass thereupon, in form as effects, and the Homing to pass upon a simple charge of Ten dayes aliently. And to that effect makes, and constitutes

Our Advocat, Our Procuratour, to compare for Us, and consent to the registering hereof in manner foresaid. In Witness whereof Wee have Signed these presents, with Our hand, At *Windsore* the Second day of *September*, the year of God 1629 years. Before these Witnesses *William Earle of Menteith*, President of Our Council, and High Justice of *Scotland*, *Sir William Alexander of Menstry* Knight, Our Secretary, *Sir Coline Campbel of Lundie* Knight, Baronet, *Sir James Lockhart* younger of *Ley* Knight, Master *William Elphinstoun*, One of Our *Cup-bearers*, and Master *John Maxwell* Minister at *Edinburgh*.

HIS MAJESTIES DETERMINATION

upon the Submissions made by the Bishops

CHARLES By the Grace of God, King of Great *Britain*, *France*, and *Ireland*, Defender of the *Faith*. To all, and sundry Our Subjects whom it effects. FOR SAMEIKLE As the Arch-Bishops, Bishops, and remanent Clergy within Our Kingdom of *Scotland*, Subscribers of the Band, and Submission after-specified. Considering that Wee out of Our Royal care, Fatherly, and tender affection to the publick good of all Our Subjects of that Our Kingdom, for freeing them from the extremity, and damage which may ensue to them by leading of their Teinds, did intend to take such course as hereafter every Heretour may possess, and enjoy the Teinds of his own Lands, for payment of a reasonable rate, and dewty for the same: And the saids Arch-Bishops, Bishops and Clergy foresaid, acknowledging themselves to be bound in duty to advance that Our Royal designe; & being willing that all such Heretours as are subject to the payment of any Teinds to them, or any of them, shall have their own Teinds, being desirous thereof, for payment to them, and their Successours, of such a reasonable rate, and constant yearly rent, as Wee should determine to be the *Quota*, and rate of Teinds, within the rest of Our said Kingdom: So as the dewty, and rate in Silver, and Bolls payed at the present to them, or to the Ministers serving at their particular Kirks, be not in any sort hurt, nor diminished: And als considering the great benefit, which the said course intended by Us, may import to their Successours, who are there by to have a certain, and constant yearly rent, which may not be altered by any Titulars in prejudice of their Successours. Therefore the saids Arch-Bishops, Bishops, and remanent Clergy foresaid, by their Band, and Submission, subscribed with their hand, of the date at

The year of God 1628. years: Hath bound, and obliged them, and their Successours, to grant to every Heretour of the severall Lands, whereof the Teinds doe appertain to them, or any of them, (being desirous of the same) such sufficient security thereof as may stand with the Laws of the said Kingdom: And for such a reasonable rate, and rent, or Rental Bolls, as Wee shall determine to be the *Quota*, and rate of Teinds: Submitting themselves thereunto to Our Royal Decree, and Sentence, to be pronounced at or before the last day of *December*, in the year of God 1629. years. And anent what lawful security in manner foresaid, shall be made, or given by them, or any of them to the saids Heretours of their own Teinds belonging to their Bishopricks, or Benefices; For payment to be made by the saids Heretours to them, and their Successours, of the said *Quota*, and rate, or constant rent, or Rental, to be set down by Us, for the saids Teinds out of the saids Lands subject to the payment thereof yearly in such manner, and at such terms, as Wee shall be pleased to appoint. And anent the making, setting down, and establishing, of the said *Quota*. or rate of the saids Teinds, rent, or rental-bolls, payable yearly for the same, to them, and their Successours. And anent what security the saids Heretours shall make for the sure, true, timous, and thankful payment to them, and their Successours of the said yearly rent, and rental-bolls, at such times, and terms of payment, as Wee shall think fit to be contained in the securities of the saids Teinds. And anent the Annuity hereafter payable by the saids Heretours, for encrease of Our Rents, providing that they, and every one of them peaceably enjoy the fruits, and rents of their severall Benefices, as they were possess by them at the time of the said Submission, and that at such rents as should thereafter belong, and accresse to them, or any of them, and their Successours by Our said Decree, anent the said *Quota* to be payed by the saids Heretours for the remanent of the saids Teinds which were not in their present possession, should be secured, and made sure to them, and their Successours, leaving the saids Heretours of the Lands, out of which the Teinds are due to them, to submit themselves to Our Decree, and Determination, anent the Annuity, and other premisses, which concerns them, to be pronounced before the last day of *December*, 1629. years. With power to Us to give forth Our Sentence,

Pleasure,

Pleasure, and Determination anent the premises, betwixt the date hereof and the said last day of *December* 1629. years. As in the said Band, and Submission of the date foresaid at more length is contained. *And Wee* having at great length considered, and advised, what is most fit to be done by Us, in the premises Submitted to Us, both for the well of the saids Bishops, and their Successours, and for establishing of a constant Virtual Rent to them, after the expiring of the present Tacks, wherewith the same are burdened: And for better plantation of Kirks pertaining to them: And als for the peace, and quietness, of Our said Kingdom, that no person have the leading of any Other mens Teinds, but the Heretours of the Lands allennerly: *Pronounceth* Our Sentence, and Determination therein as followeth. **I N T H E** first Wee find the *Quota*, or rate of all Teinds pertaining to the saids Bishopricks, and other Benefices foresaid, which falleth within the compass of the said Submission, To be the Fifth part of that which each Land payeth of constant rent of Stock, and Teind, where the same are joyntly valued, conform to the course, and order taken, or to be taken for the valuation of the same. And where the Teinds are valued severally, and apart, *Findeth* that the rate, and quantity thereof is, and shall be such as the same shall be valued to by Our Commissioners appointed, or to be appointed to that effect: Deducing alwaies the fifth Part thereof, to make the same equal to constant rent *communibus annis*. *And Finds*, and *Declares*, that if in the valuation of the saids Teinds, either joyntly to be made with the Lands, or severally, there be any sensible hurt, greivance, and prejudice committed, in excess, or diminution, which shall require to be rectified by Us: That it shall be lawful to the parties greived to appeal to Us, or to Our Parliament, to the effect Wee may see order put thereto as effects. *And Decerns*, and *Ordains*, the saids Submitters, and their Successours, to grant to every Heretour of the severall Lands, whereof the Teinds appertaineth to the saids Submitters, or any of them being desirous of the same, and to their Heirs, and Successours, Heretours of the saids Lands, such sufficient security thereof as may stand with the Laws of Our said Kingdom, for payment of the said rate, and rent, determined by Us, as said is; And that of the Crompt, and year of God 1629. years, and yearly thereafter, the saids Heretours alwaies who shall desire to have the right of their saids Teinds in manner foresaid, their Heirs, and Successours, making, and subscribing such lawful securities to the saids Submitters, and their Successours, for payment of the said *Quota*, and Rate yearly, betwixt *Zuile*, and *Candlemess*, after the Crompt, with the deduction alwaies of Our Annuity forth of the excrese of the Bols; and rent arising to the saids Submitters, and their Successours, after the expiring of the present Tacks, in manner after-specified: And that in such lawful, and perfect manner, as may stand by the Laws of Our Kingdom, and shall be devised by Our Advocate; To whom Wee referre both the manner of right, and security, to be made by the saids Submitters, to the saids Heretours of the saids Teinds: And als of the security to be made by the saids Heretours to the saids Submitters, & their Successours, for sure payment of the rent, and dewty above-specified, together with Our Annuity dew to Us, for increase of Our Rent, to be payed by the saids Heretours, and their Successours, to Us, and Our Successours, for such part of the said rent, and Bols as shall accree to the saids Submitters by the valuations foresaid, after the expiring of the present Tacks of the Teinds of their saids Lands, pertaining to their saids Bishopricks, and Benefices. Which Annuity shall be allowed; and defeased to the saids Heretours off the first end of the said rent, which shall accree to the saids Submitters, and their Successours as said is; but prejudice alwaies to the saids Submitters, and their Successours, and to the Ministers provided to the severall Kirks under them: To bruik, and possess the fruits, and rents of their severall benefices, whereof payment was made to them, the time of the making of the said Submission, and that without all burden of Our said annuity. **A N D W e e F i n d**, and **D e c l a r e** That it shall nor be lawful to the saids Submitters, and their Successours, to be provided to the saids Bishopricks, and Benefices, to set any Tacks long, or short, or to make any other disposition of the saids Teinds pertaining to the saids Bishopricks, and Benefices, after the expiring of the present Tacks thereof, but allennerly for payment of the said rate, rent, and Quota now determined by Us, which shall remain whole, entire, & unhurt in quantity, or quality, and so transmitted to the Successours for ever, without any change, alteration, diminution, conversion in money, or other prejudice whatsoever: Reserving to Us Our Annuity of that which shall accree after the expiring of the present Tacks in manner foresaid. *And Wee Ordain* this Our Determination, with the said Submission whereupon the same proceeds, to be Registat in the Books of Our Council, and Session, to have the strength, and force of a Decreet of the Lords thereof, with execution to pass thereupon in form as effects: And the Horning to pass upon a simple charge of Ten dayes allennerly. And to that effect makes, and constituts

Our Advocate, Our Procurator, to compare for Us, and consent to the Registrating hereof in manner foresaid. In Witness whereof, Wee have Signed these presents with Our Hand, At *Windfore*, the Second day of *September*, the year of God, 1629. years. Before these Witnesses, *William Earle of Menteith*, President of Our Council, and High Justice of Scotland, *Sir William Alexander of Menstry* Knight, Our Secretary, *Sir Coline Campbel of Lundie*, Knight, Bartonet; *Sir James Lockhart of Ley* Knight; and Master *William Elphinstoun*, One of Our Cup-bearers.

HIS MAJESTIES DETERMINATION,

upon the Submission made by the Burrowes.

CHARLES By the Grace of God King of Great Britain, France, and Ireland, Defender of the Faith, To all and sundrie Our Subjects, whom it esteems. For Sameikle, As the Commissioners of the free Royal Burrowes within Our Kingdom of Scotland, having full Power, and Commission from their severall Burghs; Considering that Wee out of Our Royal care, Fatherly, and tender affection, to the Publick good of all Our Subjects, of Our Native, and Ancient Kingdom of Scotland, for freeing them from the extremity, and damage, may ensue to them by leading of their Teinds; Intended to take such course as thereafter each Man might possess and enjoy the Teinds of the Lands pertaining to him in propriety. And they acknowledging themselves to be bound in duty to the advancement of all Our Royal designs tending to so Publick a good. Therefore, They by their Band, and Submission, of the date at Perth, the Second day of July, the year of God 1628. years, Bound and Obliged them, and each of them, Subscribers of the said Submission, and their Successours, for, and in name of the saids Burghs, to grant unto each Heretour of the severall Lands, whereof the Teinds did to them appertain (after the expiring of the present Tacks already granted by them to the present Tackf-men) such rights, and securities for perpetual enjoying of their own Teinds, and for payment of such rates, and Teind, Rental, Bols of Victual, as Wee in Our Royal judgment should decern: Submitting themselves, & each one of them for their own parts thereanent, to Our Royal Decree, and Sentence, and what should be the true rate, estimation, and quantity of the saids Teinds, and what security should be made to them, by the saids Heretours, for yearly payment to be made to them, each one for their own parts of the saids Teind-Bols of Victual, of such sorts as should grow upon the ground of the saids Lands yearly; As shall be determined by Us heruixt *Zuile*, and *Candlemes*. For payment whereof the famine Lands shall be lyable, and bound in security of the famine: And were content, and consented, each one for their own part, that Wee should give forth Our pleasure, and Determination. anent the premisses referred to Us in manner foresaid, betuixt the date of the said Submission, and the last day of December, in the year of God, 1629. years: As in the saids Submissions of the date foresaid, containing diverse other Provisions, at more length is contained. And Wee being well, and ripely advised anent the premisses, and finding it necessar, and expedient for the publick well, and peace of that Our Ancient Kingdom, that each Heretour have, and enjoy his own Teinds. Pronounceth Our Sentence, and Determination therein as followeth. IN THE FIRST, Wee Decern, and Ordain, the saids Burrowes Royal, Provests, Baillies, and Council of the same, and their Successours, whose Commissioners have subscribed the said Submission; To grant unto each Heretour of the severall Lands, whereof the Teinds doe appertain to them, their Heirs, and Successours (after expiring of the present Tacks, already granted by them to the present Tackf-men) such Rights, and Securities, for perpetual enjoying of their own Teind, for payment of the Rates, & Rental-Bols after mentioned in such ample form, as may stand by the Laws of the Kingdom: The saids Heretours alwaies, and their foresaid, making, and Subscribing to the saids Royal Burrowes, & their Successours, such lawful Securities for payment of the *Quota*, and rate of Teinds after-specified yearly, betuixt *Zuile*, and *Candlemes*, for payment whereof the famine lands shall be lyable, and bound in security for the same; And that in such form, and manner as shall be devised by the sight of Our Advocat for the time, to whom Wee referre the manner, and form of the Securities to be made by the saids Royal Burrowes, to the saids Heretours of their own Teinds, and by the saids Heretours, to the saids Royal Burrowes, of the rate, and *Quota* of Teinds after-specified. And as to the rate, and quantity of Teinds, Wee Find the *Quota*, or rate of all Teinds pertaining to the saids Royal Burrowes, to be the *Fifth* part of that which each Land payeth of constant rent in Stock, and Teind, where the same are joyntly valued, conform to the course, and order taken, or to be taken for the valuation of the famine: And where the Teinds are valued severally, and a part, *Findeth* that the rate, and quantity thereof is, and shall be such as the same shall be valued to by Our Commissioners appointed, or to be appointed to that effect. Deducing alwaies the *Fifth* part thereof to make the famine equal to the constant rent *Communibus annis*. And *Finds*, and Declates, that if in the valuations of the saids Teinds, either joyntly to be made with the lands, or severally, their be any sensible hurt, grievance, and prejudice committed in excess, or diminution, which shall require to be rectified by Us, that it shall be lawful to the parties grieved, to appeal to Us, or to Our Parliament, to the effect, Wee may see order put thereto as esteems. And Decerns this course, and order that every Heretour shall have his own Teinds, to have the begining in the Crompt, and year of God 1629. years: The Tacks set to the present Tackf-men, being expired, or otherwise lawfully established in the Person of the Heretour by the saids Tackf-men who have right thereto. AT TOUR For sameikle, as by the said Band, and Submission, the foresaid Commissioners each one of them for their own parts, hath Bound, and Obliged their saids Burrowes, and their Successours, that in case it shall be found, that the rents of the Teinds great, and small, Victual, or Silver dewties of the famine, doted for the sustentation of Ministers, Rector, and Regents of their Colledges, Masters of their Schools, and poor of the Hospitals of their severall Burghs payed to them shall exceed the yearly sums of money expended by them for the fore-

said Pious uses, and their entertainment in the Stipends of the saids Ministers, Rector, and Regents of their Colledges, Masters of their Schools, and of the Poor in their saids Hospitals; Then and in that case, to pay yearly to Us, and Our Collectours, each one of them for their own parts forth of the superplus, and excesse of the saids dewties remaining by and attour the payment of the saids Stipends due to the saids Ministers, Rectors, and Regents of their severall Colledges, Masters of their Schools, and entertainment of their Poor in their Hospitals. Our Annuity due to Us in manner exprest in the said Submission. *Therefore Wee Ordain* Our Commissioners appointed, or to be appointed by Us, to take trial of the true estate of the Rents, and Teinds pertaining to each Burgh, and of the burden which they have for entertainment of their Ministry, and Poore, and of the Rector, and Regents of Colledges where the same are, and to consider if there be any superplus, and excesse by and attour the burdens foresaid, forth of the which Our said Annuity ought to be payed; And according thereto, *Decerns* the saids Burrowes, and their Successours, to make payment to Us, and Our Collectours, of Our Annuity which is due to Us forth of the saids superplus, and excesse if any shall be found as said is. *And Wee Ordain* this Our Decree, with the said Submission wherupon the same proceeds to be registrat in the Books of Our Council, and Session, To have the force, and strength of a Decree of the Lords thereof, with execution to pass thereupon, in form as effects: And the Homing to pass upon a simple charge of Ten dayes allennerly; And to that effect makes, and constituts

Our Advocat, Our Procuratour, to compear for Us, and consent to the registering hereof, in manner foresaid. In Witness whereof, Wee have Signed these presents with Our hand, At *Windsore* the Second day of *September*, the year of God 1629. years; Before these Witnesses, *William* Earl of *Menteith*, President of Our Council, and High Justice of *Scotland*, *Sir William Alexander* of *Mensrie* Knight, Our Secretary, *Sir Coline Campbel* of *Lundie* Knight, Barronet, *Sir James Lockhart* younger of *Ley* Knight, Master *William Elphinstoun* One of Our Cup-bearers, and Master *John Maxwell* Ministet at *Edinburgh*.

F I N I S.

THE
LAWS AND ACTS
OF THE FIRST
PARLIAMENT

Of Our Most High and Dread Sovereign

CHARLES THE SECOND

*By the Grace of GOD, King of SCOTLAND, ENGLAND,
FRANCE, and IRELAND,*

Defender of the Faith, &c.

Holden at *Edinburgh* the first of *January*, 1661. By a Noble Lord, *JOHN* Earl
of *Middletoun*, Lord *Cleremont*, and *Fettercairn*, His MAJESTIE'S
High Commissioner, for holding of this PARLIAMENT,
by vertue of a Commission under his *Majestie's*
great Seale of this Kingdom :

With the speciall advice and consent of the Estates of PARLIAMENT.

*Collected, and Extracted from the publick Records of the said Kingdom, by Sir THOMAS
MURRAY of Glendook, Knight and Baronet, Clerk to His Majestie's Council,
Register, and Rols, by his Majestie's special warrand.*



EDINBURGH,

Printed by DAVID LINDSAY, Anno DOM. MDC. LXXXI.

CUM PRIVILEGIO.

THE
LAW'S AND ACTS

PARLIAMENT

VOL. 2 THE SECOND

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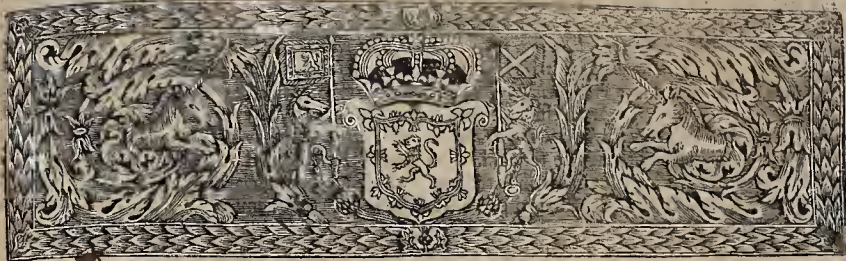
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J. a. Clark sculp



THE
L A W S and A C T S
MADE IN THE FIRST
P A R L I A M E N T,
Of our most High and Dread SOVERAIGN,
C H A R L E S
THE SECOND,

By the Grace of GOD, King of Scotland, England, France and Ireland,
Defender of the Faith.

Begun at Edinburgh the first of January, 1661.

I.

ACT concerning the President and Oath of Parliament.



Orasmuch as it hath pleased Almighty GOD, to compassionat the troubles and confusions of this Kingdom, by returning the Kings most Excellent *Majesty* to the exercise of that Royal Government, under which, and its excellent constitution, this Kingdom hath for many ages enjoyed so much happiness, peace and plenty. And it being upon good and important considerations, an inviolable practice in this Government, before these troubles, that the person nominat by His *Majesty*, to be His Chancellor within this Kingdom, did of right, and as due to his place, preside in all Meetings of Parliament, and other publick Judicatories of the Kingdom, where he was present for the time. And His *Majesty* now considering the great advantages do accrise to the publick good of His Subjects, by the due observance of such ancient and well grounded Customs and Constitutions, and the prejudices that do accompany a change thereof: Therefore His *Majesty*, with advice and consent of His Estates of Parliament, doth Declare, That the present Lord Chancellor, and such as hereafter shall be nominate by His *Majesty*, or His Royal Successors, to succeed in that place; and in case of their absence, such as shall be nominate by His *Majesty*, are by vertue and right of the said office and such nomination *respective*, to preside in all meetings of His *Majesties* Parliaments or other publick Judicatories of the Kingdom, where they shall happen to be present, and that they are now and in all time coming to enjoy this priviledge. And in discharge of this trust, they are at the first down-sitting of every Parliament, to administer to all the Members thereof the Oath of Alledgiance, whereof the tenor follows;

I, for testification of my faithful obedience to my most gracious and redoubted Sovereign, CHARLES King of Great Britain, France and Ireland, Defender of the Faith, &c. Affirm, testifie and declare, by this my solemn Oath, That I acknowledge my said Sovereign only supream Governour

vernour of this Kingdom, over all Persons and in all Causes; and that no Forraign Prince, Power or State, nor person Civil or Ecclesiastick, hath any Jurisdiction, Power or Superiority over the same: And therefore I do utterly renounce and forsake all Forraign Jurisdictions, Powers and Authorities; and shall at my utmost power, defend, assist and maintain His Majesties Jurisdiction foresaid against all deadly, and never decline His Majesties Power nor Jurisdiction, as I shall answer eo GOD. With this addition, And I shall faithfully give my Advice and Vote in every thing shall be propounded in Parliament, as I shall answer to GOD.

Likeas His Majesty, with advice foresaid, doth hereby Rescind and Annull all Acts, Statutes or Practices, as to the President, or Oath of Parliament, which are prejudicial unto, or inconsistent with, this present Act, and Declare the same to be void and null in all time coming.

I I.

Act and Acknowledgement of His MAJESTIES Prerogative, in the choice of His Officers of State, Councillors and Judges.

THe Estates of Parliament, considering the great obligations that do ly upon them from the Law of GOD, the Law of Nations, the Municipal Laws of the Land, and their Oaths of Allegiance, to maintain and defend the Sovereign Power and Authority of the Kings Majesty, and the sad consequences that do accompany any incroachments upon, or diminutions thereof: Do therefore, from their sense of humble duty, Declare, That it is an inherent privilege of the Crown, and an undoubted part of the Royal Prerogative of the Kings of this Kingdom, to have the sole choice and appointment of the Officers of State, and Privy Councillors, and the nomination of the Lords of Session as in former times, preceeding the year, 1637. And that the Kings Sacred Majesty and His Heirs and Successors, are for ever, by vertue of that Royal Power, which they hold from GOD Almighty over this Kingdom, to enjoy and have the full exercise of that Right. And therefore, the Kings Majesty, with advice and consent of His Estates of Parliament, doth hereby Rescind and Annull all Acts, Statutes or Practices to the contrair, and Declare them to have been undutiful and disloyal invasions upon the Royal Prerogative, and to be void and null in all time coming.

I I I.

Act asserting His MAJESTIES Royal Prerogative, in the calling and dissolving of Parliaments, and making of Laws.

THe Estates of Parliament now convened, by His Majesties special Authority, considering that the Quietness, Stability and Happiness of the people, do depend upon the Safety of the Kings Majesties Sacred Person, and the maintenance of His Sovereign Authority, Princely Power, and Prerogative Royal. And conceiving themselves obliged in conscience, and in discharge of their duties to Almighty GOD, to the Kings Majesty, and to their native Countrey, to make a due acknowledgement thereof at this time; Do therefore unanimously Declare, that they will with their lives and fortunes maintain and defend the same. And they do hereby acknowledge, that the power of Calling, Holding, Proroguing and Dissolving of Parliaments, and all Conventions and Meetings of the Estates, doth solely reside in the Kings Majesty, His Heirs and Successors. And that as no Parliament can be lawfully kept without the special warrand and presence of the Kings Majesty, or His Commissioner; so no Acts, Sentences or Statutes, to be past in any Parliament, can be binding upon the people, or have the authority and force of Laws, without the special Authority and Approbation of the Kings Majesty, or His Commissioner interponed thereto, at the making thereof. And therefore the Kings Majesty, with advice and consent of His Estates of Parliament, doth hereby Rescind and Annull all Laws, Acts, Statutes or Practices that have been, or upon any pretext whatsoever, may be, or seem, contrair to, or inconsistent with, His Majesties just Power and Prerogative above-mentioned, and Declares the same to have been unlawful, and to be void and null in all time coming. And to the end that this Act and acknowledgement, which the Estates of Parliament, from the sense of their humble duty and certain knowledge have hereby made, may receive the more exact obedience in time coming, It is by His Majesty, with advice foresaid, Statute and Ordained, that the punctual observance thereof, be specially regarded by all His Majesties Subjects, and that none of them upon any pretext whatsoever, offer to call in question, impugne, or do any deed to the contrair hereof, under the pain of Treason.

I V.

Act asserting His MAJESTIES Royal Prerogative, in making of Leagues and the Conventions of the Subjects.

THe Estates of Parliament, considering that the maintenance of His *Majesties* Authority and Royal Prerogative, in and concerning the making of Leagues and the Conventions of the Subjects, is not only a necessary duty of the people, but of singular advantage to their happiness and peace: And that their Predecessors wisely foreseeing the good and benefit thereof, and the prejudices and miseries that inevitably did accompany the neglect of the same, did therefore by many several Acts and Laws, assert the Kings Prerogative and Authority therein; and particularly by the hundred and thirty one Act of the eighth Parliament of King *James* the sixth, it is Statute and Ordained, That none of his Highness Subjects of whatsoever quality, state or function, presume to convocate, convene or assemble themselves for holding of Councils, Conventions, or Assemblies, to treat, consult and determine in any matter of State, Civil or Ecclesiastick (except in the ordinary Judgements) without His *Majesties* special command, or express licence, had and obtained thereto, under the pains made against such as unlawfully convocate the Kings Leidges. And by the twelfth Act of the tenth Parliament, holden the tenth of *December*, one thousand five hundred and eighty five, It is by His *Majesty*, with advice of His three Estates, Statute and Ordained, that no Leagues nor Bonds be made among His Subjects of any degree, upon whatsoever colour or pretence, without His Highness or His Successors privitie and consent, had and obtained thereunto, under the pain to be holden and execute as movers of Sedition to the breach of the Peace. And now finding that the due observance of these Laws, might have contribute much to the preventing of these confusions and troubles, which in these late times have almost ruined both the Kings *Majesty* and all His loyal Subjects: Therefore His *Majesty*, with advice and consent of His Estates of Parliament, doth revive, renew, ratifie and approve these Acts above-mentioned, and Ordain the same to be punctually obeyed in all time coming, conform to the tenor thereof, and under the pains therein contained. And Declares, that any explanation or gloss, that during these late troubles hath been put upon these Acts, as that they are not to be extended against any Leagues Councils, Conventions, Assemblies or Meetings, made, holden or kept by the Subjects for preservation of the Kings *Majesty*, the Religion, Laws and Liberties of the Kingdom, or for the publick good either of Kirk or Kingdom, are false and disloyal, and contrair to the true and genuine meaning of these Acts: And therefore His *Majesty*, with advice foresaid, doth Discharge, and for ever Annull the same, and all Acts and Practices that have been in pursuance thereof.

V.

Act asserting His MAJESTIES Royal Prerogative in the Militia, and in making Peace and War, &c.

THe Estates of Parliament, considering the great happiness that this Kingdom hath for many Ages enjoyed, under the Princely Government of their Royal Kings; who by the special blessing of Almighty GOD, have reigned over them, in so long and an unparallel'd *series* of Royal descents; and the obligation thereby lying upon them, in conscience, honour and gratitude, to own and assert the Royal Prerogatives of the Imperial Crown of this Kingdom, which the Kings *Majesty* holds from GOD Almighty alone. And to vindicate the same from these invasions, which by the malice or specious pretences of ill affected persons, and the confusions and disorders of the late times, have been made upon it, Do therefore Declare, that the power of Armes and making of Peace and War, or Treaties and Leagues with Forraign Princes or Estates, doth properly reside in the Kings *Majesty*, His Heirs and Successors; and that it was and is their undoubted Right, and theirs alone, to have the power of raising in Armes, the Subjects of this Kingdom, and of the commanding, ordering and disbanding, or otherwise disposing thereof; and of all Strengths, Forts or Garrisons within the same, as they shall think fit; the Subjects always being free of the Provisions and Maintenance of these Forts and Armies, unless the same be concluded in Parliament or Convention of Estates. Likas the Kings *Majesty*, with advice and consent foresaid, doth hereby Declare, That it is, and shall be high Treason to the Subjects of this Kingdom, or any number of them, more or less, upon any ground or pretext whatsoever, to rise or continue in Armes, to maintain any Forts, Strengths or Garrisons, to make Peace or War, or to make any Treaties or Leagues with Forraign Princes or Estates, or among themselves, without His *Majesties* special Authority and Approbation first interponed thereto; And doth discharge all His *Majesties* Subjects to offer upon any pretext whatsoever, to attempt the doing of any of these things hereafter, under the said pain of

Treason. And in further detestation of such unlawful and unwarrantable practices, the Kings *Majesty*, with advice and consent of His Estates of Parliament, doth hereby Rescind and Annul all Acts, Statutes, Ordinances or Deeds, past or done in any Parliaments, Conventions, or other Meetings whatsoever, or any otherwise, in so far as they are, or may be contrait to, or inconsistent with, this present Act; and Declares the same (dispensing with the generality, and holding all the particulars as *verba sunt* herein inserted) to be void and of no force nor effect in time coming.

V I.

Act annulling the pretended Convention of Estates; kept in the Year, 1643.

Forasmuch as the power of calling of Parliaments, or Conventions of the Estates of this Kingdom, hath always been, and is an undoubted privilege of the Crown, and doth solely reside in the Kings *Majesty*: And that notwithstanding thereof (among the many other invasions, which during these late times, have been made upon the Royal Prerogative; a pretended Meeting and Convention of the Estates was called and kept at *Edinburgh*, in *June*, one thousand six hundred fourty three, without any warrant from the Kings *Majesty*: And the Estates of Parliament now convened by His *Majesties* special Authority, having taken into their consideration the indictment, reasons and grounds of the calling of the said Convention, do find that the said pretended Convention of Estates, notwithstanding of all the specious pretexts made for the same, did meet, and convene, without any lawful Warrant or Authority; And therefore the Kings *Majesty*, with advice and consent of His Estates of Parliament, doth Declare the same, with all that was done therein, void and null, and Rescinds and Annulls all Acts or Deeds whatomever, ratifying and approving the same.

V I I.

Act concerning the League and Covenant, and discharging the renewing thereof without His MAJESTIES warrant and approbation.

Forasmuch as the power of Armes, and entring into, and making of Leagues and Bonds, is an undoubted privilege of the Crown, and a proper part of the Royal Prerogative of the Kings of this Kingdom, and that in recognizance of His *Majesties* just Right, the Estates of Parliament of this His most ancient Kingdom of *Scotland*, have declared it high Treason to the Subjects thereof, of whatsoever number, less or more, upon any pretext whatsoever, to rise, or continue in Armes, or to enter into Leagues and Bonds, with Forraigners, or among themselves, without His *Majesties* special Warrant and Approbation, had and obtained thereto, and have Rescinded and Annulled all Acts of Parliament, Conventions of Estates, or other Deeds whatsoever, contrary to, or inconsistent with the same; And whereas during these troubles, there have occurred divers things, in the making and pursuance of Leagues and Bonds, which may be occasion of jealousy in, and betwixt His *Majesties* Dominions of *Scotland*, *England* and *Ireland*. Therefore, and for preventing of all scruples, mistakes or jealousies that may hereafter arise upon these grounds, the Kings *Majesty*, with advice and consent of His Estates of Parliament, doth hereby Declare, that there is no Obligation upon this Kingdom by Covenant, Treaties or otherwise, to endeavour by Armes a Reformation of Religion in the Kingdom of *England*, or to meddle with the publick Government and Administration of that Kingdom. And the Kings *Majesty* with advice and consent foresaid, doth Declare, That the League and Covenant, and all Treaties following thereupon, and Acts or Deeds that do, or may relate thereto, are not obligatory, nor do inter any obligation upon this Kingdom, or the Subjects thereof, to meddle or interpose by Armes, or any seditious way, in any thing concerning the Religion and Government of the Churches of *England* and *Ireland*, or in what may concern the Administration of His *Majesties* Government there. And further, His *Majesty*, with advice and consent of His Estates, doth hereby Discharge and Inhibite all His *Majesties* Subjects within this Kingdom, that none of them presume upon any pretext of any Authority whatsoever, to require the renewing or swearing of the said League and Covenant, or of any other Covenants, or publick Oaths concerning the Government of the Church, or Kingdom, without His *Majesties* special Warrant and Approbation; And that none of His *Majesties* Subjects offer to renew and swear the same, without His *Majesties* Warrant, as said is, as they will be answerable at their highest peril.

V I I I.

VIII.

Act against Papists, Priests, and Jesuits.

Our Sovereign Lord considering, that the publick contempt of, and disobedience to, lawful Authority, (though covered with the most specious pretences) is always accompanied with great confusions and provocations, to the dishonour of GOD, and ruine of the People; And that thereby occasion is offered to wicked and ill affected persons, of all sorts, upon one pretence or other, to subvert Religion, and pervert the Duty and Allegiance of the Subjects; Whereof there be too sad evidence, by the increase of Popery, and the number of Jesuits, Priests, and Papists; which have of late, and do now abound in this Kingdom, in far greater numbers then ever they did under the Government of His *Majesties* Royal Father and Grand-Father, of blessed memory. And His *Majesty*, being desirous to trace the His Royal Ancestors, in a due and vigorous prosecution of these many excellent Laws made by them, against the Saying of Mels, and the stay and resset of Jesuits, Seminary and Mels Priests, and Trafficking Papists, within this Kingdom: Doth therefore, with advice and consent of His Estates of Parliament, command and charge all, and sundry Jesuits, Priests and Trafficking Papists, that none of them presume hereafter to say Mels within this Kingdom; And that within a moneth after the publication hereof, they remove forth of the Kingdom, under the pain of death: And sicklike, His *Majesty*, with advice and consent foresaid, doth command, charge and inhibit all His *Majesties* Subjects, of what quality or degree soever, that none of them presume to hear Mels, resset, supply, entertain, furnish meat or drink, nor keep intelligence or correspondence with any Priest, Jesuit or Trafficking Papist, under the pains contained in the Laws and Acts of Parliament made in that behalf. And to the end that this Act may receive the more exact obedience and prosecution, His *Majesty*, with advice and consent foresaid, doth hereby command all Sheriffs of Shires and their Deputes, all Magistrates of Burghs, and other publick Ministers of the Laws, to make exact enquiry and search in their several bounds and jurisdictions, and to apprehend all such Jesuits, Priests and Trafficking Papists, as they shall find within the same, after the last day of *March* next to come; and to commit them to the next sure Prison, there to remain till they receive due punishment, according to the Laws: And also, that with all possible diligence, they send in to the Parliament, or in case of their not Sitting, to His *Majesties* Privy-Council, the List of such persons within their bounds, as are known, or suspected to be Papists; that course may be taken with them, conform to the Laws of the Kingdom: And hereof, the Sheriffs and Magistrates, and their Deputes are to take special notice, as they will be answerable at their highest peril: Likewise, His *Majesty* considering how dangerous it is that Children be educat by persons Popishly affected, do therefore, conform to former Acts of Parliament, appoint that Children under Popish Parents, Tutors or Curators shall be taken from them, and committed to the education of some well affected and religious friend, at the sight and by order of His *Majesties* Privy Council: And ordains publication hereof to be made at the Mercat Cross of *Edinburgh*, and other places needfull.

IX.

Act approving the Engagement, 1648. and annulling the pretended Parliaments and Committees kept thereafter.

Forasmuch as in the year one thousand six hundred forty and eight, the Estates of Parliament of this Kingdom, and His *Majesties* good Subjects therein, from the sense of their duty to Almighty GOD and the King's *Majesty*, did cheerfully undertake and concur in an Engagement, for relief of His late *Majesty* of glorious memory from His imprisonment, and for His restitution to the Royal Government of His Kingdoms. And the Estates of Parliament, now convened by His *Majesties* special Authority, taking that Engagement to their consideration, do find it to have been an Honourable, Just, Necessary and Seasonable Discharge of that indispensable Duty, whereunto this Kingdom, and the Subjects thereof, are by the Law of GOD, by the Law of Nature and Nations, by the Municipal Laws of the Land, by their Allegiance, and by all the strictest bonds of Conscience and Honour, obliged to the most Sacred Person, and Royal Authority of their King's *Majesty*. And therefore, Our Sovereign Lord, with advice and consent of His Estates of Parliament, doth Ratifie and Approve that Engagement for His *Majesties* relief and restitution to His Royal Government. And doth declare, that as it was a most noble and pious Testimony of the Loyalty of His *Majesties* good Subjects of His ancient Kingdom, and of their affection and zeal to His *Majesties* Person and Government: So His *Majesty*, for Himself and His Successors, doth assure, that They will always retain a grateful resentment thereof; And have appointed these presents to remain upon Record, for the due honour of these persons who did engage therein, and of their posterity for ever.

And whereas the necessity and justice of this undertaking, with the interest this Kingdom had in His *Majesties* Person, by the honour of His Royal Birth, and By these many and singular Acts of Grace He had lately conferr'd upon it, might justly have claimed a ready concurrence of all the Subjects; Yet there wanted not some, and even such, whom not long before, His *Majesty* had obliged by marks of His Royal favour both of honour and profit. who made it their work to

disappoint and oppose the same; And for that end, having gathered some mutinous Commons and others, who by a few seditious Ministers, had been preached into an open Rebellion, they in the month of *September*, one thousand six hundred forty and eight years, without any lawful Authority, (and not giving the Oath mentioned in the Commission of Parliament: without which, it was expressly provided, they were not to have access to, nor place in, the Committee) did usurpe to themselves the name and power of a Committee of Estates; and having by their own Edicts, declared all such persons as had given testimony of their duty and loyalty to the King, to be incapable of being Members of Parliament, or of having voice in the Elections to the Parliaments. They then, without any lawful Authority, called a Packet meeting of Parliament, to consist only of persons of their own stamp and faction: who accordingly met in *January*, one thousand six hundred forty and nine years: and assuming to themselves the Sovereign Authority and Government of the Kingdom, intended to Establish and fix the power in their own persons for ever. For which purpose, having publickly declared against that necessary and just Engagement, for His *Majesties* relief and restitution to His Royal Government: Having approved all the oppositions and risings in Armes against the same, and by Oath solemnly engaged themselves to a constant adherence thereunto: Having for their assistance called in the Usurper *Cromwel*, and a part of his Army: Having by publick engagement, given up the honour and safety of this ancient Kingdom to the *English*: and declared, that His *Majesty* should be obliged to Ratify that unworthy act, before any Treaty were with Him for His relief. Having given order to their Commissioners, to protest against any agreement betwixt His *Majesty* and His Subjects in *England*, in the Treaty at the *Isle of Wight*: Having, so far as in them lay, weakened and dissolved the common Allegiance of the Subjects to the King's *Majesty*, by proclaiming His Right to the Crown, with base restrictions and limitations, and pressing the Subjects against their consciences, to subscribe the same. Having disowned His *Majesties* interest in the Quarrel betwixt them and the *English*, who had invaded this Kingdom, merely to destroy His *Majesties* Interest in it: Having taken the lives of some, and forced others of His *Majesties* good Subjects, of best quality, to flee to Forraign parts for their safety: Having fined, confined, imprisoned, and seized upon the livelihood of many: Having put disgraceful characters and incapacities upon all who had witnessed any affection to His *Majesties* Government: Having unjustly pronounced, and with cruelty executed Sentences of Forfeiture against the lives and fortunes of such as from conscience of their duties, did oppose them: Having in their publick Meetings, appointed, that the innocent Wives and Children of these, who offered to vindicate His *Majesties* Authority, should be seized on, and transported to Forraign Countries: Having once and again sollicite their Brethren in *England*, that such of this Kingdom, as (for venturing their lives for the King) were then prisoners in *England*, should be still kept Prisoners, as Pledges of the Peace: Having thrust out of the Offices of State, places of Judicatory and publick Trust, all such as were willing to engage for His *Majesties* relief and restitution to His Government, and put such in their places, as did oppose the same: Having laid on, and raised, great exactions and sums of money from the people, and employed them for their own uses; Having seized on His *Majesties* Revenues, and bestowed them upon themselves, and such others as were in open Opposition and Arms against Him: Having also seized upon the Properties and due Rights of the Subjects, and the Patrouages by Law secured unto them: And having, by these and many such like Acts, endeavoured to perpetuate themselves in their usurped Power, they prorogated the meetings of their pretended Parliaments from time to time, substituting some of their Trustees, for carrying on of their designs in the while. And the Estates of Parliament, having taken these proceedings unto their serious consideration, Do find, that there was no Law, nor lawful Authority for the Meetings of these pretended Parliaments and Committees of Estates; But that the persons, meeting therein, did without any lawful warrant, and in contempt of His *Majesties* Authority, usurp the power to themselves.

And therefore, the King's *Majesty*, with advice and consent of His Estates of Parliament, doth Rescind and Annul these pretended Meetings of Parliament, and Committees above mentioned, and all other Meetings of any pretended Parliaments or Committees flowing from the same, and all Acts, Deeds and Treaties, done by them or their warrant: Excepting always all such Acts as were past in any Meeting of Parliament, or Committee of Estates, authorized by His *Majesties* presence, and are not inconsistent with this present Act. And also Declares any Ratification, which thereafter was past, of those Meetings and Acts, to have been void from the beginning: Except in so far as is express in the Indempuity, Declarations and Provisions, after-mentioned. Yet, notwithstanding of all these provocations, the King's *Majesty*, from His innate goodness, being more desirous to reclaim His Subjects to their duty by Acts of Mercy, then to reduce them by their too much deserved Censure, Doth of His mere favour and grace, with advice and consent foresaid, Indemnifie all such persons, who sat and acted in these pretended Parliaments and Committees, or who acted in order therunto, or by vertue of, and in obedience to, the same, To be in all time coming, unquestioned in their lives and fortunes, for these their actings; Excepting such as shall be excepted in a general Act of Indemnity, to be past by His *Majesty* in this Parliament.

And forasmuch as the Ordinar Courts of Justice, did sit and act by Warrant of these Meetings, the King's Majesty, for the good and ease of the people, doth with advice foresaid, Declare, That none of the Acts, Decrets or Sentences, given by these who sat as Lords of Session, or as interiour Judges within this Kingdom these years, nor no Execution following thereupon, are for want of lawful Authority to be questioned: Whereanent, His Majesty, with advice foresaid, by these presents dispenses. And also, His Majesty, considering that by a pretended Act and Commission, from the laid pretended Meetings or Parliaments, Augmentations were granted to Ministers, Kirks were divided, new Kirks were erected, and Lands from one Paroch to another, disjoyned and annexed, and divers other particulars decerned, in relation to the Plantation of Kirks: which Commissions, one or more, though they had no lawful Authority, but in themselves were and are null. Yet, His Majesty, being desirous to give all due encouragements to the Ministers of the Gospel, doth, with advice and consent foresaid, Declare, That all Acts, Decrets and Sentences, pronounced and given forth by the saids Commissioners, and all Executions thereupon, are and shall stand valid in time coming, except such as upon the complaint of any party, shall be found to have been unjustly or exorbitantly pronounced and decerned. The determination whereof, is hereby referred by His Majesty, with advice and consent foresaid, to the Commission for Plantation of Kirks, to be established by His Majesty in this present Parliament: that they after hearing of parties, and consideration of particulars, may take such course for altering, annulling or allowing of what was done by vertue of the saids Commissions in the years, one thousand six hundred and forty nine, and one thousand six hundred and fifty, as they shall think just, conform to the standing Laws and Acts of Parliament, preceeding the year one thousand six hundred and forty nine; and Ordains process upon supplication to be summarily granted, parties always being cited, and that without any reduction. As also, with power to the saids Commissioners to be appointed, upon the dependence of the saids complaints and process, to discharge execution upon the foresaid Decrets in whole or in part, as they shall find just, ay and while the matter may be determined by them. And forasmuch as by a pretended Commission for the Exchequer, divers Infeftments, Gifts and others, were past in the foresaid years, one thousand six hundred and forty nine, and one thousand six hundred and fifty; His Majesty, with advice foresaid, Declares, That all such Gifts, Infeftments and others, are and shall be valid, excepting alwayes new Gifts and Dispositions of Lands and others, granted and past to His Highness prejudice, and such other Gifts as upon the complaints of parties, shall by His Majesties Treasurer and Commissioners of Exchequer, be found to have been unjustly granted or past, in prejudice of prior Gifts under His Majesties Hand, though not past in Exchequer. And whereas by a pretended Act of the foresaid pretended Parliament, entituled, *Act abolishing the Patronages of Kirks*, all Patronages and Presentations of Kirks, whether belonging to the King or any Laick Patron, Presbyteries or others, were discharged, and all Acts, Gifts and Rights, granted thereanent, Rescinded. And yet nevertheless, it was thereby declared, That the taking away of the Patronages, should not prejudice the Patrons Rights to the Teinds, nor weaken his Infeftment wherein the same is contained. And that the Teiths of the Kirks, whercof the Presentations were abolished, should belong heretably to the Patrons, and be inserted in their Rights and Infeftments in place of their Patronage, with power to the Patron to dispose upon the saids Teinds, in manner and with the exception contained in the said Act. And notwithstanding that the foresaid Act and whole Parliament be declared null; yet nevertheless, His Majesty, with advice foresaid, doth by these presents Declare, That it shall be lawfull to Laick Patrons or Herctors, to agree with the benefited persons for Tacks or Rights of Teinds, belonging to the said benefited person, according to the Laws of the Kingdom; with this provision that the saids Tacks, shall be no wayes prejudicial to the Stipend and Maintenance of the Ministers and persons to be presented, according as the same hath been already modified, or shall be modified in time coming; and that notwithstanding of any Acts or Statutes made in the contrair. All which Acts, his Majesty, with consent foresaid, by these presents Discharges; And in like maner, His Majesty, with advice foresaid, Declares, That as to such persons who are presently in possession of Kirks, pretaining to the saids Laick Patronages, the saids persons and Ministers shall, during their service, claime no right nor possession to the Teinds of their saids Kirks and Parochins, other then they had formerly before the making of this Act; they having alwayes a sufficient maintenance allowed and granted to them according to the Laws of the Kingdom.

X.

Act condemning the Transactions concerning the King Majesty, whilst He was at Newcastle, in the years, 1646. and 1647.

THE Estates of Parliament, considering the many sad and dangerous consequences that do accompany the neglect and contempt of lawful Authority; and that among the other Judgements, wherewith it pleaseth Almighty GOD to visit such who resist the Powers, and oppose the Commands of those intrusted by Him, as his *Vicegerents*, for the Government of His People, they are oft-times left to their own counsels, to do that which highly provokes GOD to wrath, renders themselves justly odious to the world, and hateful to their Posterity. Whereof there is too dooful an experiment in an Act of the printed Records of Parliament, of the sixteenth of *January*, one thousand six hundred and

and forty seven, entituled, *Declaration of the Kingdom of Scotland, concerning the Kings Majesties Person*. Which being now taken into consideration, The Estates of Parliament do find and Declare, That it was carried on, and concluded by a prevalent party, against the judgement of many of His Majesties Loyal Subjects; And that it is a most sinful, disloyal, and unworthy Act, contrary to the will and commandment of GOD; contrary to all Laws, Divine and Humane; contrary to the Duty and Allegiance of Subjects; contrary to all the rules of Justice, Honour, Gratitude and Humanity; and highly reflecting on the honour of this ancient Kingdom, and the reputation of His Majesties good Subjects therein. And therefore, the Kings Majesty, with advice and consent of His Estates of Parliament, doth hereby Annull and Condemn the same for ever: And Ordains it to be expunged out of all Records, and never to be remembered again, but with due abhorrence and detestation.

And the Estates of Parliament, conceiving themselves obliged in Conscience, to make the truth of this business, and the manner of the carrying of it, known to the world, for the just vindication of this Kingdom, and His Majesties dutiful and loyal Subjects, who otherwise may seem to be comprehended and concluded in it. They do therefore, from their certain knowledge, Declare, That even in that Parliament (from which many of His Majesties good Subjects were debated, for their affection and adherence to His Majesties Service and Commands) there was a considerable number of worthy Patriots, of all Estates, who, at the passing of that base Act, gave a publick testimony and dissent from it, which is here Recorded for their due honour; and for which, their memory will in all ages receive a famous celebration. And that there were divers others, who, upon the pretences of Reformation, and assurances of the Safety of His Majesties Person, being enveigled, were in the simplicity of their hearts drawn along for the time: But shortly thereafter, being convinced of their error, did imbrace the first opportunity to expiate the same, by freely hazarding their lives and fortunes in the year, one thousand six hundred and forty eight, to redeem His Majesty from these restraints and dangers, which by that impious Act he was driven into. And therefore, His Majesty, with advice and consent foresaid, doth Declare, That the Act of Parliament foresaid, of the sixteenth of *January*, one thousand six hundred and forty seven, is not to be look'd upon as the Deed of the Kingdom, but as the Act of a few disloyal and seditious persons, who, having upon specious, but false pretences, screwed themselves into the Government, did by force of Arms, keep the same; and from the conscience of their own guiltiness, being afraid of the justice of His Majesties Government, did violently carry on that Act. And in further owning thereof, did, in the said year, one thousand six hundred and forty eight, rise in Arms, in opposition to those who endeavoured to restore His Majesty to His Government, and to relieve Him from the imprisonment and hazard He was then lying under, as the natural effects of that unworthy transaction, so justly hereby condemned.

And for the further clearing of the sense of this Kingdom, as to that base and treacherous Act, and the aspersions which have been thereupon raised, as if there had been previous Transactions and Bargains of Money for carrying on of the same, The Estates of Parliament Declare, They do abominat the very thought of any such thing; and that if at any time hereafter, there shall be discovery of any such wickedness, (which they are confident GOD Almighty will in His justice bring to light, (if it be true) and wherein they earnestly intreat the concurrence of all His Majesties dutiful and loyal Subjects) The persons guilty thereof, shall without mercy be pursued as the vilest of Traitours, and shall be incapable of the benefit of any Act of Pardon, Oblivion, or Indempnity for ever.

XI.

Act for taking the Oath of Allegiance, and asserting the Royal Prerogative.

Our Sovereign Lord, being truly sensible of the many sufferings and sad confusions, that His dutiful and loyal Subjects have been brought under, during these troubles; and desirous, that His Royal Government, in it's due Administration, may be refreshing and comfortable unto them; And conceiving it necessary for that end, and for the honour and advancement of His own Service, the welfare and happiness of His Subjects, and the peace and quiet of this Kingdom, that the places of publick Trust (which be the Channels and Conduits by which His Majesties Governour is conveyed unto His people) be supplied and exerced by persons of known integrity, abilities, and loyalty. Do therefore declare, That it is, and will be, His Majesties Royal care, that those whom (according to the undoubted Right of the Crown) He hath, or shall think fit to call to His Councils, or any publick employments, shall be so qualified; And that for the full satisfaction of all His good Subjects, and for removing any scruples or jealousies, can arise upon this account, they shall before their admittance to, or exercise of, any such Trust, give such publick testimony of their Duty and Loyalty, as may evidence to the world, they are such as the Kingdom and all honest men and good Subjects, may justly confide in. And therefore the Kings Majesty, with advice and consent of His Estates of Parliament, Doth Statute and Ordain, that all and whatsoever person, or persons, who are, or shall be, nominat by His Majesty, to be His Officers of State, of His Privy Council, Session, or Exchequer,

Justice.

Justice General, Admiral, Sheriffs, Commissars, and their Deputes, and Clerks, and all Magistrates and Council of Royal Burghs, at their Admission to their severall Offices, and before they offer to execute the same, shall take and swear the Oath of Allegiance, hercunto subjoynd. And also, that all other persons who shall be required by His *Majesties* Privy-Council, or any having Authority from them, shall be obligedged to take and swear the same.

And since all the troubles and miseries that have overspread this Kingdom, and almost destroyed all religious and civil, all publick and private interests, these twenty years by-gone and upwards, have arisen and sprung from these invasions, that have been made upon, and contempts done to the Royal Authority and Prerogative of the Crown, His *Majesty* conceives Himself obligedged, both for His own Royal interest, and for the publick interest and peace of His people, to be careful to prevent the like for the future. And therefore, His *Majesty*, with advice forsaide, Statutes and Ordains, that all persons, who are, or shall be called to any publick Trust, as said is, shall, beside the taking of the Oath of Allegiance, be obligedged before they enter to their Offices and Trusts, to assent under their hand writing, His *Majesties* Royal Prerogative, as is express in the Acts past in this present Parliament, and in the manner hercunto subjoynd: Certifying all such, as, being required, shall refuse or delay to take the Oath of Allegiance, they shall not only thereby render themselves incapable of any publick Trust, but be lookt upon as persons disaffected to His *Majesties* Authority and Government; and such as shall refuse, or delay to assent His *Majesties* Prerogative, in manner under-written, shall from thenceforth be incapable of any publick Trust within this Kingdom.

Follows the Oath of Allegiance.

I, For testification of my faithful obedience to my most gracious and redoubted Sovereign, CHARLES, King of Great Britain, France and Ireland, Defender of the Faith, &c. Affirm, testify and declare, by this my solemn Oath, That I acknowledge my said Sovereign only supreme Governour of this Kingdom, over all Persons and in all Causes; and that no Forraign Prince, Power, State or person Civil or Ecclesiastick, hath any Jurisdiction, Power or Superiority over the same: And therefore I do utterly renounce and forsake all Forraign Powers, Jurisdictions and Authorities; and shall at my utmost power, defend, assist and maintain His *Majesties* Jurisdiction forsaide, against all deadly, and shall never decline His *Majesties* Power and Jurisdiction, as I shall answer to GOD.

Follows the Acknowledgement of His MAJESTIES Prerogative.

FOrasmuch as the Estates of Parliament of this Kingdom, by their severall Acts of the eleventh and twenty fifth of *January* last, have, from the sense of their humble duty, and in recognition of His *Majesties* just Right, Declared, That it is an inherent Priviledge of the Crown, and an undoubted part of the Royal Prerogative of the Kings of this Kingdom, to have the sole choice and appointment of the Officers of Estate, Privy-Councillors, and Lords of Session; That the power of calling, holding and dissolving of Parliaments, and all Conventions, and Meetings of the Estates, doth solely reside in the Kings *Majesty*, His Heirs and Successors: and that as no Parliament can be lawfully kept, without the special warrand and presence of the Kings *Majesty*, or His Commissioner; So, no Acts, nor Statutes, to be past in any Parliament, can be binding on the people, or have the Authority and Force of Laws, without the special approbation of His *Majesty*, or His Commissioner, interposed thereto at the making thereof; That the power of Armes, making of Peace and War, and making of Treaties and Leagues with Forreign Princes or States, or at home by the Subjects among themselves, doth properly reside in the Kings *Majesty*, His Heirs and Successors, and is their undoubted Right; and their's alone; And that it is high Treason in the Subjects of this Kingdom, or any number of them, upon whatsoever ground, to rise or continue in Armes, to maintain any Forts, Garisons or Strengths, to make Peace or War, or to make any Treaties or Leagues with Forreigners, or among themselves, without His *Majesties* Authority first interposed thereto; That it is unlawfull to the Subjects, of whatsoever quality or function, to convocate, or assemble themselves, for holding of Councils, Conventions and Assemblies, to Treat, Consult and Determine in any matters of State, Civil or Ecclesiastick (except in the ordinary judgements) or to make Leagues, or Bonds, upon whatsoever colour or pretence, without His *Majesties* special consent and approbation had thereunto; That the League and Covenant, and all Treaties following thereupon, and Acts or Deeds that do or may relate thereunto, are not obligatory, nor do infer any obligation upon this Kingdom, or the Subjects thereof, to meddle or interpose by Armes, or any seditious way, in any thing concerning the Religion and Government of the Clutches in *England* and *Ireland*, or in what may concern the Administration of His *Majesties* Government there: and that none of His

Majesties Subjects should presume, upon any pretext of any Authority whatsoever, to require the renewing or swearing of the said League and Covenant, or of any other Covenants or publick Oaths concerning the Government of the Church or Kingdom; And that none offer to renew or swear the same, without His *Majesties* special warrant and approbation, &c. I do, conform to the Acts of Parliament aforesaid, Declare, That I do with all humble duty acknowledge His *Majesties* Royal Prerogative, Right and Power in all the particulars, and in the manner aforesaid; and that I do heartily give my consent thereto, by these presents: Subscribed by me, at

XII.

Act concerning the Judicial proceedings in the time of the late Usurpers.

Forasmuch as since the year of GOD, one thousand six hundred and fifty one, the late Usurpers did take upon them to establish Judicatories, superior and inferior, within this Nation; as Judges for Administration of Justice, in place of the Judicatory of the Session formerly established by Law, Commissioners for the Admiralty, Sheriffs of Shires, Commillars, Justices of Peace, and other inferior Courts. In which Courts the people did in name of the Usurpers, or under the notion of the Keepers of the Liberties, prosecute and defend their several Causes and Interests, these many years past. And his *Majesty* considering that the matters agitate, pursued and concluded, were for the most part, things of course, belonging to the ordinary Judicatories formerly established in this Kingdom; and being unwilling that the people should be put to any further trouble, where Matters have been acted, and Cases determined, according to Law: Therefore, His *Majesty*, with consent of the Estates of Parliament, Declares, That all and whatsoever Acts, Interlocutors, Decrets and Sentences, made, pronounced and given forth by the saids Courts, superior and inferior, with all execution thereupon, and all execution by Horning, Inhibition, Caption, Comprising, Poinding and others, to have been, and to be, valid, and stand in full force, notwithstanding of the unlawfulness of the Authority, by which these Courts were held; and the execution used: But because the Judges or Commissioners for Administration of Justice, did sometimes proceed in an arbitrary way, contrait to Law and Justice; and at other times, many of them being strangers and ignorant of the Law, did proceed unwarrantably and unjustly betwixt parties. Therefore, His *Majesty*, with consent aforesaid, doth Declare, That whatsoever person or persons, hath any just reason to quarrel their Acts, Interlocutors, Decrets, and Sentences, they are hereby warranted and allowed to do the same, without any Reduction or Suspension, within the space of one year, next after the down-sitting of the Session: And if parties complainers be Minors, within the space of year and day, next after they shall attain the age of twenty one years compleat, Parties always being lawfully cited thereto. And if any person or persons, be charged under the pain of Horning, Suspension shall be granted to them upon Caution, or if they be not able to find Caution, *super Cautione Juratoria*. And if it shall be found, that the complainer doth, without any just ground, unnecessarily vex the party complained upon, in that case, the Lords of the Session are hereby authorized, to determine the parties damage and charges to be paid by the unjust complainer. Likeas, all Decrets before the saids pretended Commissioners for administration of Justice, whether given in absence, or parties comparand, are hereby allowed to be brought in question, revised and recognised, in manner aforesaid. And whereas there be many Processes as yet depending undecided, upon Summons and Letters raised in the saids Usurpers names, the same Processes shall be all wakened in His *Majesties* Name, and be put to a final close by the Lords of Session, as if they had been intended from the beginning, in His *Majesties* Name and Authority. And whereas, any Acts or Decrets have been made or given forth in the Admiral Courts, or any other interior Courts, the same may be brought in question before the Lords of Session, in the same form and manner as was formerly established by Law and Practick of this Kingdom.

And forasmuch as the said Usurpers, did from time to time, nominate and appoint Commissioners of Exchequer, having the same power to pass all sorts of Writs, Signators and others, and to discuss Processes and Suspensions, in the same manner as His *Majesties* Treasurer and Commissioners, appointed by His *Majesty*, had power to do; Therefore, His *Majesty*, with advice and consent aforesaid, for the good and ease of His people (under the provisions under-written) doth Declare, all and whatsoever Writs, Gifts, Signatois of whatsoever nature and quality they be of, past and expd the Privy great and quarter Seals *respective*, or past according to pretended Orders for the time, when there were no Seals, to be of full force and effect; Providing always, that where any Signators were past in Exchequer under the Usurpers, and the Composition paid, and yet not past the Seals, the same shall be presented and past in Exchequer, *de novo*, if there be reason therefore, without any Composition; and where Resignations only have been made upon Procuratories in the Usurpers time, Signators may without new resignation pass thereupon. It is also provided, that this Act be no wise extended to new Gifts of Lands, Teinds and others, past to the prejudice of His *Majesty*, nor to Gifts of Bastardie, or *ulimus Heres*, unless the same be of new ratified and approved by His *Majesties* Treasurer

Treasure and Commissioners of Exchequer, nor to any other Gifts, Confirmations, Charters upon Resignation, where the saids Gifts, Confirmations and Charters were made and granted, in prejudice of any person or persons who had former rights granted unto them by His Majesty, or His Royal Father of blessed memory, under their Seals, or Past their Royal Hands. And generally providing, that all and whatsoever Gifts, Grants, Commissions, Charters and other Writs whatsoever, past in Exchequer, and through the Seals in the Usurpers time, and all and whatsoever Acts and Sentences pronounced and given forth by them, shall and may, be called in question at the Instance of any of the people, who may pretend to have been unjustly wronged and prejudged thereby: And that upon complaints to be given into His Majesties Treasurer and Commissioners of Exchequer, wherein they shall have power to determine, as they shall think just and reasonable.

XIII.

Act and offer of Fourty thousand pounds Sterling, to be paid to the Kings Majesty yearly during His lifetime by this Kingdom

THe Estates of Parliament, taking to their consideration, the great happinesse this Kingdom hath in former time enjoyed, under the Government of His Majesties Royal Ancestors, with the miseries and bondage, which by the neglect and contempt of the Authority, and commands of His Royal Father of blessed memory, it hath groaned under, during these twenty years troubles. And that the Kings Majesty, hath been graciously pleased (notwithstanding of all the provocations given to himself and His Royal Father) to evidence His affection and favour to this His ancient Kingdom, comforting and reviving it, by the Rayes of His Royal Government and Authority, under the protection of which, the just Liberties, Freedom and Interest of this Kingdom, and the Subjects thereof, are, and can only be, secured; Do with all humble duty, thankfulness and sincerity, acknowledge His Majesties unparalleld Grace and Goodnesse. And that as their happinesse doth depend upon the Safety of His Majesties Person, and the establishment and exercise of His Royal Authority and Greatnesse: So this Kingdom will be ready at all occasions, to offer their Lives and Fortunes against all deadly, in every cause, wherein His Majesties Person, Authority, Prerogative, or Government may be concerned. And seeing, for the due establishment of His Majesties Authority, and settling and securing the peace of this Kingdom, His Majesty may have occasion, for some time, to raise and keep some Forces within the Kingdom; and that the late troubles will at present, necessitate a greater expence, for support of the Royal Government, then formerly, and that His Majesty hath signified His resolution, not to raise any more Sels; Therefore, and from the due sense of their duty and obligations, the Estates of Parliament, Do in name of the Kingdom, make humble and cheerful offer to his Majesty, of a yearly Annuity, of Fourty thousand pounds Sterling, during all the dayes of His Majesties lifetime, which they pray may be long and prosperous, that this Kingdom may have further occasion, to let the world know, they do above all things, hate the very thoughts of disloyalty, and that no people under Heaven, can expresse more duty and obedience to the Authority and Commands of their Sovereign, then they are, and will be ready to do.

XIV.

Act for raising the Annuity of Fourty thousand pounds Sterling, granted to His Majesty.

THe Estates of Parliament, in pursuance of their Act, of the date the twenty two day of this instant; whereby they have made offer to His Majesty of the sum of Fourty thousand pounds Sterling yearly during all the dayes of His Majesties lifetime, towards the entertainment of any such Forces as His Majesty shall think fit to raise and keep up within this Kingdom; or otherwayes towards the defraying of the necessary charge of His Government, according to His Royal pleasure; Appoints and Ordains the said sum of Fourty thousand pounds Sterling, being Four hundred fourscore thousand pounds Scots money, to be raised, levied, collected and paid, in manner under-written; viz. Ninety six thousand pounds Scots to be raised yearly off the Inland Salt and Forraign Commodities aftermentioned; To wit, threescore twelve pounds Scots upon ilk Tun of Spanish Wine, Cannary, Malvesie, and all other Wines of the like kind; Fourty eight pounds money foresaid, upon ilk Tun of French Wine, and twelve pennies money foresaid, upon ilk pint of Vineger; six pounds upon ilk Barrel of Imported Soap: fourty shillings upon ilk Boll of Forraign Bey-salt, and Salt upon Salt,

Linlithgow Measure; twenty shillings upon ilk Boll of imported White-salt, and fifteen shillings upon ilk Boll of In-land Salt, measure foresaid: But prejudice nevertheless to the present Tack-men of the Forrein and In-land Salt, during the time set to them by the Commissioners of Excise, to exact the Rates therein mentioned: twelve pennies money foresaid, upon ilk pound of Tobacco, imported by the Natives of this Kingdom, from the Tobacco Plantations, and three shillings upon ilk pound imported thence by Forreigners. *Item* three shillings upon each pound of Tobacco, imported by the Natives of this Kingdom, from any other place then the foresaid Plantations, and six shillings upon ilk pound imported by Forreigners; twelve shillings upon ilk Ell of Cloath imported into this Kingdom above six pounds the Ell, and six shillings upon ilk Ell of imported Cloath at or below six pounds the Ell: six shillings the Ell upon all sort of imported Scarges; three shillings upon ilk Ell of Castilians, or other imported Worstead Stuffs whatsoever; three shillings upon ilk Ell of all sorts of imported Hair Stuffs whatsoever; three pound twelve shillings upon the Piece of ilk Baver-Hat, one pound six shillings upon ilk Demy-baver and Vigon, and twelve shillings upon the Piece of all other sorts of Hats imported into this Kingdom; one pound sixteen shillings upon the dozen of all imported Worstead Stockings; twelve shillings upon the pair of double Stag-gloves; six shillings upon the pair of single Stags and Cordivans; three shillings upon ilk pair of Kids, Sheep and Lamb Leather, and all other sort of Gloves; one pound sixteen shillings upon ilk Trunk of the largest size; one pound four shillings upon ilk Trunk of middling size; twelve shillings money foresaid upon ilk Leather Male of the largest size; six shillings upon ilk Leather Male of middling size, imported into this Kingdom, and one shilling, all *Scots* money foresaid, upon the pound value of all other Forrein Commodities (except the particulars after excepted) to be paid by the Retailer: that is to say, The first Buyer of the saids Commodities from the Importer or Salt-maker of Inland Salt, or by the saids Importer or Salt-makers, for what they shall either make use of themselves, or sell out in Praecels. *Item* twenty shillings upon ilk Horfe; eighteen shillings upon ilk Cow, and two shillings money foresaid upon ilk Sheep imported into this Kingdom, to be paid by the Importer thereof. The particular ordering and regulating of the which Excise of the Commodities above-written, is hereby remitted to the Commissioners of Excise, who are to put the same in Farm or Collection to the best avail

Provided always, likeas it is hereby expressly provided, that the Forrein Commodities after-mentioned; *viz.* All Salt employed upon Barrell'd fish, whether transported out of this Kingdom or made use of within the same; All Pitch, Tar, Cordage, Cork, Nets, Iron, Copper, Bras, Tin unmade, Pot-ashes, Oyl, and all other ingredients for Soap; all Flax, Hemp and Hops, untwined Silk; all Materials for dying; all Deals, Trees, Stings for Coupers, Knapl, Wainscot, Planks, and Oak-wood whatsoever for shipping, Barrellstuffs or Materials whatsoever for fishing; all Suggars, brought from the Plantations in *Scots*-bottomes; all unfined Suggar, brought from any place: As also, all Materials for Manufacturies, as *Spanish* and *Sigovia* Wool and others, are and shall be free of any Excise imposed by vertue of this present Act.

And the remainder of the foresaid four hundred fourscore thousand pounds *Scots* money, being three hundred eighty four thousand pounds, to be raised out of the Bear, Ale, Aquavita and Strongwaters, at the rate of two merks *Scots* upon ilk Boll of Malt, brewed and sold within this Kingdom; three shillings money foresaid upon ilk pint of Aquavita or Strongwaters not made of Malt, brewed and sold within this Kingdom; six shillings upon ilk pint of Forrein Aquavita or strongwaters, and twelve shillings upon ilk Barrel of imported Bear: And what this imposition shall be short of the *quota* of Excise, imposed upon the several Shires and Burghs by the List under-written, the same to be supplied by the saids Shires and Burghs, in lieu of the Malt brewed in their own houses, in manner after-mentioned. Likeas it is hereby declared, that the said several Shires and Burghs shall be, and are by these presents lyable in the payment of the respective Monethly proportions under-written, *viz.*

- The Sheriffdom of *Edinburgh* principal (the Town of *Edinburgh* and pertinents excepted) in the sum of two thousand six hundred threecore four pounds, *Scots* money foresaid, monethly.
- The Town of *Edinburgh*, comprehending *Cannongate*, *South* and *North-Leith*, with the whole pendicles and pertinents, in the sum of three thousand seven hundred thirty two pounds.
- The Sheriffdom of *Haddingtoun*, and Burghs within the same, in the sum of one thousand six hundred fourscore fifteen pounds.
- The Sheriffdom of *Berwick*, comprehending the Bailery of *Lauderdale*, and Burghs within the same, in the sum of six hundred ten pounds sixteen shillings.
- The Sheriffdom of *Roxburgh* and Burghs within the same, in the sum of seven hundred fourscore pounds sixteen shillings.
- The Sheriffdom of *Selkirk* and Burghs within the same, in the sum of one hundred fifty three pounds ten shillings.
- The Sheriffdom of *Peibles* and Burghs within the same, in the sum of one hundred thirty seven pounds ten shillings.

- The Sheriffdom of *Lanerick* and Burghs within the same, (*Glasgow* excepted) in the sum of nine hundred threescore eight pounds eight shillings.
- The Town of *Glasgow*, in the sum of one thousand seven hundred forty four pounds four shillings.
- The Sheriffdom of *Dumfriese* and Burghs within the same, in the sum of five hundred threescore sixteen pounds.
- The Sheriffdom of *Wigtoun* and Burghs within the same, in the sum of two hundred four pounds twelve shillings.
- The *Stewartry* of *Kirkcudburgh* and Burghs within the same, in the sum of three hundred forty eight pounds.
- The Sheriffdom of *Air* and Burghs within the same, in the sum of one thousand six hundred threescore fifteen pounds sixteen shillings.
- The Sheriffdom of *Dunbartoun* and Burghs within the same, in the sum of one hundred fourscore fourteen pounds.
- The Sheriffdom of *Bute* and Burghs within the same, in the sum of fifty seven pounds.
- The Sheriffdom of *Reifrew* and Burghs within the same, in the sum of four hundred fifty seven pounds four shillings.
- The Sheriffdom of *Stirling* and Burghs within the same, in the sum of nine hundred twenty pounds eight shillings.
- The Sheriffdom of *Linlithgow* and Burghs within the same, in the sum of seven hundred fourscore nineteen pounds four shillings.
- The Sheriffdom of *Pearth* and Burghs within the same, in the sum of two thousand three hundred threescore fourteen pounds sixteen shillings.
- The Sheriffdom of *Kincairden* and Burghs within the same, in the sum of three hundred threescore three pounds twelve shillings.
- The Sheriffdom of *Aberdeen* and Burghs within the same, in the sum of two thousand five hundred and eighteen pounds nineteen shillings.
- The Sheriffdom of *Bamff* and Burghs within the same, in the sum of three hundred fourscore seven pounds three shillings.
- The Sheriffdom of *Inverness* and Burghs within the same, in the sum of six hundred fourscore fourteen pounds eight shillings.
- The Sheriffdom of *Elgin* and *Nairn* and Burghs within the same, including that part of the Paroch of *Ferin-tosh*, which pertains to the Sheriffdom of *Nairn*, in the sum of five hundred thirty six pounds four shillings.
- The Sheriffdom of *Cromarty* and Burghs within the same, in the sum of thirty pounds.
- The Sheriffdom of *Argyle* and Burghs within the same, in the sum of one hundred fourscore thirteen pounds sixteen shillings.
- The Sheriffdoms of *Fife* and *Kenrofs* and Burghs within the same, in the sum of four thousand fourscore eight pounds eight shillings.
- The Sheriffdom of *Forfar* and Burghs within the same, except as is after excepted, in the sum of one thousand fourscore four pounds four shillings.
- The Town and Paroch of *Dundee*, with the Miln and Mill-lands thereof, in one thousand one hundred threescore two pounds four shillings.
- The Sheriffdom of *Sutherland* and Burghs within the same, in the sum of threescore twelve pounds twelve shillings.
- The Sheriffdom of *Kaithness* and Burghs within the same, in the sum of one hundred thirty three pounds four shillings.
- The Sheriffdoms of *Orkney* and *Zetland* and Burghs within the same, in the sum of one hundred fourscore thirteen pounds sixteen shillings.
- The Sheriffdom of *Clackmannan* and Burghs within the same, in the sum of two hundred forty two pounds two shillings.
- The Sheriffdom of *Rofs* and Burghs within the same, in the sum of two hundred and four pounds.
- And if the Excise imposed upon the Inland Salt and Forreign Commodities, shall exceed the foresaid sum of ninety six thousand pounds, appointed by this Act to be raised off the same, then the *superplus* to be employed and made use of, by such as shall be intrusted by His Majesty with that affair, for the relief of such Shires and Burghs, as they shall find to be overburdened, or disproportionat by the foresaid List. And for the better and more speedy inbringing and payment of the said three hundred and eighty four thousand pounds, the Kings Majesty, with advice and consent of His Estates, of Parliament, nominates, appoints, and ordains the persons underwritten, to be Commissioners within the respective Shires and Burghs for regularing, ordering and uplifting of the said Excise;

viz:

Edinburgh.

For the Sheriffdom of *Edinburgh* principal, the Town of *Edinburgh* and pertinents excepted,

Lord *Ramsay*, *Walter* Lord *Torpichen*, *James* Lord *Forrester*, Sir *James* *Fouls* of *Collington*, the Lairds of *Haltoun* elder and younger, Sir *John* *Wauchope* of *Nidrie*, Sir *Alexander* *Dalmahoy* of that ilk, Sir *John* *Nicolson* of *Poltoun*, Sir *James* *Dundas* of *Arnistoun*, Sir *John* *Couper* of *Goger*, *Adam* *Cuninghame* of *Woodhall*, *George* *Fouls* of *Ravelston*, Sir *John* *Fouls* his son, Mr. *John* *Young* of *Leny*, Mr. *Robert* *Prestoun* of *Prestoun*, *Patrick* *Hamilton* of *Prestoun*, Sir *William* *Murray* Master of work, Mr. *Lawrence* *Scot* of *Bavilla*, *James* *Boyd* of *Temple*, Sir *Robert* *Murray* of *Cameron*, Mr. *Alexander* *Fouls* of *Ratho*, Sir *John* *Smith* of *Groth*, *Edward* *Edgar* of *Peper-milne*, *John* *Bigger* of *Wolmet*, *Doby* of *Stainie-hill*, Mr. *William* *Little* of *Over* *Libertoun*, Sir *John* *Gibson* of *Adestoun*, *Mark* *Kerse* younger of *Cockpen*, Mr. *Robert* *Dalglish* of *Louristoun*, Sir *Thomas* *Thomson* of *Dudinstoun*, Sir *William* *Murray* of *Newtoun*, *Henry* *Elphinstoun* of *Calderhall*, *Ramsay* of *Whythill*, *Thomas* *Craig* of *Rickertoun*, *William* *Murray* of *Long-barmistoun*, *Alexander* *Calderwood* in *Dalkeith*, the eldest Bailie of *Musfelburgh* for the time being.

For the Town of *Edinburgh*, the Magistrates and Council for the time being.

Haddingtoun.

For the Sheriffdom of *Haddingtoun* and Burghs within the same, *William* Earl of *Roxburgh*, *John* Earl of *Haddingtoun*, *John* Earl of *Tweedall*, *Alexander* Viscount of *Kingtoun*, *John* Lord *Belhaven*, Sir *Robert* *Douglas* of *Blakerstoun*, *Hepburn* of *Wauchtoun*,

Ruthven of *Dunglass*, Sir *Peter* *Wedderburne* of *Goffurd*, *Francis* *Kinloch* of *Gilmertoun*, Mr. *Alexander* *Hay* of *Baro*, Mr. *John* *Hay* of *Aberlady*, Mr. *Cornelius* *Inglis* of *East-barnes*, *James* *Lawder* Bailie in *Dunbar*, *William* *Seaton* Provost of *Haddingtoun*, Sir *James* *Hay* of *Lindplump*, Sir *Robert* *Hepburn* of *Keith*, *George* *Cockburn* Tutor of *Ormeistoun*, Sir *Thomas* *Hamilton* of *Prestoun*, Sir *Alexander* *Morison* of *Preston-grange*, *John* *Seaton* of *Saintgermans*, Sir *James* *Durham* of *Luffness*, *George* *Hooms* of *Foord*, *Leading-toun* of *Sulcoats*, *Hepburn* of *Smettoun*, *Baile* of *North-Berwick*, *Alexander* *Cockburn*.

Linlithgow.

For the Sheriffdom of *Linlithgow* and Burghs within the same, *William* Duke of *Hamilton*, *George* Earl of *Linlithgow*, *Walter* Lord *Torpichen*, Sir *Archibald* *Stirling* of *Carver*, *Thomas* *Drummond* of *Rickertoun*, Sir *James* *Stewart* of *Kirkhill*, Mr. *Archibald* *Campbel* of *Kinpoint*, Mr. *John* *Furholm* of *Craigiehall*, *William* *Sharp* of *Houftoun*, *Robert* *Hamilton* of *Dechmond*, Sir *Robert* *Drummond* of *Meidhop*, *George* *Drummond* of *Carloury*, *James* *Dundas* of *Mortoun*, Mr. *John* *Stewart* of *Kestestoun*, Mr. *Thomas* *Hamilton* of *Parkie*, Mr. *John* *Hay* of *Woodcockdeal*, Mr. *Andrew* *Keir* in *Burrowstonness*, Mr. *James* *Hamilton* of *Westport*, *Thomas* *Hamilton* of *Bathgate*, *Patrick* *Murray* of *Levingstoun*, Mr. *William* *Sandlands* of *Hilderstoun*, *Alexander* *Levingstoun* of *Craigingall*, such of the Magistrates of *Linlithgow* for the time being as are not *Brewers*, *Archibald* *Wilson* in *Queensferry*.

Perarth.

For the Sheriffdom of *Perarth* and Burghs within the same, *James* Marquess of *Montrose*, *John* Earl of *Atbol*, *James* Earl of *Tulibardiu*, *Patrick* Earl of *Kinghorn*, *David* Viscount of *Stromont*, *James* Lord *Drummond*, *James* Lord *Cowper*, *David* Lord *Lour*, *David* Lord *Madertie*, *Thomas* Lord *Ruthven*, *James* Lord *Rollo*, *Patrick* Master of *Gray*, *Mungo* *Murray* of *Gairth*, Sir *John* *Drummond* of *Barn-bank*, Sir *John* *Moncrief* of that ilk, *John* *Campbel* of *Glenurquhay*, Sir *John* *Chisholm* of *Cromlocks*, Sir *James* *Drummond* of *Maclachy*, Sir *Thoms* *Stewart* of *Gairntullie*, Sir *William* *Stewart* of *Innereytie*, Sir *George* *Prestoun* of *Valefield*, Sir *Robert* *Nairn* of *Sirathour*, Sir *William* *Graham* of *Braco*, Sir *James* *Merse* of *Adie*, Sir *Gilbert* *Stewart* of *Pilcaik*, *Robert* *Murray* of *Abercairny*, *Alexander* *Menzies* of that ilk, *Thomas* *Menzies* of *Inchaffray*, *Patrick* *Graham* of *Inchbraikie*, Mr. *John* *Nairn* of *Muckersie*, *Robert* *Menzies* of *Glassie*, *Robert* *Buchanan* of that ilk, Mr. *David* *Kinloch* of *Bandoch*, *Henry* *Stirling* of *Ardoch*, *John* *Kinloch* of *Gourdie*, *George* *Hay* of *Kirkland*, *George* *Hay* of *Balhouse*, *Lawrence* *Olipbant* of *Bachletoun*, *William* *Murray* fiar of *Ochertyre*, *Patrick* *Raitry* of *Craigiehall*, *John* *Campbel* of *Fordie*, *William* *Blair* of *Kinfauns*, *Robert* *Murray* of *Buchantie*, *William* *Ogilvie* of *Mary*, *David* *Drummond* of *Innerness*, *Henry* *Murray* of *Lochlene*, *Andrew* *Tosbeoch* of *Montivard*, *George* *Graham* of *Mouzy*, *Patrick* *Stewart* of *Ballenbane*, *Mungo* *Graham* of *Gorthy*, *Robert* *Campbel* of *Glenlyon*, *Alexander* *Robertson* of *Strowan*, *Alexander* *Stewart*

Stewart of Fosse, John Nairn of Seggicene, John Blair of Edblair, John Stewart of Sheir-
 glis, Alexander Robertson of Lud, John Henderson of Brabster, Duncan Robertson of Auch-
 links, John Stewart of Belnackie, Andrew Small of Dirvinean, Alexander Robertson of
 Downey, James Ogilvie of Muretoun, Peter Hay of Leyes younger, Patrick Hay of Fyfour
 younger, Donald Robertson of Belnacraig, Spalding of Astintullie, Mr. John Pater-
 son of Benchull, William Prestoun of Valep id younger, Mr. Hugh Moncrief of Tibbermalloch,
 Sir David Carmichael of Balnakeil, Hugh Mitchell of Kincarrochie, John Robertson of Fornoch,
 Mr. John Drummond of Lenocho, James Gourlay in Culrofs, the Provoft, Bailies, Dean of Gild, and
 Treasurer of Pearth, for the time being, the Bailies of Culrofs for the time, Gilbert Campbel of Keath-
 ick, John Graham of Balgown, Sir Lawrence Oliphant of Gask, George Campbel of Grunane,
 Gilbert Ramsay of Bamff, William Murray of Keilor, Mitchel Balfour of Pirmaden,
 Campbel of Glenampil, James Gray of Balligerny, Thomas Turnbull of Bogemilne, William
 Kinnmont of Hill, Alexander Lindsey of Evelick, George Murray of Tibbermare, Mr. Alexan-
 der Malloch of Cairnies, William Moncrief of Kirtullo, Mr. John Moncrief of Culfargie, John
 Moncrief of Easter-Moncrief, Sir William Auchinleck of Balmatio, William Bruce of Fingask,
 Robert Graham of Cairny, Patrick Butter of Gormak, Sir Alexander Blair of Balblack.

Roxburgh.

For the Sheriffdom of Roxburgh and Burghs within the same, William Earl of Roxburgh, John
 Earl of Haddington, Earl of Lothian, Lord Crayston, Sir Archibald Dow-
 glis of Cavers, Sir Gilbert Elliot of Stobs, Sir William Scot of Harden, Sir Gideon Scot of
 Haychester, Sir Thomas Ker of Cavers, Robert Ker of Gaitshaw, Robert Ker of Crashball,
 Henry Mackdowgal of Mackairston, John Rutherfoord of Edgerston, Mr. Gilbert Elliot of
 Craigend, Patrick Scot of Thirlestian, John Ker of Elishuch, James Lintithgow of Dry-grange,
 William Ker of Sunderlandhall, Henry Ker of Lintoun, John Turnbull of Minto, Robert
 Pringle of Stetchel, John Scot of Gorrenberry, Robert Ker of Graden, Robert Scot of Har-
 wood, Robert Pringle of Cliftoun, Mr. John Scot of Langshaw, Alexander Done of Newtoun,
 Gavin Elliot of Grange, Andrew Ker of Littledain, and Patrick Done John Ru-
 therfoord Provoft of Jedburgh, and John Rutherfoord Bailie.

Selkirk.

For the Sheriffdom of Selkirk and Burghs within the same, John Murray of Philiphaugh, Tho-
 mas Scot of Whitshaid, Sir Thomas Ker of Fairriely, the Laird of Whitebark elder, John Riddel
 of Haining, William Scot of Sintoun, William Scot of Harwood-myrres, William Scot of Tus-
 law, John Murray of Elcheffel, John Scot of Woll, Patrick Murray of Helmburne, Thomas
 Scot of Todrig, John Scot of Langhop, Andrew Scot of Bowsbill, Mr. John Angus and Robert El-
 iot in Selkirk;

Lanerick.

For the Sheriffdom of Lanerick and Burghs within the same, William Duke of Hamilton,
 Earl of Carnwath, Lord Fleming, Sir James Lockhart of Lee, Sir William Bailzie of
 Lamington, Sir Robert Hamilton of Silvertounhill, William Lindsey of Covertoun, Sir Tho-
 mas Hamilton of Prestoun, Sir James Murehead of Lachop, Sir William Veir of Stane-byres,
 Sir James Hamilton of Orbestoun, Gavin Hamilton of Raploch, James Hamilton of Dilzel,
 Sir Walter Stewart of Allentoun, Alexander Hamilton of Haggis, John Ballentyne of Corehouse,
 Sir James Carmichael of Bonnetoun, James Hamilton of Woodhall, Thomas Stewart of Cul-
 ness, James Stewart of Turrens, William Hgh of Eastshell, Alexander Meinzie of Culie-
 ravies, John Robertson of Earrock, Mr. Archibald Fleming of Fairne, Mr. Archibald Robertson
 of Bedlay, Claud Bailzie of Baigbie, William Lindsey of Bellstane, Robert Chancellor of Sheil-
 hill, William Bailzie of Littlegl, James Murehead of Bradysholme, John Veir of Clou-
 burn, James Cleland of that ilk, Samuel Lockhart of Mr. John Hamilton of
 Grene, Walter Lockhart of Kirkton, James Hamilton Commislar of Lanerick, Mr.
 Henry Scot of Mossennare, and James Threipland of two of the Ma-
 gistrates of Lanerick for the time being; and two of the Magistrates of Rutherglen for the time
 being.

For the Town of Glasgow, which is excepted out of the Sheriffdom of Lanerick, the Magi-
 strates and Council for the time being.

Drumfries.

For the Sheriffdom of Drumfries and Burghs within the same, Robert Earl of Nithisdail, James
 Earl of Queensberry, Gavin Earl of Carnwath, James Earl of Anandail, William Lord Drum-
 langrig,

Janrig, Robert Fergusson of Craigdonnoch, James Hunter of Ballagen, Sir Robert Murray of Glenmure, Robert Dalziel younger of Glenie, James Crichtoun of St. Leonards, Robert Maxwell of Cairnselloch, Gilbert Richard of Barskimming, William Douglas of Mortoun, James Johnstoun of Coreheid younger, Sir James Johnstoun of Westerhill, John Irwing Provost of Drumsfries, James Greer Tutor of Lag, Ambrose Johnstoun of Podeln, John Scot of Newburgh, Christopher Johnstoun of Burnegleif, Hugh Sinclair of Inglesfoun.

Air.

For the Sheriffdom of *Air* and Burghs within the same, *William Earl of Glencairn, Lord High Chancellor of Scotland, Hugh Earl of Eglington, John Earl of Lowdown, William Earl of Drumsfries, James Lord Kilmars, Alexander Lord Montgomery, John Lord Macblane, Lord Crichtoun, Allen Lord Cutbart, William Lord Boyd, John Lord Bagenie, William Lord Cochrane, William Master of Cochrane, Sir Robert Montgomery of Stelmorie Baronet, Sir David Cunningham of Robertland Baronet, John Blair of that ilk, Sir William Moor of Rowaland, Robert Montgomery of Hestilheid, James Dunlop of that ilk, David Montgomery of Langshaw, Robert Ker younger of Kerstrand, John Cunningham of Bedland, David Boyd of Keshburn, John Montfod of that ilk, Sir Hugh Campbell of Ceshock, Sir James Dalrymple of Strair, John Chambers of Gaitgirth, John Cochran of Ochiltry, David Boswell of Auchinlech, James Crichtoun of St. Leonards, David Blair of Adamtoun, James Crichtoun of Castlemains, Gilbert Ritchie of Barskimming, Cunningham of Prerick, William Campbell of Glasnock, Kennedie of Culen, Mure of Achindran, Kennedie of Kirkmichael, Thomas Kennedie of Balterstan, Boyd of Trochreg, James Crawford of Ardmillon, and Kennedie of Craoach, the Provost and Bailies of *Air* for the time being, and the Provost and two first Bailies of *Irwan* for the time being.*

Dunbartoun.

For the Sheriffdom of *Dunbartoun* and Burghs within the same, *Lord Fleming, Sir John Colquhoun of Luss, John Naper of Kilmahew, Robert Hamilton of Barnes, Sir Humphrey Colquhoun of Balvey, William Bontin of Ardoch, John Semple younger of Fulwood, Aubrey Mackaulay fiar of Ardincapill, Archibald Stewart of Scottistoun, James Fleming of Oxbang, Mr. James Fleming of Bilochie, Major George Noble, Walter Watson, John Cunningham, Robert Watson, and John Smollan* Burgeses of *Dunbartoun*.

Argyle.

For the Sheriffdom of *Argyle* and Burghs within the same, the Laird of *Glenurquhay, Sir Dougal Campbell of Auchinbreck, Donald Campbell of Barbreck, Sir James Lawmont of Inverryne, Alexander Macknachten of Dunderave, Archibald Campbell of Kilmun, Sir Hugh Campbell of Caddel, John Mackdowgal of Dunolichie, Colin Campbell of Lochrazel, Duncan Stewart of Aprne, Murdoch Macklean of Lochbowrie, Hector Macklean of Corisk, Archibald Campbell of Glencarradel, Macdonnald of Largy, Hector Mackleister of Lorp, Colin Macklauchlan Captain of Inchconnel, Archibald Campbell Factor of Ila, Dougal Campbell of Dail, Duncan Campbell Bailie of Kintyre, the Provost and Baylies of *Inverary* for the time being, and *George Campbell*.*

Fife and Kinross.

For the Sheriffdoms of *Fife* and *Kinross* and Burghs within the same, *John Earl of Crawford Lindsay Lord High Treasurer, John Earl of Rothes President of the Council, Earl of Kelly, Earl of Weymes, Viscount of Stormont, Lord Balgony, Lord Sinclair, Lord Burghly, Lord Melvil, William Scot of Ardross, Sir Philip Anstruther of that ilk, Sir Thomas Gourlay of Kinross, Sir David Auchmuty of that ilk, Sir John Weymes of Bogie, Mr. Alexander Merteyn of Stranery, Sir Alexander Gibson of Dury, Patrick Lindsey of Wormesfoun, Sir John Lesly of Newtoun, Young of Kirtoun, Sir Henry Wardlaw of Pitrewy, Sir James Hacket of Pitfirrin, Arnot of Fairny, Mr. David Balsfour of Andrew Murray of Pitlochrie, Sir Andrew Ramsay of Abbotshall, William Pitcairn of Forfar, Lindsey of Dewhill, Alexander Bruce Brother to the Earl of Kincairn, Lindsey of Mouth, John Ramsay of Brackmont, Lindsey of Kirkforfar, James Clerk of Pettincrief, Alexander Bruce of Broomhall, Andrew Cassars Burgeses of St. Andrews, William Simpson Burgeses of Desert, John Williamson Burgeses of Kirkaldy, George Turnbull Burgeses of Cosper, Alexander Blick Burgeses of Anstruther Easter, Peter Oliphant Burgeses of Anstruther Wester, James Moncrief Burgeses of Craib, David Seatoun Burgeses of Bruntisland, Thomas Thomson Burgeses of Innerkesthen, Robert Cunningham Burgeses of Kinghorn, Peter Walker Burgeses of Dumfermling, Thomas Peacock Burgeses of Kilreny, and Walter Airth Burgeses of Pettinweyme.*

Wigtoun

Wigtoun.

For the Sheriffdom of Wigtoun and Burghs within the same, *James Earl of Galloway*, *Alexander Lord Gairlies*, *Andrew Agnew* appearand of *Lochnaw*, *Thomas Dunbar* of *Mocbrum*, *Patrick Mackdowald* of *Logan*, *William Stewart* of *Castlestewart*, *Uebrick Mackdonnal* of *French*, *William Gordoun* of *Craichlaw*, *Sir James Dalrymple* of *Stair*, *David Dunbar* of *Baldon*, *Alexander Maculloch* of *Ardvall*, *John Murray* of *Broughtoun*, *John HowsToun* of *Drummaffoun*, *William Stewart* of *Egiruses*, *George Stewart* of *Tudergie*, *William Macgusfock* of *Alterry*, *Thomas Stewart* of *Glentark*, *Richard Murray* of *Broughtoun* younger, *John Maculloch* of *Myrtoun*.

Stewartry of Kirkcudburgh.

For the Stewartry of Kirkcudburgh and Burghs within the same, *Robert Earl of Nethsdaill*, *James Earl of Galloway*, *Robert Viscount of Kenmure*, *Alexander Lord Gairlies*, *John Lord Herris*, *John Lord Kirkcudburgh*, *Robert Master of Herris*, *John Herris* of *Maybie*, *Sir James Murray* of *Babertoun*, *David Mackbrair* of *Newark*, *William Maxwell* of *Kirkhouse*, *Mr. Alexander Spotswood* of *Sweetheart*, *Mr. Thomas Hay* of *Lands*, *James Maxwell* of *Braikenside*, *Roger Gordoun* of *Trogaben*, *William Gordoun* of *Schironers*, *Mr. William Gordoun* of *Earlestoun*, *Robert Maxwell* of *Orchartoun*, *William Mackleland* of *Collin*, *George Maxwell* of *Munfies*, *Richard Murray* of *Broughtoun*, *Alexander Mackgibie* of *Balmackgibie*, *William Greirson* of *Bargaton*, *John Corfan* of *Sannick*, *Gilbert Brown* of *Kempiltoun*, *John Dunbar* of *Machymore*, *John Mure*, *Tutor of Cassinacie*, *Patrick Mackie* of *Larg*, *Andrew Herron* of *Kiruchrie*, and *John Ewart* of *Mullack*, the *Provost* and *Bailies* of *Kirkcudburgh* for the time being, and the *Provost* of *Newgalloway* for the time being.

Peibles.

For the Sheriffdom of Peibles and Burghs within the same, *John Earl of Traquair*, *John Earl of Tweedale*, the *Lairds* of *Blackbarrouie* elder and younger, *William Murray* of *Stainhope*, *Sir John Vaitch* of *Daick*, *John Vaitch* his son, *Sir Michael Naesmith* of *Possa*, *Sir Robert Murray* of *Skirling*, *Robert Hunter* of *Polmude*, *William Horsburgh* of *Horsburgh*, *Walter Murray* of *Halmyre*, *Adam Murray* of *Cardon*, *James Geddes* of *Kirkurd*, *John Murray* of *Romanno*, *Mr. John Dickson* of *Whitslead*, *Alexander Baulzie* of *Flemington-milne*, *Mr. John Hay* of *Haystoun*, *George Tait* of *Pirne*, *Mr. William Burnet* of *Cringeltie*, *George Brown* of *Scotsfoun*, *William Brown* of *Stevinson*, *James Lawson* of *Cairnmure*, *William Goven* of *Cardrona*, *Hamilton* of *Caldcoat*.

Bute.

For the Sheriffdom of Bute and Burghs within the same, *William Duke of Hamilton*, *Sir James Stewart* Sheriff of *Bute*, *Dougal Stewart* his son, *Hector Bannatine* of *Beams*, *Ninian Stewart* of *Kilcatten*, *Ninian Stewart* of *Ashboag*, *John Stewart* of *Ardinbo*, *John Hamilton*, *Baily* of *Arran*, *William Hamilton* of *Coats*, *James Stewart* of *Kiniwhinlick*, and *John Glask* of *Branser*, the *Provost* and *Bailies* of *Rothsay* for the time being.

Stirling.

For the Sheriffdom of Stirling and Burghs within the same, *William Duke of Hamilton*, *James Marquess of Montrose*, *Earl of Wigtoun*, *James Earl of Callender*, *Lord Fleming*, *James Lord Forrester*, *Alexander Levingstoun* Nevy to the *Earl of Callender*, *Sir William Levingstoun* of *Westquarter*, *Sir Robert Elphinstoun* of *Quarrel*, *Normand Levingstoun* of *Newtoun*, *Thomas Elphinstoun* of *Catherhall*, *Jon Murray* of *Polmas*, *James Seatoun* of *Touch*, *Sir John Rollo* of *Bannackburne*, *Sir Charles Erskine* of *Abod*, *William Stirling* of *Hertsshire*, *Alexander Monro* of *Beacrofts*, *Sir James Levingstoun* of *Killyth*, *Hamilton* of *Pardewie*, *John Stirling* of *Banckel*, *Sir George Stirling* of *Keir*, *Sir Mungo Stirling* of *Glorat*, *Buchanan* of that ilk, *Alexander Glas* of *Coltinghoose*, *Sir John Stirling* of *Carden* younger, *Walter Leckie* of *Desbors*, *John Leckie* of that ilk, *Alexander Cunningham* of *Bowhan*, and *Mr. Alexander Nairn* of *Easter-Greengyards*, the *Provost*, *Bailies*, *Dean* of *Gild*, and *Treasurer* of the *Town* of *Stirling* for the time being.

Bamff.

For the Sheriffdom of Bamff and Burghs within the same, *William Earl of Marshal*, *Earl of Findlator*, *Walter Ogilvy* of *Boyne*, *Sir John Gordoun* of *Park*, *Sir Alexander Urguhart* of *Dunlugus*, *William Innes* of *Kinermorie*, *Mr. John Abercrombie* of *Glassock*, *George Gordoun* of *Thornbank*, *Alexander Garden* of *Troup*, *James Innes* of *Auchrosk*, *Sir Alexander*

Alexander Abercrombie of Birkinboge, William Dalgarvo of Blackwater, and Alexander Ogilvie of Kempcairn. The Provost and Bailies of the Town of *Banff* for the time being, and the Bailies of *Culen* for the time being.

Sutherland.

For the Sheriffdom of *Sutherland* and Burghs within the same, *George Lord Stranaver,* Lord *Rae,* *Alexander Lord Duffus,* Earl of *Sutherland,* *Langdail,* Sir *Robert Gordoun of Embo,* *Robert Gray of Skibo,* *Robert Gordoun of Carrol,* *Hugh Macky of Scowry,* *Augus Macky of Mehnies,* *John Sutherland of Clyne,* *William Gordoun of Dalpohllie,* the Provost of *Dornoch* for the time being, and *Alexander Gordoun* Burges there.

Clackmannan.

For the Sheriffdom of *Clackmannan* and Burghs within the same, *Henry Bruce of Clackmannan,* *Sir Charles Erskine of Alva,* Mr. *Robert Bruce of Schawbodie,* *John Nicolson of Dillicultrie,* *David Bruce of Kennet,* *William Stirline of Herbertshire,* Mr. *Thomas Naper* Bailly in *Allaway,* *Patrick Burn of Sheirdel,* and *John Keirie* in *Allaway.*

Elgin.

For the Sheriffdom of *Elgin* and Burghs within the same, *Alexander* Earl of *Murray,* *Alexander Lord Duffus,* *James Grant of Freuchie,* Sir *Robert Innes* of that ilk, *Thomas Mackenzie of Pluscardin,* Sir *Robert Innes of Muirton,* *James Brodie* of that ilk, *Robert Cuming of Altar,* *Walter Kinnaird of Cubin,* Sir *Alexander Innes of Cokstoun,* Sir *Robert Dunbar of Grainghi,* *John Stewart of Newtonn,* *Alexander Dowglass of Speiney,* *Alexander Tulloch of Tannachie,* *David Dunbar of Dunfart,* *George Innes of Caldcoats,* *John Grant of Ballandolloch,* *Patrick Grant of Achehangin,* *William Grant of Cardels,* *James Grant of Achernick,* the Provost and two Bailies of the Burgh of *Elgin* for the time being, the Provost and eldest Bailly of the Burgh of *Forres* for the time being.

Innernefs.

For the Sheriffdom of *Innernefs* and Burghs within the same, the Earl of *Murray,* the Earl of *Seafort,* *James Grant of Freuchie,* *Lauchlan Mackintosh* Uncle to the Laird of *Mackintosh,* *John Forbes of Cullodin,* *Hugh Fraser of Belladrum,* *Alexander Mackintosh* younger of *Connedge,* *Hugh Fraser of Foyer,* *Donald Mackintosh of Oldourie,* Mr. *Roderick Mackenzie of Kitmure,* *Alexander Graham of Drynie,* Sir *John Urquhart of Cromarty,* *Alexander Dunbar of Kennedfeld,* *Kenneth Mackenzie of Coul,* *Roderick Mackenzie of Davachmaluake,* *Roderick Mackenzie* younger of *Ferburn,* *Colein Mackenzie of Reidcastle,* *John Cathbert of Castlehill,* *Eune Macpherson* Tutor of *Cluny,* Sir *Norman Mackleod of Kernary,* *John Grant of Garthinmore,* *Mungo Grant of Cunnigars,* *James Grant of Sheuglie,* the Provost and Bailies of *Innernefs* for the time being, *James Anderson* and *Robert Innes* in *Porterose,* the Provost and one of the Bailies of *Dingwal* for the time being.

Cromarty.

For the Sheriffdom of *Cromarty* and Burghs within the same, Sir *John Urquhart of Cromarty,* *Alexander Urquhart of Kinnudie,* *Alexander Clunes* Bailly of *Cromarty.*

Renfrew.

For the Sheriffdom of *Renfrew* and Burghs within the same, *Hugh* Earl of *Eglington,* *James* Lord *Kilmars,* *Alexander* Lord *Montgomery,* *George* Lord *Ross,* *William* Lord *Cochrane,* *William* Master of *Cochrane,* the Lairds of *Houfston* elder and younger, the Lairds of *Blackball* elder and younger, Sir *Patrick Maxwell of Newark,* Sir *George Maxwell* fiar thereof, Sir *James Hamilton of Orbstoun,* *Alexander Cunningham of Craigus,* *Pollock* of that ilk, Sir *John Shaw* younger of *Greinock,* *Cornelius Crawford of Jordanhill,* the Laird of *Bisbopoun* younger, *Alexander* and *John Poterfields* elder and younger of *Duchel,* *Patrick Fleming of Barnchano,* *George Howestoun* of *Johnstoun,* *John Maxwell of Blackstoun,* *Archibald Stewart of Scottstoun,* *John* and *James Maxwell* elder and younger of *South-barn,* *James Brubane of Serviland,* *Matthew Brubane* of *Rosland,* *Sir Adam Blair* of *Lochwood,* *Andrew Sempil* in *Renfrew,* *Robert Pollock* of *Milburn,* the Bailies of *Paislie* for the time being, and *James Dunlop* of *Howst.*

Aberdeen.

For the Sheriffdom of *Aberdeen* and Burghs within the same, Colonel *George Keith* of *Aden.*

Aberdeen, Alexander Frazer elder of Philorth, Sir John Gordoun of Haddoe, Sir John Forbes of Waverthoun, Sir John Keith Knight Marshal, Sir James Baird of Achmedden, Robert Irving of Ledderet, George Gordoun of Cocharachie, John Gordoun of Blelack, Alexander Frazer younger of Philorth, Alexander Keith younger of Ludquburn, John Udnie of that ilk, Major George Keith of Knock, Alexander Bannerman of Elsick, Bannerman his Son, John Gordoun of Fecbil, Lieutenannt Colonel Forbes of Foulis, John Seatoun of Thorntoun, Alexander Straguban younger of Glenkindie, Francis Frazer of Kinnundie, Erskin of Pittodrick, Alexander Erskin of Rothnie, Alexander Lumsdaine of Carnday, Colonel John Fulertoun of Dudwick, John Meldrum of Hattoun, and John Gordoun of Auchleubries, the Provost, Bailies, Treasurer, and Dean of Gild of Aberdeen for the time being, the Provost and two Bailies of Kintore for the time being, John Johnston Bailly of Inverury, and William Ferguson younger Burgeses there.

Rofs.

For the Sheriffdom of Rofs and Burghs within the same, *Kenneth Earl of Seafort, Sir George Mackenzie of Tarbit, David Rofs of Belnagonie, John Monro younger of Foulis, David Rofs of Prchalnie, William Rofs of Granord, Walter Innes of Inverreckie, Hector Douglas of Muldarg, Hector Mackenzie of Assint, Mr. Thomas Mackenzie of Inerlael, Sir William Sinclair of May, William Sinclair of Dunbeath, Sir George Monro of Culcairn, and James Hay Burgeses of Tain.*

Kincardin.

For the Sheriffdom of Kincardin and Burghs within the same, *William Earl of Marshal, John Earl of Middletoun, Robert Viscount of Arbutnet, Alexander Lord Halkertoun, and in his absence Alexander Master of Halkartoun, Alexander Straton of that ilk, Sir John Keith, Alexander Bannerman of Elsick, and Bannerman his son, David Ramsay younger of Balmayn, Sir James Straguban of Thorntoun, Sir Robert Graham of Morphie, Sir Alexander Burnet of Leyes, Sir Francis Ogilvie younger of New-grange, John Barklay of Johnstoun, Colonel Henry Barklay of Knox, Arthur Straton of Snadoun, Falcover of Glenforquhar, Robert Keith of Whitriggs, William Rait younger of Halgrein, Andrew Wood of Babignie, Allered of Allered, Sir James Ramsay of Benholme, Sir Alexander Carnagie of Pittaro, Andrew Arbutnet of Fiddes, Mr. William Ramsay of Woodstoun.*

Caithness.

For the Sheriffdom of Caithness and Burghs within the same, *Earl of Caithness, Sir William Sinclair of Mey, William Sinclair of Ratter, William Sinclair of Dunbeath, John Sinclair of Brims, Murry of Pennieland, David Murry of Cairden, Robert Monro of Borlome, Alexander Sinclair of Telfsen, David Sinclair of Dune, Mr. James Innes of Sandfald, James Sinclair of Assere, Frances Sinclair of Stirkaike, Walter Innes of Orton.*

Orkney and Zetland.

For the Sheriffdom of Orkney and Zetland and Burghs within the same, *Earl of Mortoun, Colonel John Stewart of Newwark, James Stewart of Gramsay, Hugh Halcu of that ilk, Robert Stewart of Burgh, Mr. Patrick Graham, James Baikie of Tankerness, Patrick Monteith of Egilsbaw, Hugh Craigie of Gairsey, Patrick Blair of Little-Blair, Archibald Stewart of Burrough, George Smith of Rapness, John Sinclair of Quandail, James Sinclair of Skalloway, Andrew Bruce of Munu, William Bruce of Soundburgh, Mr. James Mount Gilbert Nivon, Chein of Eslemont, and Robert Hunter Factor for the Earl of Mortoun.*

Forfar.

For the Sheriffdom of Forfar and Burghs within the same, (*Dundee excepted*) *James Earl of Buchan, Patrick Earl of Kinghorn, James Earl of Southesk, Earl of Airlie, John Earl of Dundee, Robert Viscount of Arbutnet, James Lord Ogilvie, George Lord Brichan, David Lord Lour, James Lord Cowper, Sir David Ogilvie son to the Earl of Airlie, Sir James Ogilvie of Newgrange, John Ogilvie of Balfour, Sir John Carnegie of Boyslack, Sir Alexander Erskin of Dun, John Lindsey of Edgle, John Wood of Bonnytoun, John Graham younger of Fentry, David Fotheringham of Pourie, John Garden of Latoun, David Erskin of Carboodo, William Fallertoun of that ilk, Mr. Robert Hay of Dronlaw, John Ogilvie of Pettenuves, Sir John Carnegie of Bonniemune, James Scot of Logie, Peter Young of Seatoun, Walter Graham of Duntroun, James Durham younger of Omachie, Patrick Lyon of Bridgtoun, William*

William Lyon of Eastergill, Henry Mauld of Melgum, William Gray of Innerichtie, John Forthingham of Dunun, John Ogilvie of Peil, Patrick Wentoun of Strickmartine, James Crigh-toun of Ruthven, David Neavoy of that ilk, John Scrimger of Kirkcoun, John Hunter of Bal-gay, Sir Alexander Wedderburn of Blackness, Mr. Patrick Teaman of Dryburgh, Mr. James Kid of Craigie, Peter Lyon of Cossans, Peter Blair of Dunkeny, David Carnegie of Craig, and Robert Arbuthnot of Fyndourie, two of the Magistrates of Forfar, Breichen, Montrose and Aberbrothick, for the time being.

For the Town of Dundee, comprehending as said is, the Magistrates and Council for the time being.

Berwick.

For the Sheriffdom of Berwick and Burghs within the same, Sir Archibald Cockburn of Langtoun, James Hoppringle of that ilk, John Home of Blaccader, Sir James Home of Eccles, Sir Robert Douglas of Blaikerston, John Home of Prindergaist, George Ramsay of Idingtoun, Mr. Robert Sinclair of Longformacus, George Home of Kaimbes, Robert Home of Kimerghame, Archibald Douglas of Lumsdaine, John Ker of Westnūbit, Patrick Boge of Burnhouses, Alexander Home of Lintbill, Robert Home of Bogend, Mr. John Home of Bellita, Mr. Thomas Ridpeth of Fulfardlies, and the two Bailies of Lawder for the time being.

Nairn.

For the Sheriffdom of Nairn and Burghs within the same, Sir Hugh Campbel of Caddel, John Grant of Moynes, John Hay of Lochlow, Hugh Ross of Kiltravock, Thomas Dumbar of Grange, Alexander Campbel of Orchnoy, Alexander Dumbar of Booth, John Sutherland of Kinstairie, Hugh Hay of Birchmony, Colin Campbel of Delneyes, John Ross of Braidley, Hugh Ross younger of Clava, two of the Magistrates of the Burgh of Nairn for the time being.

With power to the saids Commissioners or major part of them, to take trial of what Malt is brewed and sold within their respective divisions, and to order the collecting and raising of the Excise thereof, at two Merks upon the Boll; and to raise the remainder of the proportion imposed upon each respective Shire and burgh, which shall not arise by payment of the foresaid two merks upon the Boll of Malt, and of the rates imposed upon the other particulars above mentioned, Brewed and sold or imported as said is, from the respective Shires and Burghs in lieu of the Malt brewed in their own houses; and that according to the rule of the valuations as the same were apportionat before August last. As also, with power to the saids Commissioners to meet and convene at such times and places as they shall think fit, and to choose their own Conveeners (who is to administer an Oath *De fide li Administratione* to the remanent Commissioners at their first meeting, and take the same himself) and to appoint their own Collectors, and other Officers, except the Clerk, who is to be named by the Clerk of Register, and to modifiencellar Fees for the saids Collectors, Clerks, and other Officers, and to sub-divide themselves for the more speedy and equal ordering of the said Excise. With power also to them to establish Offices of Excise (at which Offices, the whole Brewers are hereby required to make their Entries, at least once every moneth, of their weekly brewing) and by Miller, Maltman, Oath of party, Witneses, or any other lawful manner of way to disprove the Entries given in, and to impose Fines upon the persons whose Entries shall be disproven, not exceeding the double of the value of the Malt conceal'd, and to decern and determine in all cases and debates, relating to the said Excise within their respective divisions; and for that effect to use all lawful manner of probation as said is: And ordains general Letters to be direct *gratis* upon the saids Commissioners, their Deceets, at the instance of the respective Collectors; or otherways with power to the saids Commissioners, to poynd and distrenzie upon their own Deceets, quarter upon the Deficients, or imprison their persons till payment be made of the sums due by them, as well principal as expences; and which expences the saids Commissioners are hereby impowred to modifie. And it is hereby Declared, That there shall be no necessity to apprize the Goods of the Deficients at the Mercat Cross, but that it shall be lawfull to apprize the same, at the nearest Paroch Church, And sicklike it is hereby Sraute and Ordained, that the Commissioners of the respective Shires and Burghs shall be, and are obliged to pay in their respective proportions of the said Shires and Burghs to such as are, or shall be appointed by His Majesty,

to receive the same at four terms in the year, *viz.* *Whitsunday, Lambmesse, Martimesse, and Candlemesse*, by equal proportions, beginning the first terms payment at *Lambmesse* next, for the three moneths of *May, June, and July*, immediatly preceeding the same: And which Commissioners, are by these presents impowred to put in execution the whole forementioned Orders and Instructions, for raising and inbringing of the said Excise for their relief. As also the Kings *Majesty*, with advice and consent of His Estates of Parliament, gives power to the Lords of His *Majesties* Privy Council, to nominate and appoint Commissioners of Excise in the respective Shires and Burghs upon the death or inability of any of the Commissioners above-named.

XV.

*Act Rescinding and Annulling the pretended Parliaments, in the years,
1640, 1641, &c.*

THe Estates of Parliament, considering that the Peace and happines of this Kingdom, and of His *Majesties* good Subjects therein, doth depend upon the Safety of His *Majesties* Person, and the Maintenance of His Royal Authority, Power and Greatness; And that all the miseries, confusions and disorders which this Kingdom hath groaned under, these twenty years, have issued from, and been the necessary and natural products of these neglects, contempts and invasions, which in and from the beginning of these troubles, were upon the specious (but false) pretexs of Reformation (the common cloak of all Rebellions) offered unto the Sacred Person and Royal Authority of the Kings *Majesty*, and His Royal Father of blessed memory. And notwithstanding, that by the sacred Right, inherent to the Imperial Crown (which His *Majesty* holds immediatly from GOD Almighty alone) and by the ancient constitution and fundamental Laws of the Kingdom; the power of convocating and keeping Assemblies of the Subjects; the power of Calling, Holding, Proroguing and Dissolving of Parliaments, and making of Laws, the power of entering into Bonds, Covenants, Leagues and Treaties; the power of raising Armes, keeping of Strengths and Forts, are Essential parts, and Inseparable privileges of the Royal Authority and Prerogative of the Kings of this Kingdom: Yet, such hath been the madness and delusion of these times, that even Religion it self, which holds the Right of Kings to be Sacred and Inviolable, hath been pretended unto, for warrant of all these injurious Violations and Ineroachments, so publickly done and owned, upon and against, His *Majesties* just Power, Authority and Government; By making and keeping of unlawfull Meetings and Convocations of the people; By entering into Covenants, Treaties and Leagues; By seizing upon, and possessing themselves of His *Majesties* Castles, Forts and Strengths of the Kingdom; and by holding of pretended Parliaments, making of Laws, and raising of Armes for the maintaining of the same: And that not only without warrant, but contrary to His *Majesties* expresse Commands. And although the late Kings *Majesty*, out of His meer grace and respects to this His native Kingdom, and the peace and quiet of His people, and for preventing the consequences, which such a bad example, and practice might occasion, to the disturbance of the Peace of His other Kingdoms, was pleased in the year, one thousand six hundred and fourty one, to come into this Countrey, and by His own presence, at their pretended Parliaments and otherwayes, to comply with, and give way to, many things neerly concerning the undoubted Interest and Pretogative of the Crown, expecting that such unparleld Condescentions should have made His Subjects ashamed of their former miscarriages, and the very thoughts thereof, to be hatefull to them and their posterity for ever. Yet such was the prevalency of the spirit of Rebellion that ragcd in many for the time, that not content of that peace and happines, which even above their desires, was secured to them; nor of those many Grants of honour and profit, by which, His *Majesty* endeavoured to endear the most desperate of them to their duty and obedience, they then, when His *Majesty* had not left unto them any pretence or shadow of any new desire to be proposed, either concerning themselves or the Kingdom, did most unworthily engage, to subvert His *Majesties* Government, and the publick Peace of the Kingdom of *England*: For which purpose, having joynd in a League with some there, they, for the better prosecution of the same, did assume unto themselves, the Royal Power, kept and held Parliaments at their pleasure; by the pretended Authority of which, they laid new exactions upon the people (which in one month did far exceed what ever by the Kings Authority had been raised in a whole year) levied Armes, sent out Edicts, requiring obedience unto their unlawfull demands; and with all manner of violence pursued such as out of duty to His *Majesties* Authority opposed them, by fines, confinements, imprisonment, banishment, death, and

forfeiture of their posterity; and with their Army thus raised, invaded His *Majesties* Kingdom of *England*, and joyned with such as were in Armes against His *Majesty* there. And thus maintaining their usurped power, and violently executing the same against all Law, Conscience, Honour and Humanity, have made themselves instruments of much loss, shame and dishonour to their native Country, and have justly forfeited any favour they might have pretended to, from His *Majesties* former concessions. And so much, as now it hath pleased Almighty GOD, by the power of His own right hand, so miraculously to restore the Kings *Majesty* to the Government of His Kingdoms, and to the exercise of His Royal Power and Sovereignty over the same, The Estates of Parliament do conceive themselves obliged, in discharge of their duty and conscience to GOD and the Kings *Majesty*, to employ all their power and Interest for vindicating His *Majesties* Authority from all these violent invasions that have been made upon it, and so far as is possible, to remove out of the way, every thing that may retain any remembrance of these things, which have been so injurious to His *Majesty* and His Authority, so prejudicial and dishonourable to the Kingdom, and destructive to all just and true interests within the same. And considering, that besides the unlawfulness of the publick Actings during these troubles, most of the Acts in all and every of the Meetings of these pretended Parliaments, do highly ineroach upon, and are destructive of, that Sovereign Power, Authority, Prerogative and Right of Government, which by the Law of GOD and the ancient Laws and Constitutions of this Kingdom, doth reside in, and belong unto, the Kings *Majesty*, and do reflect much upon the honour, loyalty and reputation of this Kingdom, or are expired, and serve only as testimonies of disloyalty and reproach upon the Kingdom, and are unfit to be any longer upon Record. Therefore the Kings *Majesty* and Estates of Parliament, do hereby Rescind and Annull the pretended Parliaments, kept in the one thousand six hundred and tourty, one thousand six hundred and fourty one, one thousand six hundred and fourty four, one thousand six hundred and fourty five, one thousand six hundred and fourty six, one thousand six hundred and fourty seven, and one thousand six hundred and fourty eight, and all Acts and Deeds past and done in them, and Declares the same to be henceforth void and null. And His *Majesty*, being unwilling to take any advantage of the failings of His Subjects during those unhappy times, is resolved not to retain any remembrance thereof, but that the same shall be held in everlasting oblivion; and that all difference and animosities being forgotten, His good Subjects may in a happy union, under His Royal Government, enjoy that happiness and peace, which His *Majesty* intends, and really wisheth unto them as unto Himself, Doth therefore by advice and consent of His Estates of Parliament, grant His full Assurance and Indempnity to all persons that acted in, or by vertue of the said pretended Parliaments and other Meetings flowing from the same, to be unquestioned in their Lives or Fortunes, for any Deed or Deeds done by them in their said usurpation, or by vertue of any pretended Authority derived therefrom, excepting always, such as shall be excepted in a general Act of Indempnity, to be past by His *Majesty* in this Parliament. And it is hereby declared, That all Acts, Rights and Securities, past in any of the pretended Meetings above-written, or by vertue thereof, in favours of any particular persons, for their civil and private interests, shall stand good and valid unto them, until the same be taken into further consideration, and be determined in this, or the next Session of this Parliament.

XVI.

An Act concerning Religion and Church Government.

Our Sovereign Lord, being truly sensible of the mercies of Almighty GOD, towards Him in His preservation, in times of greatest trouble and danger, and in his miraculous Restitution to His just Right and Government of His Kingdoms. And being desirous to improve these Mercies, to the glory of GOD and honour of His great Name, Doth with advice and consent of His Estates of Parliament, Declare, That it is His full and firm resolution, to maintain the true reformed Protestant Religion, in it's purity of Doctrine and Worship, as it was established within this Kingdom, during the Reigns of His Royal Father and Grand-father of blessed memory. And that His

His Majesty will be careful to promote the power of Godliness, to encourage the exercises of Religion, both publick and private, and to suppress all prophanesse, and disorderly walking. And for that end will give all due countenance and protection to the Ministers of the Gospel, they containing themselves within the Bounds and Limits of their Ministerial Calling, and behaving themselves with that submission and obedience to His Majesties Authority and Commands, that is suitable to the Allegiance and Duty of good Subjects. And as to the Government of the Church, His Majesty will make it His care, to settle and secure the same, in such a frame as shall be most agreeable to the word of GOD, most suitable to Monarchical Government, and most complying with the publick peace and quiet of the Kingdom. And in the mean time, His Majesty, with advice and consent forsaide, Doth allow the present Administration by Sessions, Presbyteries and Synods, (they keeping within bounds and behaving themselves as said is) and that notwithstanding of the preceding Act; recessory of all pretended Parliaments, since the year one thousand six hundred and thirty eight.

XVII.

Act for a Solemn Anniversary Thanksgiving for His Majesties Restauration to the Royal Government of His Kingdoms.

THE Estates of Parliament of the Kingdom of *Scotland*, taking to their consideration the sad Condition, Slavery and Bondage, this ancient Kingdom hath groaned under, during these twenty three years Troubles: In which, under the specious pretences of Reformation, a publick Rebellion hath been, by the Treachery of some, and mis-perswasion of others, violently carried on against Sacred Authority, to the ruine and destruction, so far as was possible, of Religion, the Kings Majesty, and His Royal Government, the Laws, Liberties and Property of the People, and all the publick and private Interests of the Kingdom; So that Religion it self, which holds the right of Kings to be Sacred, hath been prostitute for the warrant of all these treasonable invasions made upon the Royal Authority, and disloyal limitations put upon the Allegiance of the Subjects. And hath it not also been pretended unto, for the warrant of all those vile and bloody Murthers, which in high contempt of Almighty GOD and of His Majesties Authority and Laws, were under colour of Justice committed upon His Majesties good Subjects, meerly for the discharge of their Duty to GOD, and Loyalty to the King? Hath not that Royal Government, under whose Protection this Nation hath, to the envy of the World, been so famous for many ages, been of late troden under foot, and new Governments and Governours established and kept up without His Majesties Authority, and against His expresse Commands? Hath not Law, which is the Birth-right and Inheritance of the Subjects, and the Security of their lives and fortunes, been laid in the dust, and new and unjust Edicts and Orders past and published, for subjecting both life and fortune, and what else was dear unto any of His Majesties good Subjects, to the Cruel and Ambitious Lusts of some usurping Rulers? Hath not Religion and Loyalty been the only objects of their Rapine and Cruelty? And hath not their new and arbitrary Exactions and Burdens upon the People, exceeded in one month what ever had been formerly in many years paid to any of the Kings of this Kingdom? And when the best of men and the most Excellent of the Kings of the earth, had in an unusual way of confidence rendred His Person to the Trust and Loyalty of His Native Subjects, was not the security of Religion pretended unto by some, who then governed in Church and State for the ground of that base (and never enough to be abhorred) transaction, in leaving such a Prince their Native and Dread Sovereign, to the will of these who were in open Rebellion, and for the time had their swords in their hands against Him; And that when by these and many such like undutifull carriages, the Kings Majesty was removed from His Kingdoms, the foundations of this ancient and well constitute Government was overturned, the Liberties and Property of the people inverted; And this Kingdom exposed to be Captives and Slaves to Strangers, and nothing left unto them but the sad meditation of their increasing miseries, and the bitter remembrance of their by-past disloyalties? Yet even then it pleased Almighty GOD to compassionat their low condition, and by the power of His own right-hand, most miraculously to restore the Kings most Sacred Majesty to the Royal Government of His Kingdoms; And thereby to Redeem this Kingdom from its former Slavery and Bondage, and to restore it to its ancient and just Priviledges and Freedom. And the Kings Majesty acknowledging, with all humility and thankfulness, the Goodness, Wisdom and power of GOD, in this Signal Act of His mercy to Him and His people, Doth, with advice and consent of His Estates of Parliament, Statute and Ordain, That in all time coming there be a Solemn yearly Commemoration of the same: And for that end, the twenty ninth of *May*, (which day GOD Almighty hath specially honoured and rendred auspicious to this Kingdom, both by His Majesties Royal Birth; and by His blessed Restauration to His Government) be for ever set apart as a Holy day unto the LORD, and that in all the Churches of the Kingdom, it be employed in publick Prayers,

Preaching;

Preaching, Thanksgiving and Praises to God for so transcendent Mercies: And that all Trade, Merchandize, Work, Handy-labour, and other ordinary employments be forborn, and the remaining part of the day spent in such lawfull divertisements as are iuteable to so Solemn an occasion. And it is hereby recommended to all Ministers of the Gospel, and to all Sheriffs, Iustices of Peace, and other publick Ministers in the severall Countreies, and to all Magistrates within Burghs, to be carefull that for this present year, and in all time coming, the twenty ninth day of May, be accordingly kept and observed within their severall Jurisdictions. And for the speedier and more full intimation hereof to all His *Majesties* Subjects, It is Appointed thir Presents be printed, and published at all the Mercat Crosses of the Royal Burroughs.

XVIII.

Act for the due Observation of the Sabbath-day.

THe Kings *Majesty* considering, how much it concerns the honour of GOD, that the Sabbath-day be duly observed, and all abuses thereof restrained: And that notwithstanding of severall Acts of Parliament made in that behalf, particularly the third Act of the sixth Parliament of King *James* the sixth of blessed memory, the said day hath been much prophaned by Salmond-fishing, going of Salt-pans, Milnes and Killies, hiring of Shearers, and using of Merchandize on that day and otherwayes. Therefore our Sovereign Lord, with advice and consent of His Estates of Parliament, Ratifies and Approves all former Acts of Parliament, made for observation of the Sabbath-day, and against the breakers thereof; And by these presents Inhibits and Discharges all Salmond-fishing, going of Salt-pans, Milns or Killies; all hiring of Shearers, carrying of Loads, keeping of Mercats, or using any sorts of Merchandize on the said day, and all other prophanation thereof whatsoever, under the pains and penalties following; *viz.* The sum of twenty pounds *Scots* for the going of ilk Salt-pan, Miln or Kill on the said day, to be paid by the Heritors and possessors thereof; and the sum of ten pounds for ilk Shearer and fisher of Salmond on the said day, the one half thereof to be paid by the Hirers and Conducers, and the other half by the persons hired; and the said sum of ten pounds for every other prophanation of the said Day: And which Fines and Penalties are to be uplifted and disposed of, in manner contained in the Act and Instructions anent the Iustices of Peace; and if the Party Offender be not able to pay the penalties foresaid, then to be exemplarily punished in his body, according to the merit of his fault.

XIX.

Act against Swearing and Excessive Drinking.

Our Sovereign Lord, being desirous that all His Subjects within this Kingdom, may live a quiet and peaceable life under His Government, in all godliness and honesty; And in order thereto, having resolved to curb and suppress all sort of sin and wickedness, and especially these abominable and so much abounding sins of Drunkennesse and all manner of Cursing and Swearing. Therefore our said Sovereign Lord Ratifies and Approves all Acts of Parliament, made in former times against the said crimes, or either of them. And further Declares, That each person, who shall Blaspheme, Swear or Curse; and whosoever shall Drink into excess, shall be liable in the pains following, according to the quality of the offenders; *viz.* Each Nobleman in twenty pounds *Scots*, each Barron in twenty Merks, each Gentleman, Heritor or Burges in ten merks, each Yeoman in forty shillings, each Servant in twenty shillings *toties quoties*, each Minister in the fifth part of his years Stipend: and that the saids Fines and Penalties be uplifted and disposed upon, in manner contained in the Act and Instructions anent the Iustices of Peace. And if the party Offender, be not able to pay the Penalties foresaid, then to be exemplarily punished in his body, according to the merit of his fault.

X X.

Act against Cursing and Beating of Parents.

Our Sovereign Lord, and Estates of Parliament, considering how great and atrocious a crime it is, for Children to beat, or curse their Parents; And how the Law of GOD hath pronounced just sentence of death against such, as shall either of these wayes injure either of their Parents. Therefore, His *Majesty*, with advice of His Estates, Doth hereby Statute and Ordain, That whosoever, Son or Daughter, above the age of sixteen years, not being distracted, shall Beat or Curse either their Father or Mother, shall be put to death without mercy: and such as are within the age of sixteen years, and past the age of pupillarity, to be punished at the arbitrement of the Judge, according to their deservings, that others may hear and fear, and nor do the like.

XXI.

Act against the Crime of Blasphemy.

OUR Sovereign Lord, and the Estates of Parliament considering, that hitherto there hath been no Law in this Kingdom, against the horrible crime of Blasphemy. Therefore, His Majesty, with advice of His said Estates, Doth hereby Statute and Ordain, That whosoever hereafter, not being distracted in his wits, shall rail upon, or curse GOD, or any of the Persons of the blessed Trinity, shall be processed before the chief Justice; and being found guilty, shall be punished with Death. Likewise, His Majesty, with advice foresaid, Finds, Statutes and Ordains, That whosoever hereafter shall deny GOD, or any of the persons of the blessed Trinity, and obstinately continue therein, shall be processed, and being found guilty, that they be punished with Death. As also, His Majesty, with advice and consent foresaid, Declares, That all Persons who have committed the foresaid Crimes since the seventeenth of February, one thousand six hundred and forty nine, shall be proceeded against according to this Act; and Ratifies all by-gone Decrees and judicial Proceedings, against any Person committer of the said Crimes since the foresaid date, which have been pronounced and done against the saids Committers, according to this present Act. And Declares, That the pronouncers and executors of the saids Sentences shall never be questioned therefore, in any manner of way, but are, and shall be, hereby secured, no less then if this Act had been of the foresaid date.

XXII.

Act concerning the severall degrees of Casual Homicide.

OUR Sovereign Lord, with advice and consent of the Estates of this present Parliament, for removing of all question and doubt that may arise hereafter in Criminal pursutes for Slaughter, Statutes and Ordains, That the cases of Homicide after-following; viz, Casual Homicide, Homicide in lawful defence, and Homicide committed upon Theeves and Robbers breaking houses in the night; or in case of Homicide the time of masterful Depredation, or in the pursute of denounced or declared Rebels for capital Crimes, or of such who assist and defend the Rebels and masterfull Depredators by Armes, and by force oppose the pursute and apprehending of them, which shall happen to fall out in time coming; nor, any of them, shall not be punished by death: And that notwithstanding of any Laws or Acts of Parliament, or any Practick made heretofore or observed in punishment of Slaughter; but that the Manslayer, in any of the cases aforesaid, be absolved from any Criminal pursute pursued against him for his life, for the said Slaughter, before any Judge Criminal within this Kingdom. Providing always, that in the case of Homicide casual, and of Homicide in defence, notwithstanding that the slayer is by this Act, free from Capital Punishment; Yet it shall be leifum to the Criminal Judge, with advice of the Council, to fine him in his means, to the use of the defuncts wife and bairns, or nearest of kin, or to imprison him. And His Majesty, with advice foresaid, Declares, that all decisions given conform to this Act, since the thirteenth of February, one thousand six hundred and forty nine years; shall be as sufficient to secure all parties interested, as if this present Act had been of that date: And that all cases to be decided by any Judges of this Kingdom, in relation to casual Homicide, or Homicide in defence, committed at any time heretofore, shall be decided as is above expressed.

XXIII.

Act Ratifying the Priviledges of the Colledge of Justice.

OUR Sovereign Lord considering, that nothing is more necessary and of more universall concernment, then the administration of Justice; and in order thereto, that the Judges, Advocats, Clerks and other Members of the Supream Judiciary; should be faithful, able and qualified persons; and for their encouragement to serve the Countrey in their respective stations and places, and to undergo the great toil, trouble and expence of time, and otherwayes for inabling them for, and during their service therein, It hath been the wisdom and practice of all Princes and Nations, and in special, of His Majesties Royal Progenitots, to grant to them diverse Liberties and Priviledges, as is evident by many Acts of Parliament and Statutes concerning the Priviledges and Immunities of the Colledge of Justice, and Members thereof, Granted, Renewed and Ratified from time to time: There-
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fore His Majesty, with advice and consent of His Estates of Parliament, Ratifies and Approves all and whatsoever Liberties, Priviledges and Immunities, given and granted by His Majesty's Royal Predecessors, to, and in favour of, the said Colledge of Justice, and of the Senators, Advocats, Clerks, Writers to the Signet, and remanent Members of the same, or whercof they have been in use and possession in any time by-gone, together with all Laws, Acts of Parliament, Statutes and Constitutions, made and conceived in their favours; Holding and Declaring this present-Ratification to be as sufficient as if all the foresaids Priviledges, Freedoms and Immunities, Acts, Statutes and Grants, of, and concerning the same, were in special and at length exprest herein. And His Majesty with advice and consent foresaid, Ordains and Declares, That the whole Priviledges, Liberties and Immunities foresaid, granted and belonging to the ordinary Lords and Senators of the Colledge of Justice, shall be extended, belong and appertain to, and enjoyed by, the Advocats, Clerks, Writers to the Signet, and remanent Members of the said Colledge of Justice, in all time coming, notwithstanding of whatsoever Act, Custome or Practice to the contrare.

XXIV.

Act concerning Appeairand Heirs, their payment of their Predecessors and their own Debts.

Our Sovereign Lord, with advice and consent of the Estates of Parliament, taking into consideration, that Appeairand Heirs immediately after their Predecessors death, do frequently dispoise their Estate in whole or in part, in prejudice of their Predecessors lawful Creditors, before their death come to their knowledge, or before they can do lawful diligence against the saids Appeairand Heirs; and which Dispositions the saids Appeairand Heirs do often make before they be served Heirs and Inieit; or other-ways, by collusion they suffer their Predecessors Estates to be comprised or adjudged from them for payment of their own proper Debts, real or simulate, without respect to their Predecessors Creditors, And His Majesty, considering how just it is, that every mans own Estate should be first liable to his own Debt, before the Debts contracted by the Appeairand Heirs. Therefore, His Majesty, with consent foresaid, Declares, That the Creditors of the Defunct shall be preferred to the Creditors of the Appeairand Heir in time coming, as to the Defuncts Estate; Providing alwayes, that the Defuncts Creditors do diligence against the Appeairand Heir, and the real Estate belonging to the Defunct, within the space of three yeats after the Defuncts death. And because it were most unreasonable, that the Appeairand Heir, when he is served and retoured Heir, and inieit *respective*, should for the full space of three yeats, be bound up from making Rights and Alienations of his Predecessors Estate; and yet it being as unreasonabale that he should dispoise thereupon immediatly or shortly after his Predecessors death, in prejudice of his Predecessors Creditors, he having year and day to advise whether he will enter Heir or not. Therefore it is hereby Declared, That no Right or Disposition made by the said Appeairand Heir, in so far as may prejudice his Predecessors Creditors, shall be valid, unless it be made and granted a full year after the Defuncts death.

XXV.

Act for Denouncing of Excommunicate Persons.

Our Sovereign Lord, with advice and consent of His Estates of Parliament, considering the insolency of Excommunicate Papists and others, who slight the dreadful Sentence of Excommunication, to the dishonour of GOD, and obduring of their own hearts; Doth therefore ratifie and Approve all Acts of Parliament and Acts of Privy Council, standing before the year one thousand six hundred and forty, against Excommunicate Persons. And Statutes and Ordains, That in time coming, forty dayes being past after the said Sentence of Excommunication, Letters be direct at the instance of His Majesty's Advocate, for denouncing all Excommunicate Persons, His Majesty's Rebels, and putting them to the Horn, and that by warrant of the Lords of Privy Council or Session: which denunciation being used, by vertue of the saids Letters, at the Mercat Cross of *Edinburgh*, and Peir of *Leith*, is hereby Declared, to be sufficient against them, and for using of Caption thereupon, and taking of the Eshheat and Liferent of the Rebels conform to the standing Laws of this Kingdom. Providing alwayes, that before the passing of any such Letters of denunciation, the whole Process and Sentence of Excommunication be exhibite and produced before the Lords of Session, in Session-time, to the end, that they may consider the legality of the Process, and grounds whereupon the Sentence proceeded: and that accordingly they may give forth the saids Letters of denunciation, as they shall think just and reasonable.

XXVI.

Act appointing the Pursuer of the Thief, to have the Goods stolen from him, restored.

Our Sovereign Lord understanding, that when Thieves are taken and execute for Theft, or declared Fugitives, their whole Estate and the goods stolen also, doth fall to His Majesty and to Lords of Regalities, and other Justitiars pretending right to the saids stolen goods. For remed whereof, His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That any person having goods or gear stolen from him, and having puriued the stealer thereof, shall have his own goods again, where ever the same can be apprehended: and where the stolen goods cannot be had, the Pursuer of the Thief, shall have the just value of the goods and gear stolen from him, out of the readiest of the Thiefs goods, with the expences waired out by the Pursuer, he alwayes pursuing the Thief, *usque ad sententiam*; Reserving alwayes to the Sheriff or other Magistrates, and taker of the Thief, the expences waired out by them in taking and putting the Thief to execution.

XXVII.

Act for the Pardon of Penal Statutes.

Our Sovereign Lord considering, that the precise and rigorous exactiō of the Pain, Arbitrary and Pecunial, adjected to Penal Statutes heretofore made, would prove a burden to His Majesties Leiges, heavy and unsupportable, it by His Majesties grace and favour they should not be eased and liberate of the same. In consideration whereof, His Majesty, being willing to give ease and relief to His Subjects of the foresaid burden, Hath therefore been graciously pleased, with consent of His Estates of Parliament, to Discharge, freely Pardon and Remit, and by these presents Discharges, freely Pardons and Remits, all Contraveeners of any of the saids Penal Statutes, for all Deeds done by them, contrair to the tenor of the same Statutes, in time by-gone; except only the Statutes concerning the unlawful taking of Usury, Transporting of Silver and Gold, and Slaying of Red and Black Filthes, which are no wayes discharged by this present Act, nor comprehended under the same.

XXVIII.

Act discharging the Quots of Testaments.

Our Sovereign Lord, with advice and consent of His Estates of Parliament, for many weighty considerations moving His Majesty, Statutes and Ordains, That no Quots of Testaments; confirmed since the sixteenth of November, one thousand six hundred and fourty one, and to be confirmed in time coming, shall be exacted from any of His Majesties Leiges by Commissars, Commissar-Clerks, Fiscals, and others whom it effeirs; but prejudice alwayes of the ordinary Fies due to them as accords.

XXIX.

Act for Poynding upon Sheriffs and Commissars Decreets.

Our Sovereign Lord and the Estates of Parliament, considering, That albeit by Act of Parliament, of the date the ninth of July, one thousand six hundred and six years, Letters of Horning are Ordained to be directed by deliverance of the Lords of Session upon Sheriffs, Commissars, and other inferior Judicatories their Decreets, upon the simple Charge therein mentioned: Yet, the Act bears, no warrant for Letters of Poynding to be granted by the deliverance foresaid upon these Decreets; whereby the parties interested, obtainers of the Decreets, are oftentimes prejudged of their payment, when these parties, against whom these Decreets are obtained, do lit or remove out of the Shire or Jurisdiction of the Judge before whom the saids Decreets are given. Therefore His Majesty, with advice of the saids Estates, ratifies the Act of Parliament above-mentioned, in the whole heads and points thereof: And for remedy of the prejudice foresaid, Ordains Letters of Poynding to be direct by deliverance of the Lords of Session, at the instance of the Parties interested, upon the saids Sheriffs, Commissars, and other inferior Judges their Decreets contained in the foresaid Act. Sicklike, and

in the same manner, as Letters of Horning are appointed by the said Act to pass upon the same Decrees, that thereby the Parties may have real execution, as well as personal upon their Decrees foresaid. Likeas, His Majesty, with advice and consent foresaid, Declares, That all execution of Poynding, legally used upon the saids Decrees since the twelfth of June, one thousand six hundred and forty nine years, shall be valid and sufficient; and the Parties, Messengers and others, Executors and users thereof, shall never be questioned, nor any Process sustained against them therefore, either Civilly or Criminally, before any Judge whatsoever; But prejudice alwayes to Parties against whom Poynding have been used, upon reduceable or unwarrantable Sentences, to pursue repetition as accords of the Law.

X X X.

Act anent the Fewers and Vassals of Kirk-lands.

Our Sovereign Lord, with advice and consent of the Estates of this present Parliament, considering, That whereas by the general Surrender of Kirk-lands, and Erections made by the Superiors and Titulats thereof, in favours of His Majesty's dearest Father of ever blessed memory; It is specially provided, that the said Superiors and Titulats, notwithstanding their Surrender foresaid, shall have right to the Few-ferms and Duties of the Vassals and Fewers of the said Kirk-lands and Erections, till the Kings Majesty make payment to them of the prices of the saids Few-ferms and Duties, modified by the Lords and others of the Commission for Surrenders and Teinds. And sicklike the Fewers and Vassals of the saids Kirk-lands and Erections, are obliged by their new Inseftments under the great Seal, to pay the saids Few-ferms and Duties to the Kings Majesty and His Successors; and so against reason may appear to be lyable to double payment thereof: It is therefore Statute and Ordained by His Majesty, with consent foresaid, That the saids Fewers and Vassals of Kirk-lands and Erections, their Heirs and Successors, shall be obliged to make thankful payment of the saids Few-ferms and Duties contained in their Inseftments; and whereof the said Superiors and Titulats have been in possession preceeding the Surrender foresaid, to the saids Superiors and Titulats, their Heirs and Successors, ay and while they get payment of the prizes modified by the saids Lords and others of the Commission foresaid, according to the Act of Parliament, one thousand six hundred and thirty three years. And that Letters of Horning and Poynding shall be granted to that effect, without prejudice alwayes to His Majesty, and His Successors, of the Superiority of the saids Fewers and Vassals surrendered in manner foresaid, and without prejudice to them of their Inseftments taken to be holden of His Majesty and His Successors. Likeas it is Declared, That the said Fewers and Vassals of Kirk-lands and Erections have been, *in bona fide*, in payment of the saids Few-ferms and Duties to the saids Superiors and Titulats of all times by-gone, according to the provisions contained in the said general Surrender. It is alwayes provided, that this Act shall not be prejudicial to an Act past by this Parliament in favours of the Earl of *Lauderdaill* of the Lordship of *Musselburgh*, of the date the ninth day of *April* last.

X X X I.

Act concerning the Registration of Comprisings.

Our Sovereign Lord, with consent of the Estates of Parliament, considering, that the Registration of Comprisings, was only established by an Act of Secret Council, and never authorized by any Law, or Act of Parliament, and that the Registration thereof did put the Lieges to unnecessary charges: neither adding to the validity of the Comprisings, nor to the benefit of the Comprisers: Hath therefore discharged, and by these presents discharges all Registration of Comprisings, with all Gifts, Acts of Council, and other warrands and Custome whatsoever, granted and observed, at any time heretofore thereanent; and by thir presents Ratifies and approves the Custome observed these many years past; whereby, in place of the said Registration, a short Record of all Comprisings of Lands, Teinds and others, and of the Comprisers names and designations, the Defenders names, the Debts for which the Comprising is deduced, the Messengers and Clerks names, the date of the Executions, the Witnesses names thereto, and of the Superiors of whom the Comprised Lands are holden, hath been made in a Book by the Clerk of Register and his Deputes, at the allowing of the saids Comprisings, (for which Allowance and Recording, there is only forty shillings *Scots* to be paid) and which Custome is very useful and necessary for information of the Lieges. And therefore His Majesty, with advice and consent foresaid, Ratifies and approves the foresaid Custome, and Ordains all Comprisings formerly deduced and not allowed and recorded in manner above-written, to be brought

brought in to the Clerk of Register and his Deputes, within threescore dayes after the publication hereof, and all Comprisings to be led and deduced hereafter, to be brought in to the said Clerk of Register and his Deputes, within threescore dayes after the date thereof. With certification, that if they be not allowed and recorded within the said space, any other Comprising though posterior in date, yer if it be allowed and recorded before the prior Comprising, the same shall have preference according to the date of the Allowance and Record; but prejudice alwayes to any further diligence by Inseftments, or charges against the Superior, according to the priority or posteriority thereof, *prout de jure*.

XXXII.

Act concerning Heritable and Moveable Bonds.

Our Sovereign Lord, with advice and consent of His Estates of Parliament, for many just and reasonable causes moving Him, Statutes and Ordains, That all Contracts and Obligations for Sums of money payable to parties at any time, made and dated since the sixteenth day of *November*, one thousand six hundred and forty one, or to be made in time coming, containing clauses for payment of Annualrent and Profit, are, and shall be, holden and interpret to be Moveable Bonds, except in these cases following; *viz.* That they bear an expresse obligation to infest, or that they be conceived in favours of Heirs and Assignes, including Executors, in either of which cases, Ordains the Sums to be Heritable, and to pertain to the Heir; otherways to be confirmed by the Executor, and to appertain to the nearest of Kin, and to the Defuncts Executors and Legators, according to the Law and practick of Moveables, Declaring alwayes, that all such Bonds, *quoad fiscum*, shall remain in the same condition as they were before the said sixteenth of *November*, one thousand six hundred and forty one, not to fall under the compass of single Escheat, nor shall any part thereof pertain to the Relict, *jure relicta*, where the Bonds are made to the Husband, nor to the Husband, *jure mariti*, where the Bonds are made to the Wife, unless the Relict, or Husband, have otherways right and interest thereto, Declaring nevertheless, that this provision shall no way prejudice Wife, nor Husband, and their Executors of their respective Titles and interests to the by-gone Annualrents of the saids Bonds, resting before either of their deaths.

XXXIII.

Act for the right Packing of Salmond.

Our Sovereign Lord and Estates of Parliament, understanding, that the Salmond-fishings are one of the principal benefits, whereby Trade is maintained, and Money brought into the Kingdom; And that through the evil ordering thereof, both in the insufficiency of the Barrels, and also in the disloyal packing of the same; not only is the Merchants estate damaged thereby, but also the Nation is dishonoured abroad, and disappointed of what should return thereby. Therefore, Our said Sovereign Lord, with advice and consent of the saids Estates, Ratifies and Approves all and sundry Acts of Parliament, Laws and Constitutions of this Realm, made anent Salmond-fishing, and the sufficiency of the Barrels, and loyal packing thereof, with this addition, That the whole Coupers within this Kingdom, make the said Salmond Barrels of good and sufficient new Knappel, for which they shall be answerable, without worm-holes, and white-wood, and of sufficient tightness, for containing the pickle, and sufficient tightness for enduring all kind of stress in the handling; and that the Barrels contain no less then ten Gallons of the *Stirling* pint, (conform to an Act of His *Majesties* Council, of the date at *Halyrood-house* the fiftenth day of *July*, one thousand six hundred and nineteen years, which His *Majesty* with consent foresaid, Ratifies and Approves, in all the Heads, Clauses and Articles thereof) under the pain of five pounds; to be paid by the Couper, for each insufficient Barrel, and escheat of the said Barrel, and that the same be well pinned in the pickle before the packing; and thereafter the said Barrels to be well tighted and double girthed before the transporting thereof to Forraign Nations. And that no Barrel be sooner made and blown, but the Coupers Birn be set thereon, on the rapone-staff thereof, in testimony of the sufficiency of the Tree; and that every Couper be answerable and liable in payment of such loss as happen to be laid on the Fish at the Mercat, if it be found to be in the default of the Couper by the insufficiency of the Tree, or packing, or any other means in the Coupers default, and that they keep right gage, both in the length of the staves, the bilg-girth, the wideness of the head, & deepness of the chine, the Barrel being made, marked;

and thrice gene in the packing, shall be marked with the Marking-iron, under a very particular Merchant mark, as use is. And that no Burgh, or any other trading with Salmond, shall presume to counterfeit the Mark or Birn of another Trade, under the pain of confiscation of the Salmond, by and attour the punishment of the parties counterfeiters, at the pleasure of the Judge ordinar; the one half of the said pain to pertain to His Majesty, and the other half to the Burgh so wronged, and ordains the Magistrates within the Burgh to put this Act to execution.

XXXIV.

Act against Clandestine and unlawful Marriages.

OUR Sovereign Lord, and the Estates of this present Parliament, considering how necessary it is, that no Marriage be celebrate, but according to the laudable order and constitution of this Kirk; and by such persons, as are by the Authority of this Kirk warranted to celebrate the same. And that notwithstanding hereof, sundry, either out of disaffection to the Religion presently professed in this Kingdom, or being desirous to eschew the Censures of this Kirk, or to satisfie their promise of Marriage formerly made to others, or to decline the concurrence and consent of their Parents or others having interest, or out of some other unlawful pretext, do procure themselves to be Married, and are Married either in a Clandestine way, contrary to the established order of the Kirk, or by Jesuits, Priests, Deposed or Suspended Ministers, or any other not authorized by this Kirk. Therefore His Majesty, with advice of His saids Estates, Statutes and Ordains, that whatsoever person or persons, shall hereafter Marry or procure themselves to be Married in a Clandestine and in orderly way, or by Jesuits, Priests, or any other not authorized by this Kirk; that they shall be imprisoned for three months, and beside their said imprisonment shall pay, Each Nobleman, one thousand pounds Scots; each Earle and landed Gentleman, one thousand merks; each Gentleman and Burgess, five hundred pounds; each other person, one hundred merks; and that they shall remain in Prison, ay and while they make payment of these *respective* penalties above-mentioned, which are hereby ordained, to be applied to Pious uses, within the severall Paroches where the saids persons dwels. And that the Celebrator of such Marriages be banished the kingdom, never to return therein, under the pain of Death. Likewise His Majesty, with advice foresaid, Prohibites and Discharges all men and women, having both their ordinar residence within this kingdom, to get Marriage to themselves with others within the Kingdom of *England*, or *Ireland*, without Proclamation of Banns here in *Scotland*, and against the Order and Constitution of this Church, or kingdom, under the pains following, *viz.* For each Nobleman so Married, one thousand pounds; for each landed Gentleman, one thousand merks; for each Burgess, five hundred pounds; and for each other Substantious person, five hundred merks; for an Yeoman, one hundred pounds; for each person of inferior quality, one hundred merks; the one half of the which penalties, shall belong to the Kings Majesty, the other to the Paroch, or Paroches where the Married Parties did reside; and Ordains His Majesties Advocate, and the Procurator of the Kirk, to pursue before the civil Judge, the Parties Contraveeners of this Act, or either part thereof, for payment of the penalties *respective* above-mentioned; and in case of the poor condition of any man, Married in manner foresaid, Ordains him to be punished with Stocks and Irons: which pains corporal and pecunial, shall no wayes be prejudicial to, or derogat from, the Order and Censures of the Kirks, to be inflicted against the Delinquents.

XXXV.

Act concerning the Election and Charges of the Commissioners from Shires to the Parliament.

THE Kings Majesty considering, That divers debates have formerly occurred, concerning the persons who ought and should have vote in the Election of Commissioners from the severall Shires of this Kingdom to Parliament, and who are capable to be Commissioners to Parliaments, and that it is necessary for the good of His service, that the same be cleared for the future, Doth therefore, with advice and consent of His Estates of Parliament Statute, Enact and Declare, That beside all Heritors who hold a forty shillings Land of the Kings Majesty *in capite*; that also all Heritors, Lifereuters and Wodsetters holding of the King, and others who held their Lands formerly of the Bishops or Abbots, and now hold of the King, and whose yearly Rent doth amount to ten Chalders of victual

victual or one thousand pounds (all Few Duties being deducted) shall be, and are capable to vote in the Election of Commissioners of Parliaments, and to be elected Commissioners to Parliaments; excepting alwayes from this Act all Noblemen and their Vassals. And it being just, that those who shall be chosen and accordingly shall attend His Majesty and the Kingdoms service in Parliaments, have allowance for their charges; His Majesty doth therefore, with advice foresaid, Modifie and Appoint five pounds Scots of daily allowance to every Commissioner from any Shire, including the first and last dayes of the Parliament, together with eight dayes for their coming, and as much for their return, from the furthest Shires of *Caitbness* and *Sutherland*; and proportionably at nearest distances; and that the whole Free-holders, Heritors and Liferenters, holding of the King and Prince, shall according to the proportion of their Lands and Rents, lying within the Shire, be lyable and obliged in the payment of the said allowance, excepting Noblemen and their Vassals. For payment of which, all execution of Horning, Poynding and Quartering is to passe, as for raising of the Excise, and that according as the time and dayes of the Parliament shall be attested under the Clerk of Registers hand. And because at this time, some Commissioners of Shires have been put to extraordinary expences in providing of Footmantles for the riding of the Parliament; It is hereby Statute, That the Commissioners shall be relieved of the prices thereof, to be given in under their hands; and that the prices of the Footmantles be raised in the same way and by the same execution, with the daily allowance aforesaid; the Commissioners alwayes, at the rising of each Parliament, making the Footmantles forthcoming to the Shire, to be disposed as they shall think fit.

XXXVI.

Act anent Presentation of Ministers.

Forasmuch as the Kings most Excellent Majesty, considering how necessar it is for the right and orderly administration of GOD's Worship, and the exercises of Religion, and for keeping of His good Subjects within their duties they owe to GOD, to His Majesty, to their Native Countrey, and fellow Subjects, especially at this time after so many confusions and distractions, both among Church-men and others; That more then ordinary care be had in presenting of Ministers to all such Kirks as are, or shall be vacand within this Kingdom; hath given particular Commission under His great Seal, as to all Presentations to all Personages, Vicarages, and other Benefices and Kirks at His Majesties presentation. And as to all other Benefices and Kirks, whereof the presentation belongs to any other Patron or Patrons whatsoever, His Majesty, with advice and consent of His Estates of Parliament, Statutes and Ordains, That all Patrons or Persons whatsoever, who hath, or pretends any right to the Presentations to any Patronages, Vicarages; or other Benefices of Cure, Kirks or modified Stipends; be careful in all time coming, that Presentations to these Benefices, Kirks or Stipends, be granted by them to such persons only, as shall give sufficient evidence of their Piety, Loyalty, Literature and peaceable Disposition; And shall, in presence of the Patron or his Attorney, and of the Sheriff of the Shire, Stewart of the Stewartry, or heretable Bailly or Commissar of the bounds, if it be in the Countrey, and of the Magistrates of the Burroughs within the Burgh, before the granting and their accepting the Presentation, take and subscribe the Oath of Allegiance, the said Sheriff, Stewart, Bailly, Commissar and Magistrates having first taken the Oath themselves. And it is hereby Declared, That if any person who hath not taken the Oath of Allegiance, shall be presented by any Patron, not only shall the Presentation be void and null of it self, but the right of the Patronage, as to that vacancy, shall belong to the Kings Majesty, and the Patrons be repute disaffected to His Majesties Government, and contemners of His Royal Authority. And Ordains thir presents to be printed and published at the Mercat Crosses; that none pretend ignorance:

XXXVII.

Act concerning the Bullion.

Our Sovereign Lord, with advice of the Estates of Parliament, now presently convened by His Majesty's special Authority, considering how much the penury and scarcity of His Majesty's Coin here in Scotland, is occasioned by the meanness and smallness of the proportion of Bullion at first imposed, never heretofore considerably augmented; notwithstanding His Majesty's Customs have been several times augmented, Enacts Statutes and Ordains, That all Commodities lyable in payment of Bullion, shall pay according to the Rates mentioned in the Alphabet of Bullion inter-following, as the same is now augmented and condescended upon. Which Alphabet of Bullion, His Majesty with advice foresaid, Ordains to be printed and published. And to prevent all abuse and prejudice to the said Mint, that may occur and fall out by the Customers exacting of His Majesty's, and His predecessors, their own Coin from the Merchants exporters of the Commodities lyable in payment of the quantities of Bullion, as is aforesaid, or else exacting so much *per ounce* of the said Merchant exporter, to the great prejudice and utter destruction of the said Mint, His Majesty, with advice foresaid, Statutes and Ordains, that every Farmer, or Customer, within this His Majesty's Kingdom, shall by the advice and concurrence of the several Clerks of Coquer, cause all and every Merchant, (whether Native or Forraigner) exporter of the Commodities lyable in payment of the quantities of Bullion, set down in the aforesaid Alphabet of Bullion condescended upon, and agreed to, as the same is now augmented and Ordained to be printed and published, find sicker Surety and Caution, or give Pledges that he may answer for, that Bullion equivalent in proportion to the quantity of the goods exported, be delivered to the Officers of His Majesty's Mint, (and that of Forraign Bullion) either Plate or burnt Silver, twelve Denier fine, and being bales, to be considered by weight and reckoning, and the said Surety, or Pledges, to be taken before the said Merchant receive his Coquer, Transire or other Warrant whatsoever, for exporting the said goods lyable in payment of the quantities of Bullion, as it is aforesaid; and Prohibites and Discharges all and every of the saids Customers, and Clerks of Coquet within this Kingdom, to exact or receive any of His Majesty's, or His Predecessors, Coyns or any other satisfaction whatsoever; except the said Forraign Bullion at the fineness aforesaid, and that not only under the pain of deprivation of their Offices, but also of punishing their persons, and fining of them in their goods, by the appointment and at the discretion of the Lords of His Majesty's Secrer Council; and to the effect any such collusion or transaction may be discovered, His Majesty, with advice foresaid, Statutes and Ordains, that each person delating or discovering any such collusion, or transaction, as is aforesaid, shall receive and have paid to him, the third part of the value of the Bullion, that was due to have been paid by the Merchant exporter, but prejudice of the certification foresaid. As also, it is Statute and Ordained, That the saids Customers, their Accounts be controlled upon the quantity of Bullion delivered to the saids Officers of His Majesty's Mint, according to their Letters of receipt thereof; and what rests not delivered, that the Customers be answerable therefore; and that the saids Customers, grant a convenient time for home-bringing of the said Bullion, correspondent to the distance of the port, at which the goods exported are to be delivered; the longest time not exceeding seven months. And in like manner, it is Statute and Ordained, That the Alphabet of Bullion, as the same is now established and appointed to be printed and published, be of full force from the date of their presents. And that all Commodities exported after the said day, be lyable to the several proportions of Bullion therein contained; notwithstanding of any Act or Acts, made or to be made, in this present Parliament, in favours of any Manufacturies, Companies of Fishing or Trade, or other Acts whatsoever; which are hereby Declared, not to impede the payment of Bullion, augmented in manner foresaid.

Follows the A, B, C. of Bullion, as it is now established by our Sovereign Lord and Estates of Parliament.

	<i>A</i>	<i>Bullion.</i>
Asbes, Pot-ashes, Wood, or Soap-ashes, the last	_____	<i>Silver, twelve Denier fine.</i>
Aquavita, the barrel containing ten gallons	_____	four ounces.
Alum, ilk two hundred weight	_____	two ounces.
Anniz-seeds, ilk hundred weight	_____	two ounces.
Apples, ilk two bolls, or ilk four barrels	_____	two ounces.

		B	Bullion, Silver, twelve Denier fine
Barrel-staves the thousand			two ounces.
Bear, every four bolls half boll			two ounces.
Beef, ilk three barrels			two ounces.
Beans, every four bolls half boll			two ounces.
Bear, called drinking bear, the tunne			four ounces.
Bell-metal, the hundred weight			two ounces.
Bullets, four thousand			two ounces.
Bird-lime, ilk three hundred weight			wo ounces.
Brass, ilk two hundred weight, or barrel			two ounces.
Bridles, the groce, or twelve dozen			two ounces.
Brazile, ilk two hundred weight			two ounces.
Butter { good, ilk two barrels			two ounces
{ corrupt, or <i>Orkney</i> Butter, ilk three barrels			two ounces.
Bridle-bits, the groce, or twelve dozen			two ounces.
Baikes, ilk five hundred weight			two ounces.
Boots, ilk thirty pair			two ounces.
Buckram, ilk hundred ells			two ounces.
Bark, ilk eight bolls			two ounces.
C			
Cables, ilk five hundred weight			two ounces.
Cable-yarn, ilk thousand weight			two ounces.
Cards { New Woolen Cards, six dozen			two ounces.
called { Old Woolen Cards, ilk twelve dozen			two ounces.
{ Stock Cards, every four dozen			two ounces.
Cards called playing Cards, every three groce, or thirty six dozen			two ounces.
Cheefe, ilk five hundred weight			two ounces.
Coals, every four chalders			two ounces.
Cordages, tarred or untarred, ilk five hundred weight			two ounces.
Corbals of Oak, ilk twenty pieces			two ounces.
Copper, ilk thousand weight			four ounces.
Cloth of all sorts, Linnen and Woolen, ilk hundred ells			two ounces.
Copperas, ilk hundred weight			two ounces.
Cushions, called sewed Cushions of all sorts, ilk twelve dozen			two ounces.
Cambrick, ilk hundred ells			four ounces.
D			
Deals of all sorts, the hundred			two ounces.
Dornick, ilk hundred ells			two ounces.
E			
Eggs, ilk three Barrels			two ounces.
F			
Flocks, the thousand weight			two ounces.
Fustians, ilk three pieces			two ounces.
Feathers for Beds, ilk three hundred weight			two ounces.
Flower, ilk four Bolls			two ounces.
G			
Glew, ilk five hundred weight			two ounces.
Gloves, ilk six groce			two ounces.
Grograins of Scots making, ilk four pieces.			two ounces.
Galls, ilk hundred weight			two ounces.
Girdles, ilk hundred			three ounces.
Ginger, ilk hundred weight			two ounces.
Glasses, called drinking Glasses, and Glas Borttels, ilk twelve dozen			one ounce.
Glas, called Window Glas, ilk three Chests			two ounces.
			Hemp.

		H	Bullion. Silver, twelve Denier fine.
H	Hemp-seed, ilk six barrels	_____	_____
	Hemp, of all sorts, ilk eight hundred weight	_____	two ounces.
	Herrings, { White Herrings, ilk six barrels	_____	two ounces.
	{ Red Herrings, ilk five thousand	_____	two ounces.
	Halberts ungilt, ilk three dozen	_____	two ounces.
	Hides of all sorts, ilk three dacker	_____	two ounces.
	Hose, { Hose, Bonnets and Socks, of Wool, made in <i>Lesb-winde, Dunace</i> and other	_____	two ounces.
	{ places in this Kingdom, ilk five hundred par	_____	_____
	Honey, ilk three barrels	_____	two ounces.
	Hornes, { Buck-hornes, ilk five hundred	_____	two ounces.
	{ Hart-hornes, ilk three hundred	_____	two ounces.
	{ Oxen-hornes, ilk two thousand	_____	two ounces.
	{ Ram, or Sheep-hornes, ilk five thousand	_____	two ounces.
	Horses or Mears, ilk two thereof	_____	two ounces.
	Horses tails, ilk three hundred	_____	two ounces.
	Hooks, ilk two groce	_____	two ounces.
	Hops, ilk hundred weight	_____	one ounce.
	Half-long Skines, ilk ten dacker	_____	two ounces.
	Hard Wair, ilk hundred weight	_____	one ounce.
	Horse-shoon, ilk hundred gang	_____	two ounces.
I			
J	Jeists, { of Oak, ilk twenty pieces	_____	two ounces.
	{ of Fir, forty pieces	_____	two ounces.
	Jedburgh Staves, ilk hundred	_____	two ounces.
	Iron, { ilk fifty stone weight	_____	two ounces.
	{ ilk three Ship-pound	_____	two ounces.
	{ ilk last	_____	eight ounces.
	Iron Pots, ilk three dozen	_____	two ounces.
	Iron-Ordinance, ilk four hundred weight	_____	two ounces.
	Indigo, ilk hundred weight	_____	three ounces.
K			
K	Kettles, ilk hundred weight	_____	two ounces.
	Killing, { ilk hundred and one half	_____	two ounces.
	{ ilk six barrels	_____	two ounces.
	K nappel of all sorts, ilk five hundred	_____	two ounces.
	Kine, ilk four of them	_____	two ounces.
	Knives, ilk twenty dozen	_____	one ounce.
	Kombes of all sorts, ilk hundred dozen	_____	two ounces.
L			
L	Ambs, ilk thirty	_____	two ounces.
	Lead, ilk two thousand weight or fodder	_____	two ounces.
	Lead-ore, ilk six barrels.	_____	two ounces.
	Leather called { Wilde Leather, ilk three dacker	_____	two ounces.
	{ White Leather, ilk four hundred skins	_____	two ounces.
	{ Leather Points, ilk ten groce	_____	two ounces.
	Linning Cloath of all sorts, ilk hundred ells	_____	two ounces.
	Lint-seed, ilk three barrels	_____	two ounces.
	Lint of all sorts, ilk eight hundred weight	_____	two ounces.
	Ling, { ilk hundred and threecore	_____	two ounces.
	{ ilk six barrels	_____	two ounces.
	Liquorise, ilk hundred weight	_____	one ounce.
	Lobsters, ilk two hundred	_____	one ounce.
	Lint-wheels, ilk twelve dozen	_____	two ounces.
	Leamons, ilk barrel of the measure of ten gallons	_____	one ounce.
			Madder.

M

Bullion.
Silver, twelve Denier fine.

Madder, { cropt-madder, and all other bal-madder, ilk two hundred weight	two ounces.
fat madder, ilk three hundred weight	
Maiz, every four bolls half boll	two ounces.
Meal, every six bolls	two ounces.
Masts of all sorts, ilk dozen	two ounces.
Mittons, called woven Mittons, ilk thousand pair	two ounces.

N

Nails of all sorts, ilk twenty thousand	two ounces.
Nuts, ilk eight barrels	two ounces.
Needles of all sorts, ilk twenty groce, the groce containing twelve dozen	one ounce.
Night-caps, ilk thirty dozen	one ounce.
New-lit, ilk hundred weight	two ounces.

O

Oars of all sorts, the hundred containing six score	two ounces.
Oats, every six bols	two ounces.
Oxen, ilk three of them	two ounces.
Oyl, ilk six barrels	two ounces.
Orchard-lit, ilk hundred weight	two ounces.
Onions and Onion heads, ilk four barrels	two ounces.
Oysters, ilk twenty thousand	one ounce.

P

Pans of Brafs, ilk hundred weight	two ounces.
Pans of Iron, ilk five hundred weight	two ounces.
Paffments, { of Silk of all sorts, ilk four pound	two ounces.
{ of Worstead or Threed, ilk twenty groce, the groce containing twelve dozen of ells	two ounces.
Peafe, every six bolls	two ounces.
Penner and Ink-horns, ilk two groce	two ounces.
Pewter, ilk hundred weight	two ounces.
Pistols, ilk eight pair	two ounces.
Pirch, great or small bind, ilk four bartels	two ounces.
Points { of Silk, ilk four groce	two ounces.
{ of Leather, ilk ten groce	two ounces.
{ of Threed, ilk threecote groce	two ounces.
Pots of Brafs, ilk hundred weight	two ounces.
Pots of Iron, ilk three dozen	two ounces.
Powder, ilk hundred weight	two ounces.
Pyp-staves, ilk six hundred	two ounces.
Purses of Leather, ilk four groce	two ounces.
Plaiding, ilk hundred ells	two ounces.
Pepper, ilk hundred weight	two ounces.
Paper, ilk fourty reams	two ounces.
Plaids called weating Plaids, ilk hundred ells	four ounces.
Phingrim, being a sort of Plaiding, ilk hundred ells	three ounces.
Prunes, ilk two hundred weight	one ounce.
Plouch-socks and culcers, ilk hundred	two ounces.
Pellet-skins, ilk two hundred	one ounce.

R

Ribbands { of Silk, ilk four pound weight	two ounces.
{ or Worstead, ilk ten groce	two ounces.
Roker, ilk three hundred weight	two ounces.
Rye and Rye-meal, ilk six bolls	two ounces.
Rafines, ilk hundred weight	one ounce.

		<i>Bullion.</i>
		<i>Silver, twelve Denier fine.</i>
Roe-skins, ilk hundred	_____	two ounces.
Runds of Cloath, ilk three thousand ells	_____	one ounce.
<i>S</i>		
Sail-canvas, ilk two hundred ells	_____	two ounces.
Sack-cloath, ilk two hundred ells	_____	two ounces.
Saddles covered, ilk twenty four	_____	two ounces.
Saddle-stocks, ilk thirty	_____	two ounces.
Soap, ilk six barrels	_____	two ounces.
Salmond, ilk three barrels	_____	two ounces.
Salt, ilk three chalders	_____	two ounces.
Salt-peter, ilk two hundred weight	_____	two ounces.
Sayes {	of Scots making, ilk fifty ells	two ounces.
	of Flanders making, ilk fifty ells	two ounces.
Searges of Scots making, ilk fifty ells	_____	two ounces.
Sheep, ilk twenty of them	_____	two ounces.
Silk of all sorts, ilk four pound weight	_____	two ounces.
Skins, called	Calf-skins, ilk three dacker	two ounces.
	Clipped-skins, ilk fifteen score	two ounces.
	Cunning-skins, ilk two thousand	two ounces.
	Fulmerts-skins, cald Fitchoes, ten dacker	two ounces.
	Futells and Skaldings, ilk thousand	two ounces.
	Goat-skins, ilk three hundred	two ounces.
	Kid-skins, ilk thousand	two ounces.
	Lamb-skins, ilk two thousand	two ounces.
	Lentron ware, ilk thousand	two ounces.
	Marikin-skins made in <i>Scotland</i> , ilk hundred	two ounces.
	Mertrick-skins, ilk dacker	two ounces.
	Otter-skins, ilk two dozen	two ounces.
	Shorling-skins, ilk two hundred	two ounces.
	Sealch-skins, ilk twenty dacker	two ounces.
	Tod-skins, ilk half hundred	two ounces.
	Veal-skins, ilk four dacker	two ounces.
	Wool-skins, ilk fifteen score	two ounces.
	Wool-skins, ilk two dacker	two ounces.
	Roof-sparres, ilk hundred	two ounces.
	Sparres,	Root-sparres of Oak, ilk twenty
Wicker-sparres, ilk thousand		two ounces.
Stalling, every six bolls	_____	two ounces.
Stirrop-irons, ilk ten dozen	_____	two ounces.
Stirrop-leathers, ilk twenty dozen	_____	two ounces.
Sword-blaidis, ilk three score	_____	two ounces.
Swords mounted, ilk twenty	_____	two ounces.
Sword-belts of Leather, ilk twelve dozen	_____	two ounces.
Swine, ilk ten of them	_____	two ounces.
Sugar of all sorts, ilk sixty pound weight	_____	two ounces.
Sythes, ilk three score of them	_____	two ounces.
Seathes, {	ilk five hundred thereof	two ounces.
	ilk six barrels	two ounces.
Shooes, ilk hundred pair	_____	two ounces.
Starch, ilk hundred weight	_____	two ounces.
Slyreland, ilk hundred ells	_____	two ounces.
Sewed Beds the piece	_____	three ounces.
Sulfur, ilk hundred weight	_____	two ounces.
<i>T</i>		
Tallow, ilk five hundred weight	_____	two ounces.
Tallow, called <i>Narves</i> Tallow, ilk six barrels	_____	two ounces.
Scots Tallow, ilk three barrels	_____	two ounces.
Tar of great and small kind, ilk six barrels	_____	two ounces.
Tyking for beds, ilk hundred ells	_____	two ounces.

Bullion.
Silver, twelve Denier fine.

Tows, ilk five hundred weight	_____	two ounces.
Trumps, ilk five hundred	_____	one ounce.
Tobacco, ilk hundred weight	_____	one ounce.
Tobacco-pipes, ilk fourty groce	_____	one ounce.

V

V	Eals, ilk ten of them	_____	two ounces.
	of Wine, ilk two tunns	_____	two ounces.
	Viniger of Bear or Ale, ilk three tunns	_____	two ounces.

W

W	Admoll, ilk two hundred ells	_____	two ounces.
	Wainfoot of all sorts, ilk thirty of them	_____	two ounces.
	Wax, ilk last or fourteen Ship-pounds	_____	four ounces.
	Wheat, every four bolls half boll	_____	two ounces.
	Whale-shot, ilk two barrels	_____	two ounces.
	Worstead yarn for Sewing, ilk twenty pound	_____	two ounces.
	Wool, ilk six stone weight	_____	two ounces.
	Wines, ilk tun	_____	two ounces.
	Winescellars, ilk twenty of them	_____	two ounces.
	Whingers or Durks, ilk sixty of them	_____	one ounce.

T

Y	Arn,	Cable-yarn, ilk eight hundred weight	_____	two ounces.
		Cotton-yarn, ilk sixty pound weight	_____	two ounces.
		Irish-yarn, ilk three hundred weight	_____	two ounces.
		Raw Linning-yarn, Dutch or French, ilk sixty pound	_____	two ounces.
		Scots-yarn, ilk fifty pound weight	_____	two ounces.
		Spruce or Muscovia-yarn, ilk two hundred weight	_____	two ounces.
Woolen or Bay-yarn, ilk hundred weight	_____	two ounces.		

XXXVIII.

Commission and Instructions to the Justices of Peace and Constables.

Our Sovereign Lord, taking to His Royal consideration, how much the appointing of Justices of Peace and Constables within all the Shires of this Kingdom, under the Reign of His Majesties Royal Predecessors, did contribute to the Peace, Quiet and good Government thereof, and to the speedy and impartial execution of Law and Justice to all persons subjected to their jurisdiction and power. Therefore, and for the furtherance of these ends in the future, His Majesty, with advice and consent of His Estates of Parliament, Doth hereby Statute and Ordain, That in all time coming, there shall be Justices of His Majesties Peace appointed within each several Shire of this Kingdom, to be nominated, from time to time, by His Majesty and His Royal Successors: Which Justices of Peace are hereby impowered to administrate Justice, and put His Majesties Laws in execution, according to the particular Instructions after-mentioned, viz.

The Justices of Peace at their first sitting, shall take the Oath of Allegiance, and Oath *Defideli administracione*: which at first shall be administrate to them by the Sheriff or his Depute of ilk respective Shire, or in their absence, by the President and Conveener for the time.

Followeth the Oath of Allegiance.

I For testification of my faithfull Obedience to my most gracious and redoubted Sovereign, Charles, King of Great Britain, France and Ireland, Defender of the Faith, &c. Affirm, testify and declare, by this my solemn Oath, that I acknowledge my said Sovereign, only Supream Governour of this Kingdom, over all persons, and in all Causes, and that no Forraign Prince, Power or State, nor Person Civil or Ecclesiastick, hath any Jurisdiction, Power or Superiority over the same: And therefore I do utterly renounce and forsake all Forraign Jurisdictions, Powers and Authorities; and shall at my outmost power, defend, assist and maintain His Majesties Jurisdiction foresaid against all deadly, and shall never decline His Majesties Power nor Jurisdiction; as I shall answer to GOD.

Followeth

Followeth the Oath *De fidei administratione*.

I As one of the Commissioners and Justices of Peace, within shires, according to my knowledge, wit and power, shall do equal Right both to rich and poor, conform to my known Statutes and Customs of the Land: and that I shall not be of Council with any person in any quarrel or matter depending before me; and that I shall every Quarter keep the Sessions, or oftner, as I shall be required, not having any just impediment in the contrary, and shall faithfully and truly discharge my duty as a Justice of His Majesties Peace, and shall leave nothing undone that may tend to the preservation of the same: So help me GOD.

The Justices of Peace, in each respective Shire, shall meet and convene together, four times in the year, *viz.* On the first Tuesday of May, the first Tuesday of August, the last Tuesday of October, and the first Tuesday of March. In which Sessions, they shall administrate Justice to the people in things that are within their Jurisdiction, and punish the guilty, for Faults and Crimes done and Committed in the preceding Quarter: and by mutual and conjunct advice, make and rectifie Ordinances for the Fees of Servants, Shearers in Harvest and other Labouring men, appoint Prices for all Handycrafts, elect or continue Constables or other Officers, and dispose of the Fines and Mulcts for Payment of the constables, Clerks and other Officers Fees, and employ the remnant on such necessary and pious uses, as they shall find most expedient; and shall have power to continue the said Sessions, or to adjourn the same to such dayes and place as shall be most convenient.

And one Justice shall have power upon complaint of any person, being threatned and fearing to be wronged, to bind the party complained upon, under such a pecunial sum to keep the Peace, as he shall think fitting: As also commit him until Surety be found by him, the said Complainer always giving his oath before the Justice, that he hath just cause to dread him harm. And albeit no person complain; yet if the Justice be credibly informed of appearance of trouble betwixt any parties, he shall bind them to the peace in manner foresaid, except the parties declare upon their consciences, that neither of them bear any grudge to other: And all such Bonds shall be kept and Recorded by him, and he shall make delivery of the same to the Clerk of the Peace at the next Sessions, to be kept and registrate by him.

If any person being charged to make his appearance before a Justice of Peace, shall refuse or delay without cause, if the party be a Landed Gentleman, whose Rents exceed ten chalders of victual, or one thousand Merks of silver, then the Justice (whose command is contemned) shall inform the same to some of His Majesties Privy Council, to the effect, the party of the quality foresaid may be bettalld and fined for his disobedience; and if the disobeyer be of a meaner degree, the Justice or Peace shall hereby have power to command the next Constable, or in absence of a Constable, his own servant, or any other person having a Warrant in writ subscribed by the said Justice of Peace, with assistance of the Country, to bring any such party before him.

If either the Sheriff or Bailly shall condemn any person in Blood-wyt: or otherways convict him in any pain proper for him to impose, the Justice shall have no power of new to fine that Offender for that offence; but if they shall find him not condignly punished, in regard of the offence committed by him, they shall then inform His Majesties Council thereof, that they may take order therewith; and if there be no satisfaction made by the Sheriff or Bailly to the Party offended, the Justices may modify a reasonable satisfaction to the Party offended, he pursuing therefore before them: And if they find the satisfaction decreed by the Sheriff or Bailly, in favours of the said party offended, not condign, nor answerable to the offence and wrong sustained, then they shall also inform His Majesties Council thereof, that they they may take order therewith as appertaineth.

If either Sheriff or Bailly or their Deputes, by collusion with the Delinquent, shall suffer any person guilty, to be quitted or cleared by an Assize, the Party once declared, is not to be brought further in question before the Justices, but upon their information, the Judges are to be called, censured and severely punished by His Majesties Council.

The saids Justices shall hereby have power to proceed upon all persons committing Riots, and breaking the Kings Peace under the degree of Noblemen, Prelats, Councillors and Senators of the Colledge of Justice, and to punish and fine according to the quality of the Crime, and the Estate of the Offender. And if any of the saids persons, being Charged to compare before the saids Justices, shall disobey, the Summons being indorsed, the lawfull Citation verified, and Fact proven, the Justices shall punish and fine the not comparing, according to the quality of the Crime and Estate of the Offender. And for the more clear determination of the order which shall be kept by the saids Commissioners

Commissioners, in the deducing of any such process, Our Sovereign Lord, with advice of His Estates, Declareth, That it shall be lawful to the saids Justices, whensoever they have any occasion to move any action against Parties, for committing any like Fact or Riot, to refer the first Summons to the Parties oaths of verity, failzeing of other lawfull probation; who being personally summoned by that first Citation; shall be holden as confest, and Decreet to be pronouneed against him, conform to the Libell and Summons. And if he be not personally summoned by the first Citation, the saids Commissioners shall be holden to cause Summon him of new again, by a second Summons at his dwelling place; which two Citations shall be as sufficient to infer Decreet and Sentence upon the Libell against him, as if he were apprehended personally. And which Sentence given after the manner and form of probation above-written, His Majesty, with advice foresaid, Authorizes and Sustains as good and lawfull in themselves. And as concerning these Persons of higher degree, the saids Commissioners shall use all their power for preventing and slaying of the Riots, commanding the attempters in His Majesties Name to cease, and to find Caution for keeping of the Peace, and for their comparance before His Majesties Council, And if any person being charged to find Caution, and refuse it, or delay to do the same, and in the mean time contraveneth the said Charge, by committing of some Deed betwixt the time of the Charge and finding of the Caution, nevertheless he shall be answerable for the pain, from the date of the Charge, like as if Caution had been then found.

The saids Commissioners shall put His Majesties Act of Parliament to due and full execution against wilful Beggars and Vagabonds, solitary and idle Men and Women without Calling or Trade, lurking in Ale-houses, tyed to no certain services, repute and holden as Vagabonds; and against those persons who are commonly called Egyptians, and they shall punish and fine their Refsetters and Setters of houses to them accordingly, by such competent pains as is proper for them to enjoyu.

The saids Commissioners and Justices of Peace are hereby authorized and impowred, to give order (as they shall think most convenient, and with least grief to the Subjects) for mending of all High-ways and Passages, to or from any Mercat-town or Sea-port within that Shire, and shall call before them all such persons as shall strait these Passages (or otherways by casting of Ditches or Fulfies through the same) shall make these High-ways noisome and troublesome unto passengers, and shall punish and fine them according to the quality of their offence. And to the effect it may be known of what breadth all common High-ways should be to Mercat-towns, Our Sovereign Lord, With advice foresaid, Declareth, That the same should be of twenty foot of measure in breadth at the least, and where any are of larger breadth, they Ordain the same to remain unaltered or straitned, and that the saids Justices maintain the same, with all other Ways from any Town in the Paroch to the Paroch Churches, in the estate as they are: And where they find any necessity of other Ways from any Town in the Paroch to Paroch Churches, they shall inform His Majesties Secret Council thereof, who shall give them (after sufficient information) their direction thereunto; according whereunto, they shall be holden to proceed. And if any person refuse to couent for mending of High-ways and Passages, the saids Justices shall have power to censure and punish them according to their discretion; with provision alwayes, that if in their proceedings therein, they use such severity or rigour as may move just complaints against them, they shall be censured therefore by His Majesties Secret Council as apperaineth.

The saids Justices shall put His Majesties Acts of Parliament to execution, against Cutters and Destroyers of Planting, Green-Wood, Orchards, Gardens, Haynings, Breakers of Dove-houes and Cunnighares, Stealers of Bees and Bee-hives, users of unlawfull Games with Setting Dogs, Slayers of red and black Fishes and Smolts, in forbidden time, Foulers fouling in other mens Lands, Makers of Moorburn and Mossburn, Setters of Crooes and Nets in Watets and Dames, having, and keeping of Crooes and Yairs in forbidden time, and shall proceed against them accordingly. And for their better way, and to proceed in the premisses, it is His Highnesse pleasure, that Commissions be granted to the saids Justices of Peaces, to try and punish the violators of the saids Acts; in the tryal whereof they shall proceed by witnesses, or by oath of Party; and the punishment to be inflicted by them, shall be a pecunial sum, answerable to the circumstance of the offence, and quality of the offenders; with special provision, that their Censures and Punishments shall extend against none, but those against whom by privilege of their Instructions they may lawfully proceed. And also with provision, that the saids Commissions be not extended to any persons, who shall be attrest and convened for the saids crimes, before any other ordinary Judge. It is also provided, that the ordinance and power contained in this Article, shall no wayes be prejudicial to any other Commissions, or Rights, whatsoever; granted to other parties, whereby they have power to proceed and censure the crimes and offences above-written.

Beggars Vaga
Bonds &c.

High Ways
or from Market
Towns or Sea Port

Setters of
Cuts of Wood
Ditches and
dms &c.

Item, They shall inform the Kings *Majesties* Council, and His Highnesses Treasurer, or Advocat, at the least once every year, of Forestallers and Regraters of Meereats, that order may be taken with them, conform to the Acts of Parliament.

It shall not be lawfull for any Hoastlar, to resset any Masterles Men and Rebels at the Horn, any Vagabonds, or other persons guilty of known Crimes, or using Strouth and Reaf; under the pains underwritten: To wit, fourty shillings to be incurred by them for the first fault, four pounds for the second, and ten merks for the third; together with the losing the liberty of Brewing: The Incurers of the which pains, shall be punished according to the order foresaid, by the Barrons and Masters of the ground whereupon the Hoastlar dwelleth, within the space of fifteen dayes after the committing of the Fact; and if the saids Barrons and Heritors, neglect to do the same, within the said space, it shall be lawfull to the saids Justices, to pursue and fine the Delinquents in their Courts, according to the pains foresaid, and to uplift the same from them; without prejudice alwayes of whatsoever Acts, made against the saids Hoastlars in the Barron Court Books, under whom they dwell, bearing any higher pain, then as is set down in this above-written Act, and also without prejudice of all Action, Criminal or Civil, competent of the Law, against the saids Hoastlars, in case they be under the danger thereof, which shall not be taken away by any punishment, set down, and to be inflicted, conform to this Act.

Item, They shall inform the Kings Treasurer and Advocat, of breakers and contraveeners of the Acts of Parliament, made against Malt-makers, that the transgressors and contraveeners thereof may be punished, conform to the Tenor of the said Acts.

They shall set down order in the Countrey, for Governance in time of Plague, and shall punish severly the disobeyers of the order appointed by them according to the quality of the Delinquent.

They shall appoint at the Quarter Sessions to be kept in *August* and *February*, the ordinary Hire and Wages of Labourers, Work-men and Servants, and who shall refuse to serve upon the price set down by them, shall be imprisoned, and further Punished at their discretion: and to the effect Servants may be the more willing to obey the Ordinances to be made by the saids Justices, for the saids Fees, the saids Justices shall have power to decern, and compel the Master to make payment of the Fees, appointed by their Ordinance, in case the Servants please rather to pursue for the same before them then any other Judge.

The saids Justices shall take notice in all Sherifffdoms, where there are any Goals, and Prison-houses, within any Burgh, that the same be kept up and not suffered to decay or become ruinous; and if there be any Shire, where there is not any Goal or Prison-house, they shall inform His *Majesties* Council thereof, that they may appoint and give order for building of one within the Head Burgh of the Shire, and according to the directions to be given thereanent, the Justices shall be holden to proceed.

And because there be a great many of Prisoners apprehended and committed, who having no means of their own for their maintainance and entertainment, will otherways famish and starve before they can come to their tryal, who not the lesse, in regard of the crimes committed, can no wayes be put under surety, or otherways, in faults of lesse consequence, are unable to find sufficient Caution to be made forth coming and answerable at the next Session; Therefore it shall be lawfull to the saids Commissioners and Justices, at their Quarter Session, to rate every Paroch for a weekly proportion, for the entertainment of those poor Prisoners; providing they do not exceed the sum of five shillings Scots money at the most, nor under one shilling at the least; which sum shall be uplifted for that use by the Minister or Reader who shall serve at every Paroch, from such Deacons, who shall be appointed to collect the same; and the saids sums to be delivered by the Constable of the Paroch, at the Quarter Sessions, in presence of the whole Bench then convened, to such persons as the saids Justices shall trust therewith, and who accordingly, shall make due account in paying the Jaylor's such rates as shall be allowed for the poor Prisoners, and making the rest forth coming for such use and intent of the like nature, as the saids Justices shall appoint.

All Magistrates of Burghs, and keepers of any Goals or Prisons, shall receive into their Prisons, all such persons as either shall be brought by Constables, or sent unto them by warrands under the hand of any one Justice of Peace, the saids Justices causing satisfie for their entertainment; and if any Magistrates, or their Jaylor's, suffer any persons, committed by the Justices to their Prisons, to escape, they shall be condignly punished therefore, at the discretion of His *Majesties* Council.

Item, Our Sovereign Lord, with advice foresaid, Ordains the saids Commissioners, to set a price upon Crafts-mens work, and upon the Ordinars of Penny-Bridals, together with the price of Shearers Fees, and to punish the contraveeners, as appertaineth.

They shall cause sufficient single and double Ale to be brewed in every Shire, and shall appoint Visitors to that effect, with consent of the Barron and Over-lord of the ground: They shall set down Acts against notorious and common Drunkards, and impose fums upon the Contraveeners, according to their qualities and deserts.

Our Sovereign Lord, with advice foresaid, Declareth, That Three Justices of Peace shall be a full number and Session, to decide in matters occurring betwixt the four Quarter Sessions.

And Declares, that no Letters of Caption ought to be granted against the saids Justices, for apprehending of Rebels, except they be found subject to do the same, by possessing of such other Offices and places, to the which the obedience and putting to execution of any such charges doth belong.

And because there is sensible prejudice seen and felt through many parts of the Kingdome, by reason of diversity of Measures and Weights used in the same. Therefore Our Sovereign Lord, with advice foresaid, for removing of all abuses, which may ensue in any time to come thereby, Hath found expedient, and by this Decree and Statute of Parliament, Decerns, Statutes and Ordains, That there shall be but one just Measure and Weight through all the parts of the Kingdome, which shall universally serve all His Highnesse Lieges, by the which they shall sell and buy, and receive, and give out in all times to come; whch Measure, His Majesty with advice foresaid, finds should be that Measure of *Lincolneshire*, which is now commonly used and which hath been used most customably through the greatest parts of this Kingdom these many years by-past. And for setting a perfect Order, whereby all the Measures that are now used may be reduced to the conformity of the saids Measures now authorized; and for making of proportion answerable betwixt the lesser Measure and Weights, and the greatest. His Majesty with advice foresaid, hath granted full Power and Commission to *Alexander Frazer* of *Phillorth*, *Sir Gilbert Ramsay* of *Balmognie*, *William Scot* of *Ardsroff*, *John Murray* of *Touchadam*, *Sir Robert Hepburn* of *Keith*, *James Gresham* of *Saint Leonards*, *Sir Andrew Ramsay*, *Sir Robert Murray*, *Sir Alexander Wedderburn*, *John Bell*, *William Cunningham*, *Andrew Glen*, *Sir William Thomson*. Whom, or any seven of them, His Majesty, with advice foresaid, Ordains to meet and convene together, at such time and place as they shall thinke expedient, and to consult and advise together, and to appoint and determine upon the most convenient means, how the said Measures and Weights may be reduced to the conformity foresaid; and after they have ripely advised therewith, and given forth their determination thereanent, they shall deliver the same, and whole course of their proceedings, in the said matter to the Commissioners and Justices of Peace, and to the Deans of Gild of the Head Burghs of the Shires, who shall be holden carefully to do their diligence to see the Measure foresaid, now appointed, to have course through all parts, as well Burgh as Landwart. And that there may be one constant conformity in Head Burgh and Land, Our Sovereign Lord, with advice and consent foresaid, Ordains, that the saids Justices of Peace in Landwart, take tryal of the Measures and Weights used in Burgh, and to take a Note from the Magistrates, and Deans of Gild of every Town, of the Weights and Measures, and of the number thereof, which the saids Magistrates and Deans of Gild in Burgh, shall be holden to shew, declare and give up to them, to the effect the saids Justices to Landwart, may confer the same with the standard now authorized; and where they find any disconformity in the same, from the saids Standard, the saids Justices shall inform the Kings Majesties Council thereof, that they may take order therewith as appertaineth: For it is expressly provided by these presents; that the saids Magistrates in Burgh, shall not be permitted to have or use mee Measures within Towns, then the number to be presented by them, and given up in Writ to the saids Justices to Landwart, as said is: this alwayes being respected, That if the saids Magistrates within Burgh, find any necessity for having any mee Measures then was given up and used by them before, it shall be licensed to them to make mee Measures, they being answerable and conform to the Standard; and making the saids Justices to Landwart foreseen and acquaint therewith, and declaring the number of the Measures, whereof they find the necessity of use.

The saids Justices shall be holden to give command and direction to their Constables, to apprehend any such person, who shall be found contemptuously to have disobeyed the Censures of the Church, they being lawfully required to do the same.

The saids Justices of Peace, as well to Burgh as Land, shall convene and be present at the Quarter Sessions of the Shire where the Burgh and Land lyeth, give their Oath to the Bench at their admission, make their Record, and make payment of the Fines intromitted with by them as Justices of Peace of that Shire, to their Collector.

They shall appoint a sufficient Collector for uplifting the Fines and Penalties, which they have power, to impose upon an Offender, and are to take Caution of him for making due accomt.

They shall have, during the time of Sessions, for every day of their abode (so it do not exceed the number of three dayes at the most at one time) allowed to every one of them, forty shillings Scots money, daily to be paid and uplifted by the Collector of the Fines; but neither Earl, Lord, Bishop, Privy Counciler, or Sessioner, shall have any allowance; and all such Justices as have the benefit of that allowance, and shall be absent from every ordinary Quarter Sessions, or otherwise when he is required lawfully by the *Custos Rotulorum* to any particular Meeting, shall incur the penalty of forty pounds Scots money, nor being lawfully excused, and the excuse allowed by the rest of the Justices there assembled.

The Lords of Session shall direct general and summar Charges of Horning and Poynding, at the instance of the Collector appointed in every Countrey for ingathering all Fines and Penalties

Quorum

Measures & Weights

Dean of Gild to sig. of Measure the same course as well in Burgh as Landwart

whatsoever intred, upon a simple Charge of fifteen dayes; and no Suspension shall be granted thereof, but upon consignation of the sums contained in the Sentences, and by finding Caution for payment of the Charges at the modification of the saids Lords.

The saids Commissioners, at the end of every Quarter Sessions, shall send to His Majesties Council, a Catalogue of all such persons as they have either committed, or otherways put under surty, with a short Abbreviate of the cause thereof; to the effect, that thereupon the Council, as they shall think expedient, may return to them against their next Session, or the *Custos Rotulorum* in the mean time, their further directions.

The saids Justices shall put in execution, all Acts of Parliament made for punishing all persons whatsoever, who shall Curse or prophantly Swear, or shall be Mockers or Reproachers of Piety, or the exercise thereof; and shall require and levy upon every Offender, the several penalties following, *viz.* Of a Nobleman twenty pounds: each Barron twenty merks; each Gentleman, Heritor or Burges, ten merks; each Yeoman fourty shillings; each Servant twenty shillings, *Scots* money; each Minister in the fifth part of his years Stipend; without prejudice to other proceedings against any such Minister for the same. And in any of all the cases before specified in this Instruction, the saids Justices shall put in execution all such Laws, as for Corporal punishments, have any provisions mentioned in them for such cases: And in case of the inabilities of the parties Delinquents to pay the sum mentioned in this Instruction, the saids Justices shall put in execution such Laws, as for Corporal punishments, have any provision mentioned in them for such cases; and that the Wives Delinquents shall be punished according to the quality of their respective Husbands, and that their Husbands be lyable for the payment of their Wives Fines respectively, in manner above-mentioned, *toties quoties* for each fault: And all others whatsoever, not particularly herein nominat, are to pay in proportion to their respective qualities and degrees. And also, the saids Justices are to put in execution, the Acts of Parliament made for the punishing of all persons that shall be found guilty of the sin of Fornication; and that they levy or cause to be levied, the several pecunial sums therein mentioned, *viz.* For each Nobleman, for the first fault four hundred pounds; each Barron two hundred pounds; each other Gentleman and Burges one hundred pounds; every other person of inferior quality ten pounds, *Scots* money; and that these penalties shall be doubled *toties quoties*, according to the relapses and degrees of the Offence, and quality of the Offenders. And that the said penalties shall be levied, not only of the Man, but also of the Woman, according to her quality, and the degree of her offence, the one without prejudice of the other. All and sundry which penalties so to be levied, are to be disposed of as followeth; To wit, one half to pious uses in the same Paroch where the Offenders live, or the Offence hath been committed, and the other half to be divided in two equal parts, one part whereof to be given to the Informer and Prosecutor, and out of the other half, to satisfy the Constable, or other persons who shall be employed for bringing the person accused to Justice, and the remainder to be disposed to pious uses, or to satisfy the Constables for their travel and service in other parts of their office, according as the Justices shall think fit.

The Justices shall put the Acts of Parliament in execution; for the punishing of all persons found guilty of the sin of Drunkenness or excessive Drinking, especially under the names of Healths, or haunting Taverns or Ale-houses after ten of the Clock at night, or at any time of the day, except in time of travel; or for ordinary refreshments. As also against the keepers of the Taverns or Ale-houses, that shall sell the drink unto them: Which penalties in the saids several Acts contained, the saids Justices are to levy, or cause to be levied, upon the saids Delinquents; and the saids penalties are to be disposed of by the saids Justices, in like-manner as aforesaid.

The saids Justices shall put in execution, all Acts of Parliament, made against such persons as shall Profane the Lords-day, and require or levy the penalties therein contained: which penalties aforesaid, the saids Justices are to dispose of, in like manner as aforesaid.

And at what time and whensoever one shall accuse another person or persons to be guilty of Treason, Murder or other Felony, Blasphemy, Incest, or any other hainous Crimes; in such cases the said Justice or Justices, shall forthwith cause such person or persons to be apprehended, and after inquiry made in the cause, the saids Justice or Justices, if they find cause, shall commit the Offender to prison; or take sufficient Bail, if the case by the Law be bailable; and shall take the information of the Party accusing upon oath, and bind him to Prosecute, and shall take the testimony or deposition of the Witnesses likewise upon oath, and bind them to give in evidence, and shall also take the Examination of the Party accused. All which Recognizances, Informations, Depositions and Examinations, the said Justice or Justices, shall certifie to the next Quarter Sessions, Assizes or Criminal Courts respectively, to the end the Justice may proceed against them according to the Law.

And if any Nobleman, Barron or Baily, or any in their names, having power, shall accuse the right of jurisdiction to proceed against any Delinquent apprehended by a Constable for any Capital crime: Then, and in that case, any of the Justices shall receive security of the said Party, who required the Defender to be delivered to him, that justice shall be duly ministered, and then shall cause delivery of the said person to be made to him; and the said Justice of peace, at the next Session, shall certify the whole matter to the Bench; to the effect they may enquire, whether justice hath been accordingly ministered, and if any fault be found, to advertise His *Majesties* Council, that order may be taken therewith.

The saids Justices shall twice in the year, at the first of *December* and the first of *June*, take up a list of the Poor in every Paroch within Burgh or Land; into which number there shall no person be received, who are any way able to gain their own living; and to the effect these Poor may no longer be necessitate to seek their living, with such hardship and difficulty by scandalous vaging as hitherto they have been in use of, the Justices shall appoint two or more persons of good fame and quantity in every Paroch, to be Overseers for the Poor in each Paroch aforesaid, and to authorize the saids Overseers to make due tryal and examination of the condition and number of such Poor, Aged, Sick, Lame and impotent inhabitants of the said Paroch, who (of themselves) have not to maintain them, nor are able to work for their living, as also of all Orphans and other poor Children within the said Paroch, who are left destitute of all help: and the saids Overseers are to list and inroll all such persons, and to provide them such a convenient House for their dwelling, either a part or together, as they shall judge requisite; and upon consideration had, what the necessary maintenance will extend to weekly, the saids Overseers are to call for the Collections of the said Paroch, or other Sums appointed for the maintenance of the poor thereof; and the persons who have the saids sums in their hands, are hereby required to deliver the same to the saids Overseers; and their Receipts under their hands, shall be their sufficient Discharge: which sum so received, the Overseers, are to dispose proportionably to the several poor people aforesaid, according as they shall find their necessities to require, and the saids Overseers are to take due tryal of the good behaviour and carriage of the poor persons, listed and inrolled as aforesaid, that if any of them being so provided, shall go abroad to beg, or otherways miscarry themselves, or shall refuse, being able, to work any manner of work that they are able to perform; in such cases, the said Overseers are to acquaint the said Justices therewith, who shall appoint such punishments for the first fault, as in their judgements they shall find requisite; and if they shall continue in such miscarriages, they are to be holden and reputed as Vagabonds, and so to be proceeded against according to the Law in that case provided. And to the end that there may be an exact performance of the premises, the saids Justices are hereby required, to call before them the saids Overseers once in every six months, or oftner if they shall think expedient, to give an account upon Oath of the whole Sums received by them, and to produce the Rolls of the said poor, together with an Account of what money they have received any otherways, for the use of the said poor; and after a due consideration of the charge, together with the Discharge thereof, to approve, allow, or disallow the same, as shall be found just, and the said Justices are to take due tryal and examination how the said Overseers have discharged their Trust; and in case of refusal of any of the saids Overseers, nominat and elected as aforesaid, to accept the said office, or having accepted, shall be found negligent therein, or shall refuse or delay to give an account of their intromissions, when required as aforesaid, or to deliver what money shall be found resting in their hands, undisposed of at the end of the year, unto such new Overseers as shall be appointed: in such cases of the offenders shall incur the penalty of twenty pounds *Scots*, to the use of the Poor, and suffer further Censure, at the said Justices, at their Quarter Sessions, upon consideration had of their fault, shall see meet to impose.

And further, the saids Justices are hereby impowered and commanded, to call for an account from these who took upon them to exerce that place and office, during the late Usurpation, of all Fines, Penalties and others, raised, exacted or uplifted of any persons, and to ordain them to deliver and make payment to them of what hath not been by sufficient order disposed of: in any case of any difference arising thereupon, that the Justices consult His *Majesties* Council, who shall give their orders therein.

Constables.

Our Sovereign Lord, with advice of His Estates, Finds and Declares, that the Constables are to be made choise of, by the Commissioners and Justices of Peace, in their Quarter Sessions, throughout the whole Countrey, two at least in every Paroch, or more, according their discretion, having consideration of the quality thereof; In great Towns likewise, not being Cities nor free Burghs, they are to appoint a number of Constables proportionably to the greatnesse thereof; but in all Burghs Regall, and free Cities, the Constables are to be chosen by the Magistrates of the same; and they are to endure, and to be changed, from six to six months.

And who shall refuse to accept the Charge, and not to give his Oath for dutifull execution thereof, shall be imprisoned, and fined at the discretion of the Justices of Peace at their next sitting.

Followeth the Oath to be taken by the Constables.

I Do swear, that I shall faithfully and truly discharge the Office of Constabulary, within the Paroch of, &c. induring the time appointed to me, and shall not for favour, respect, or fear of any man, forbear to do what becometh me in the said Office: and above all things, I shall regard the keeping and preserving, of the Kings Majesties Peace, and shall at every Quarter Session and meeting of Justices, give true and due information of any breach which hath been made of His Majesties Peace, within the bounds of my Commandment; and shall no way hide, cover, nor conceal the same, nor any of the proofs and evidences which I can give for the clearing and proving thereof: So help me GOD.

All the Constables, or at least one of every Paroch intrusted with power to answer for the rest within the said Paroch, shall attend at every Quarter Session; their to give information of all such breaches of the Peace, and other misdemeanors as have happened within their bounds, since the preceding Sessions, and have come to their knowledge; and shall no way hide, cover, nor conceal the same, nor any of the proofs and evidences which they can give for the clearing and proving thereof; and otherways to give the Bench further information in any thing wherein they shall be required, and to receive from the saids Justices at the end of the Session, such order and direction, as they shall enjoy and appoint.

Every Constable, in their respective Patoches, shall apprehend any suspicious persons, who are night walkers, and cannot give a good account of themselves, and carry them to the next Justices of Peace, to find Caution for their good behaviour, or otherwise be Committed to Prison; and the said Constable, or Constables, shall stay and arrest all Vagabonds, sturdy Beggars and Ægyptians, and carry them before some Justice of Peace, who shall take order for their committing to Prison, or other punishments, according to the Statutes of Parliament.

Every Constable, in their respective Paroches, shall arrest all idle persons, whom they know to have no means to live upon, and will not betake themselves to any Labour, Trade or Occupation; and shall carry them before some Justices of Peace, who after examination shall either commit them to Prison, or take surety of them for their appearance at the next Quarter Session.

All Constables in their respective Paroches, shall apprehend every person or persons, that shall be guilty and culpable of Slaughter, Murder, Theft or any other culpable crime whatsoever, and shall require his Neighbours to assist for safe conveying of such person or persons, or the next Justice of Peace who shall commit him or them, to take surety according to the Instructions given to the Justice of Peace in such like cases. And if any person or persons, shall refuse or delay to assist the said Constables, in executing his or their offices, such persons, for refusing or delaying, shall be imprisoned, or otherwise punished by the said Justices at their Sessions.

All Constables shall arrest any person not being in His Majesties service, who shall be found wearing of Hagbuts, Guns or Pistols in any sort, and shall carry them before some Justice of Peace, who is either to take security for their appearance the next Quarter Session, or commit them prisoners till they do the same, unless they be Licenced from the Council, or some impowered from them to give such Licences.

Upon the appearance of any Fray or Stir betwixt parties, the Constable shall require the assistance of his Neighbourts, for fundering of the parties; and if there be any harm done to the Constable, or any of the Assistance, by them who made the Fray, they shall be punished by the Justices at the next Session.

When any person or persons, have made a Fray, and then flee to an house; The Constable or Constables may follow to the house, to open the doors; which if he or she shall refuse, he shall take notice of the Master or Keeper of the house, and require witnesses thereon; and albeit the Delinquent shall flee further, without the bounds of the Constables charge, yet may the Constable follow and apprehend him in a fresh pursuit, and crave concurrence of the Country for that effect.

The Constables in every Paroch, shall execute all such Precepts and Warrantands as they shall from time to time receive from the Justics of the Peace.

And that the saids Constables may have satisfaction for their travels and pains, Our Sovereign Lord, with advice foresaid, Ordains the saids Justices to give up particular Notes in writ, to the Auditors of His Majesties Exchequer, of the Fines in-brought to them, that out thereof, such measure and satisfaction may be appointed and given to the saids Constables; and also to the Clerks of the Peace as may recompence their travels; wherein if it shall be found, that the saids Fines shall not be sufficient, the saids Lords of His Highness Chequer, shall appoint such further satisfaction to them, as in their discretion they shall think their labours and diligence do deserve, and cause them be paid

of the same. And notwithstanding of this above-written Act, and all the particulars forefaids, contained in the same, Our Sovereign Lord, with advice and consent of His faids Estates, Statutes, Decrees and Declares, That the erection of the faids Commissioners and Justices of Peace, and grant or Jurisdiction and Priviledges to them, and the making or approbation of the particular Acts above-written, introduced in their favours, or any thing therein contained, shall not be in any sort derogatory or prejudicial to the Rights, Priviledges and Liberties, granted and bestowed by His Majesty or His Highness Royal Predecessors of before, to any of His Majesties Subjects, of whatsoever estate or quality from the highest to the lowest: But Declares, that the faids Rights, Priviledges and Liberties shall remain in their own integrity, safe, intire, unhurt or unprejudged by the Premisses, or any thing exprest in the faids Articles and every one of them, and are holden as especially reserved and excepted out of the same.

And lest this above-written Reservation, should seem altogether to destroy the power granted to the faids Justices, or should beget controverfie betwix them and any other having right and liberty of Jurisdiction as said is, Our Sovereign Lord, with advice forefaid, for removing of all question, which may arise betwix them thereanent, Declares, That it shall not be lawfull nor permitted to the faids Justices, to make any Citation of Parties before their Courts, till the expiring of the space of fifteen dayes after the Committing of the Fact for the which the Committer is to be convened: At the compleat out-running of the which space, if any having Power and Jurisdiction as said is, hath omitted and neglected to use and exerce the Priviledge and Liberty of their Right and Power; it shall then be lawfull to the faids Justices to make Citation, and to Proceed against the Parties, according to the Power and Authority given to them by His Highness, with advice forefaid and conform to the particular Articles above-written in all points, and no otherways.

If any Party complain to a Constable that he is threatened by another, then shall the Constable apprehend the Threatner and carry him with the party Complainer before the next Justice of Peace, and if he refuse to go, then shall he carry him to Prison.

Which all and sundry the premisses, Our Sovereign Lord, with advice and consent forefaid, Ratifies and Approves in all points, in manner as the same proports. And gives unto them the strength and force of Acts and Ordinances of Parliament, and Ordains execution to pass upon the same as effects.

XXXIX.

Act for the Fishing, and Erecting of Companies for Promoving of the same.

Our Sovereign Lord, considering the best and readiest means for improving the benefit and advantages which properly belong unto Him, by the Fishes which are, or may be taken within the Seas, Channels, Firths and Lochs; adjacent and surrounding this His ancient Kingdom. And perceiving the same may be of great advantage many ways, especially in that the same Trade will not only be a Nursery for Sea-faring men, and a speedy occasion of building Ships for His Majesties and His Subjects use, both in Peace and War; But likewise will set many poor and idle persons a work, and furnish the materials of a great native Export, for the continual enriching of His Majesties Kingdoms by a sure foundation of Trade and Commerce. For which ends, and that the said Trade of Fishing may be the more effectually advanced and promoted within this His Majesties ancient Kingdom, His Sacred Majesty, with consent of His Estates now convened in this present Parliament, hath Erected, and by the tenour hereof Erects, Creates and Establishes, particular Societies and Companies of His Majesties own free born naturalized Inhabitants in *Scotland*; and of all others who shall be taken and inrolled in any of the same Companies and Societies, and admitted to the priviledges thereof, and shall enter themselves in the said Societies within any Shire or Burgh of this said Kingdom, one or moe, betwixt and the . . . day of . . . as the first modern Societies and Companies to the effect after-specified, Constituting and Creating such persons who shall enter themselves, and their Successors, in a Body and Incorporation politick, to exerce the Trade under-written. And Ordains that none be accepted therein, except he who shall enter the sum of five hundred merks *Scots*, at least, of Stock, in the said Society. And Wils and Grants, that whatsoever are of the forefaid Societies or Companies to be Constitute, their Heirs or Assignes, shall enjoy the yearly benefit of the Stock to be given by them, in all time after the in-giving thereof; but to have no power to uplift the Stock, except by consent of the Company or Council thereof after-specified. Granting and Committing, likeas His Majesty, by the tenour hereof, Gives, Grants and Commits, to the faids Companies and Societies so to be Constitute, and to all such whom they or their Successors shall admit or receive therein, full power to take and fish, Herring and White-fish, in all and sundry Seas, Channels Firths, Rivers, Floods, Lakes, and Lochs of this His Majesties said ancient Kingdom of *Scotland*, and Isles thereunto belonging, whersoever Herring or White-fish, are, or may be taken and to bring in and disburthen the faids Herring and other White-fishes, to all and sundry Ports, Harbours, Shoars, & to lay the same on the Land, & to pickle them with Salt, and to dry; and load the same in Barrells and Puncheons; and for conservation of the faids Herring and Fishes, to build Houses and little Cottages, and other things necessary for the use of the said Fishing-trade, in whatsoever places shall be convenient, upon the payment of the allowance underwritten, unto the Lord or Master of the ground, or otherwise, to sell, use and dispose upon the faids Herrings and other

Fishes, to the Inhabitants, to keep and conserve the same in their Ships and Boats, and to make and prepare them therein, and to carry and transport the same to forraign parts beyond Seas, and to make and other Vessels belonging to them, or His *Majesties* other Subjects; and to sell, use and dispose thereupon, to such who shall be in friendship and amity with His *Majesty* and His Successors. With power also to the saids Companies and Societies *respective*, to elect and make choice of such of their own number as they shall think fit, for making and framing of Laws, Statutes and Rules, for the regulating, managing and carrying on of the said Trade of Fishing (the saids Laws being always approved and allowed by the Council of Trade) and to punish transgressors accordingly. And that none be admitted to be Councillors of the saids Societies, except such who shall enter of Stock the Sum of one thousand merks money foresaid, and that they be *Scots-men*, or naturalized Strangers, and Residents within the said Kingdom. And to the which Council, so to be Nominate and Constitute, the said Companies *respective* shall submit, and to all their Acts, Statutes and Rules, especially, but prejudice of the generality foresaid, to the particular Rules under-written. To wit; First, That none after the creating and setting of the said Company or Society, may enter or come in but by consent of the Company or the Council thereof, after the said day of next, except they be appointed to be intolland taken in by the Council of Trade, to whom any person, in case of execution, may make his Address. Secondly, That the return from Forraign places upon the Stock, may be all sold in free Burghs and to free Burghesses within this Kingdom, by the saids Companies or any of them or their Factors, without any previous offer to the Burgh; providing they do not retail by selling less quantities nor five Tun of Wine, or the equivalent in value in other Commodities; and if the Import and Return shall be of less quantities, then and in that case these Commodities shall only be sold in whole sale, without any retail whatsoever. Thirdly, That no Herring or White-fish taken by *Scots-men* in the said Kingdom or Isles thereto belonging, be sold, fresh or salt, to any but to Natives, except by the Companies *respective*. And that no Stranger unnaturalized, shall have any liberty to make and prepare Herrings or White-fish upon the Land, or to make Booths for that effect, under the pain of confiscation of what shall be seized upon, and the double thereof to be exacted of the Seller, except they be free of one of the Companies foresaid. With power also to the said Council, to use and have a Seal and Gage for ilk Company *respective*, wherewith all their Barrels or Puncheons may be marked, and that ilk Barrel of green fish contain twelve gallons, which is to be the ordinar Gage betwixt Buyer and Seller. And also to make use of, and employ, all and sundry Tolbooths and Warding-houses, where necessity requires, for holding of Courts, warding or punishing of transgressors, the Burghs being always free of the charges of the Prisoners; and further, to depute such of their number as they think fit concerning all businesses and affairs, and to cognosce and determine in all questions and debates relating to the said Trade of Fishing; and to cause execute such Decrets and Sentences as shall be pronounced thereupon: and for that effect, to make choice of Officers and Servants, and to administer Oaths to them, and amongst themselves, for the good of the Trade; and if need be, with power to the said Council, to design certain Judges under them in convenient places, to administer Justice in the matter of the Trade of Fishing allanery. And Our Sovereign Lord, being most willing to cherish and encourage the foresaid Societies and Companies, in the said Trade, hath out of His Inate Beneficence and Royal Bounty, Ordained; and by the tenour hereof Decerns and Ordains, that Salt, Cordage, Hemp, Cork, Pitch, Tar, Clapboard, Knapple, Skew-hoops, and Holland Nets, imported for the Trade of Fishing foresaid, by the foresaid Companies *respective*, is, and shall be, free of any Customs or other Imposition whatsoever; and that the Herring and White-fish taken, made or prepared therewith, are and shall be free of any manner of Taxation or burden in the exportation of the same. And also, that all Strangers Fishers, who shall repair to this His *Majesties* ancient Kingdom, and will come and make their residence within the same, shall be naturalized by His *Majesty*, upon the desire and application of any of the saids Councils, and shall be entered Burghesses in any City where they shall reside, and shall be freed of all manner of exaxation, for the space of seven years next after their arrival. And further His *Majesty* hath Released and Discharged, and by the tenor hereof *simpliciter* Released and Discharges, the Teind Herring and Teind Fish, of all such Herring and Fish, which shall be taken by the Boats and Fishers of the saids Companies *respective*, or such who shall be hired by them, in all time hereafter. And also, Exoners and Discharges the Excise Herring due to His *Majesty* (except the Herring of *Dumbar*) for all the dayes, space, years and terms of nine years, next after the date hereof. And in like-manner, His *Majesty* Declares, That all Ale, Beer, Strong-waters, and other provisions for our-recking of any Vessel for the saids Fishings of the said Companies, is, and shall be, free of all manner of Impositions whatsoever, Commanding hereby the Lords and Masters of the ground, in all places through the said Kingdom where there is Loch or other Fishings, not only to protect, maintain and defend the said Company and Society, and all Masters of Ships, Fishers and others whatsoever, going about the said Trade, and belonging to the respective Companies of Fishing, from all harm, trouble or dammage whatsoever, or else to satisfie and refund their losse and dammage which they shall sustain upon their Land; but also, that they, nor none of them, presume nor take upon hand, to exact

or levy, any more from the saids Fishers, Merchants, or their Servants, belonging to the saids Companies, for Ground-leave, but only twelve shillings *Scots* for every Last; and that in full satisfaction of the Saturdayes fishing, or any manner of Dues whatsoever. And for the greater encouragement of Merchant-fishers, Masters of Ships and other Vessels, and their Servants, to attend the said Trade of Fishing; His Majesty, by His Sovereign Authority and Prerogative Royal, not only by these presents Declares the Ships, Boats and other Vessels, with their Furniture, provided for, and in exercise of, the said Trade of Fishing, no wayes to be Arrestable by any Creditor, but that the same and those that shall serve therein, shall not be pressed to any publick service, without His Majesties particular Command. And that the Fishers, Masters and Servants, in the saids Vessels, and makers of Herring and White-fish, during the whole time of the said Fishing, and their employment therein, shall be free from all Actions, and no wayes conveyable before any Judge or Judicatory whatsoever for any cause or causes Civil, which may be intended against them; But also by the tenour hereof, Declares the saids Fishers, Masters and their Servants above-written, shall be free of all Captions, Arrestments or other Attachments on their persons, or against their Materials and Instruments of Fishing, during the time and season of Fishing, they being actually serving therein allannerly. And further, that none who shall be upon the Council, or any of the Societies of Trade foresaid, shall be lyable to Sels, Stents or Taxations, for what Stook they have entered or shall enter in the saids Companies or Societies *respective*, or for the benefit and profit arising thereby in time coming. And it is hereby Declared, that it shall be licent to any of the Council or Societies of the said Trade of Fishing *respective*, for the good thereof, to dwell and reside in any part or place of this said Kingdom, albeit they be Burgeses in any Burgh Royal, and not thereby lose their freedom, notwithstanding of any Act or Acts in the contrair. And in like-manner it is hereby Declared, that no person or persons shall have liberty to export Herring or Fish, nor use or have the Priviledges, Liberties and Immunities above-written, but those that shall enter themselves and be free in one or other of the saids Companies and Societies. And finally; it is hereby Statute and Ordained, that those in the severall Shires and Burghs of this Kingdom, who shall enter in the saids Companies and Societies, conform to the tenour of this present Act, shall give an account thereof to the Parliament, or His Majesties Council, of Trade for the time within
 that the same may be Recorded *ad futuram rei memoriam.* after the creation thereof.

X L.

Act for Erecting of Manufacturies.

Our Sovereign Lord, considering how many great advantages this Kingdom, and the Subjects thereof, may have by the Erecting, Cherishing and Maintaining of Manufacturies, thereby keeping in the Countrey great sums of money, daily exported for bringing in such Commodities as may be made at home, and bringing in money for such Commodities as may be made and wrought within the same, and exported to Forraign Nations; besides that thereby many Poor people and Idle persons and Vagabonds, will be set at work, and entertained, whereby vertue will be increased and idleness curbed and restrained. And that upon this account, and for this end, several Acts have been past by His Majesties Royal Predecessors, in their Parliaments, Conventions and Councils; and especially the one hundred and thirteenth Act of the seventh Parliament, and the two hundred and fifty, and two hundred fifty two Acts of the fiteenth Parliament of King James the sixth; and Acts of Council in the years one thousand six hundred, one thousand six hundred and one, one thousand six hundred and twelve, one thousand six hundred and fourteen, one thousand six hundred and sixteen, one thousand six hundred and twenty, one thousand six hundred and twenty three, and Acts of Convention, one thousand six hundred twenty five; and one thousand six hundred twenty six years. And His Majesty, being resolved to prosecute what hath been formerly intended, and to give such new encouragements as is necessary for advancing of Manufacturies; Hath therefore thought fit, with advice and consent of His Estates of Parliament, hereby to grant to all such persons as have or shall undertake to set up any Manufacturies, the Priviledges following, *viz.* If any Stranger shall come, or be brought into this Kingdom by Natives, to set up Work, and teach his Art in making Cloath, Stuffs, Stockings, Soap, or any other kinde of Manufactory, he shall enjoy the benefit of the Law, and all other Priviledges that a Native doth enjoy; with power to erect Manufacturies either in Burgh or Landward as they shall think fit, and there to dwell and exercise their Trade without any stop or trouble.

And

And for their further encouragement, Declares, all Oyl, Dying-stuffs, Forraign Wool, Pet-Allies or any other materials whatsoever usefull for Manufacturies, that shall be imported, to be free of Customs, Excise and other publick Dues; and that all Cloath, Stuffs, Stockings or any other Commodity to be made and exported by them, be free of Custom and Excise, for nineteen years after *January*, one thousand six hundred and sixty two years. And if any Stock shall be employed for erecting or entertaining of any Manufacturies of any kind, the same is to be free of all publick and private Taxes whatsoever. Likas all Customers, Collectors, Farmerers of Customs or Excise, and others, are hereby discharged to demand any Custom, Excise, or any other Imposition whatsoever, for such Materials before mentioned and belonging to Manufacturies, as they will be answerable. And in regard of the great prejudice to the Kingdom by Exportation of Wool, and Skins with Wool upon them, and of other Native Commodities and Materials fit for Manufacturies; Therefore His *Majesty*, with advice foresaid, Doth hereby Discharge all and every person whatsoever, Native or Stranger, to Export out of this Kingdon any Wool, or Skins with Wool upon them, or Skins of any kind, or any Materials usefull for Manufacturies, until they be made in work, or put to the best avail for the good of the Kingdom; Certifying such as do in the contrair, they shall forfeit such Wool, Skins and other Materials, or the just value thereof, the one half to His *Majesty*, and the other half to the Informer, who shall discover, apprehend, and prosecute the same before His *Majesties* Exchequer, besides that the persons and estates of such Contraveeners, shall be lyable to such punishment and fine for the same, as His *Majesties* Exchequer shall appoint. And also His *Majesty*, with advice foresaid, Discharges all Regraters and Foretallers of Mercats of Wool, and that no Merchant nor person whatsoever, buy and keep up Wool to a death, but that they bring the same to be sold in open Mercats, under the pains contained in the Acts of Parliament made against Regraters and Foretallers. And in regard there is much deceit by wrapping up of Wool in the Fleece, by putting stones, Sand, and other insufficient stuff in the same, It is hereby Declared, that all such Wool shall be confiscat, the one half to His *Majesties* use, and the other half to the use of those who shall apprehend, discover, and pursue the same. Likas His *Majesty*, for the further inouragement of the saids Manufacturies, Doth with advice foresaid, Discharge all Quartering, or Levying of souldiers upon Manufacturies, or the Masters thereof; and that no person whatsoever entise, respect, or entertain any of the Servants or Apprentices of the Manufacturies, without consent of their Master, under the Pains contained in the Acts of Parliament against Coal-hughers, Salters, and their Resctters. And for the further improving of the saids Manufacturies, His *Majesty*, with consent foresaid, Doth hereby Impower the Masters, Erectors, or Entertainers of Manufacturies, to meet by themselves for making of Ordinances for the good and advancement of their Trade, for the right ordering of their Servants, and for the sufficiency of their Stuffs, Cloath and others; and chuse one of the most expert of their number for visiting of their work, that a Mark or Seal may be put upon it, distinguishing what is sufficient and what not. And because many things may occur hereafter, which may be necessary for advancement of Manufacturies; Therefore His *Majesty*, with consent foresaid, Doth Impower the Lords of His *Majesties* Privy Council or Exchequer, or such as shall be appointed by His *Majesty*, during this present Parliament, or thereafter, to consider such Overtures as shall be offered for the good of Manufacturies; and to make such Orders, and grant such further Liberties and Priviledges to them as they shall think just. It is always Declared, that it shall be free and lawfull to His *Majesties* Treasurer and Commissioners of Exchequer, as they shall find cause, to grant licence for exporting of Wool and Skins, any thing in this Act to the contrary notwithstanding.

X L I.

Act for Planting and inclosing of Ground.

Our Sovereign Lord, considering how many laudable Laws have been made, by His *Majesties* Royall Progenitors, for Parking and Inclosing of Ground, and Planting of Wood, and for preserving of the same; and finding the great prejudice have followed upon the not dew observance of so notable and necessar Laws. And how expedient, fit and necessar it will be, for the good of this His *Majesties* ancient Kingdom, especially for Shipping and Building, that Timber be Planted; and how advantageous it is for the increase of Corns and Cattel, and the sowing of Lint and Hemp for Manufacturies, that Parking and Inclosings be made. Doth therefore with consent and advice of His Estates of Parliament, Revive the ninth Act of the fourth Parliament of King *James* the first, of Blessed memory, Entituled, *An Act for Planting of Woods, Forrests and Orchards*, and all other Acts made for that effect, by His *Majesty* or any other His Royal Predecessors; and Ordains the same to be put to execution in time coming, conform to the Tenor thereof, in all points; with this addition. Likas His *Majesty* with advice of His saids Estates of Parliament, Doth hereby Statute and Ordain, that every Heritor, Liferenter, and Wodsetter (according to the qualifications under-

under-written) within His said ancient Kingdom of *Scotland*, with one thousand pounds or yearly valued Rent, shall inclose four Aikers of Land yearly at least, and plant the same about with Trees of Oak, Elm, Ash, Plain, Sauch or other Timber, at three yards distance. And that all other Heritors of greater or lesse Rent nor the said sum or one thousand pounds money foreaid, do Plant, Inclose and Ditch yearly, moe or fewer Aikers, according to their respective Rents, for the space of ten years next ensuing; and that of such Lands as the Heritors shall think most fit for Planting and capable for inclosing, to be also Planted, Ditched or Inclosed in manner foreaid; and that the saids Heritors begin to Plant, Ditch, and Inclose, the said ground at the feast of *Michaelmase* next to come, and uphold the same in time coming. And for the further encouragement of the saids Heritors, Wodsetters and Liferenters, to go about the ready observance of the said Act, liberty and power is granted to them, at the sight of the Sheriffs, Stewarts, Lords of Regalities, Bartons, and Justices of Peace in their respective bounds, to call about the High-ways to their conveniency, providing they do not remove them above two hundred ells upon their whole ground; Excepting alwayes heretom, Burrough and incorporate Aikers, which are no wayes to be Parked or Inclosed, unless the Heritors thereof shall think it meet and expedient. And where there are Liferenters upon Lands, It is hereby Declared, that the same shall be done upon the equal charges and expences of the Liferenter and Heritor. And in case of Proper Wodlets, It is also hereby specially Declared, that the same shall be done by the Wodletter, and the charges thereof is and shall be added to the reversion, and no wayes redeemable, while they make payment thereof, as well as of the sums for which the Lands are Wodlet. And for the better encouragement of Heritors, and for preserving of the said Planting and Inclosures, It is Statute and Ordained, that whosoever shall cut or break any of the saids Trees, (not being the Heritors themselves) shall pay unto the Heritors or persons wronged, twenty pounds for every Tree: or if he be not able to pay the said twenty pounds, it shall be in the power of the party thereby wronged, to make him work six weeks, giving him meat and drink almanetly. And further it is Ordained, that whosoever shall break down the Hedges or Dikes or the saids Parks or Inclosures, or be found within the same, being a stranger, shall be holden and repute a breaker down thereof, and pay five pounds for every fault; or if he be not able to pay the said five pounds, to work ten dayes to the owner of the saids grounds, for meat and drink as said is. And for the greater encouragement of all persons who shall be virtuously inclined to Ditch Inclose or plant their ground, in manner aforesaid, His *Majesty*, with consent above specified, hath Declared, and by this presents Declares such parts and portions of their said ground, as shall be so Inclosed and Planted, to be free of all manner of Land-tithes, Taxations or Impositions, of whatsoever nature, or Quarterings of Horse in the saids Inclosures, for the space of nineteen years, next after the date hereof; and that at the proportioning of the saids Burthens, the same inclosures shall be exempted and made free thereof accordingly. And also for the better preserving of the saids Inclosures, and of the Trees and Planting to be let about the same, It is Statute and Ordained, that ilk Heritor, Tennant and Cottar, keep their Cattel and Goods, out of their neighbours Inclosures at all times, that their Trees, Planting and Ditching, be no wayes Damified or prejudged, under the penalty of five pounds for ilk contravention, *toites quates*, to be paid to the party damified. And further Statutes and Ordains, That where Inclosures fall to be upon the border of any persons Inheritance, the next adjacent Heritor shall be at equal pains and charges in Building, Ditching and Planting that Dike which parteth their Inheritance. And Recommends to all Lords, Sheriffs and Baylies of Regalities, Stewarts or Stewartries, and Justices of Peace, Baylies of Burroughs, and other Judges whatsoever, to see this Act put in execution, and to grant Proccle at the instance of the Parties damified and prejudged, and to see them repaired, after the form and tenor of this Act above-written, in all points.

XLII.

Act Establishing Companies, and Societies for making Linnen-cloth, Stuffs, &c.

Our Sovereign Lord, considering that all the laudable Laws and Statutes, made by His *Majesties* Ancestors, anent Manuafcturies, for enriching of His *Majesties* ancient Kingdom, putting of Poor children, Idle persons and Vagabonds to work for the maintenance and relief of the Country of the burthen of such unprofitable persons, have been hitherto rendred ineffectual; And that many good spirits, having aimed at the publick good, have for want of sufficient stocks, council and assistance, been crushed by such undertakings, Do conceive it necessary, to Create and Erect Companies and Societies for Manuafcturies, that what was above the capacity of single persons, may be carried on by the joynt assistance, council and means of many. And therefore His *Majesty*, with advice and consent of His Estates of Parliament, Doth Establish particular Societies and Companies, in the persons of such as shall enter themselves in the saids Societies within any Shire or Burgh, one

or moe of this Kingdom; and after their decease, in the persons of their Successors, (it being al-
ways Declared hereby, that not any of them shall be represented but by one person allanerly) or
at the first modern Societies and Companies for making of Linnen-cloath, Worstead Stockings, Sear-
ges Baifes Sayes, Cottons, Sempeternums, Castilians, Perpetuanacs, and all all other Woollen Stuffs
and Cloath; and for their encouragement, and the good of His Highness Kingdom; His *Majesty*,
with advice and consent foresaid, Prohibits and Discharges any of His *Majesties* Liegges, to carry and trans-
port into *Spain, Portugal, Riscay, Russia, France*, or any place beyond Seas, any Linnen-Cloath,
Baifes, Sayes, Cottons, Sempiternums, Castilians, Perpetuanacs, or any other Woollen Stuffs or
Cloaths, except they be free, and of one of the Societies aforesaid. And it is hereby Declared, that
all Materials imported for the use of the saids Manufacturies, and that all the saids Stuffs or Cloaths,
exported by the said Company, shall be free of all Customs, Excise. or any other Imposition what-
soever, for the space of nineteen years after the day of all other Merchants not
free in one or other of the saids Companies, paying the usuall Customs, Excise, or any other Im-
positions, for any of the saids Commodities Exported by them. As also His *Majesty*, with advice
foresaid, for the good and encouragement of these who shall enter themselves in the saids Companies,
Doth discharge the saids Companies *respective*, where ever the same shall be erected, to receive any
within the same, except these who shall contribute and bring in, to make up a Stock to the saids Manu-
facturies, the sum of five hundred merks *Scots*, and doth grant liberty to the saids Members of the
saids Societies *respective*, to choose and elect a certain number of their own Incorporation and So-
ciety, to be a Council for making of Laws, for their better regulating and ordering of the said Com-
pany and Manufactury, and things belonging thereto; providing alwayes, that no person elected have
less of Stock, in the said Company or Society, nor one thousand merks *Scots* money. And that this
Pious, Charitable and profitable Design, may be no longer fruittate, nor poor Childten, Vagabonds
or Idle persons, continue to be burdensome to their Countrey; It is Statute and Ordained, that
there be in each Paroch, one or moe persons provided and appointed, upon the charges and expences
of the Heritors thereof, for instructing of the poor Children, Vagabonds and other Idlers, to fine
and mix Wool, spin Worstead, and knit Stockins. And for the more speedy perfecting of the laud-
able Design and Policy so much aimed at by His *Majesties* Royal Predecessors, and now prosecuted
by His *Majesty* in His prudence, and condescending care for the meanest of His Subjects, It is Sta-
tute and Ordained, that within moneths after the dissolving of this present Parliament,
the Commissioners of Shires do convene the whole Heritors within their respective Shires, for electing
of some of the Heritors within each Paroch, to see this present Act made effectual, and persons ap-
pointed for instructing of the Children and others foresaid, to fine and mix Wool, knit Stockins, and
spin Worstead, and to see a maintenance setled in every paroch upon the saids Instructors: And with-
in the space of next after the said first meeting, that they convocate the persons elected,
within the several Paroches of the respective Shires, to take an account of them and of their care
and diligenece in the matters aforesaid; and in case they shall be found to have failed, that the saids
Commissioners now attending this present Parliament, do see this present Act put in execution after
the time aforesaid, in all the said Paroches where the saids persons elected shall be found to have been
deficient; and Ordains Magistrates of Burghs to be carefull that the same be made effectual within
their Burghs and Liberties. And in case all or any of the saids Commissioners or Magistrates aforesaid,
do fail herein after the foresaid time, His *Majesty*, with advice and consent of the Estates aforesaid,
Doth commit the care hercof to the Lords of His *Majesties* Secret Council, that the
Laws may be no longer frustrate, nor the Kingdom burdened with Idle persons, Vagabonds or poor
Children. And that Manufacturies may be promoted, and for the encourageing of skilful Artizans
to come from abroad, for training up the persons foresaid, and working for the use of the saids Com-
panies, It is hereby Declared, that all such as shall be brought home and employed for the saids Com-
panies, shall be free to set up and work in Burghs and Landwart where the Companies shall think
fit, without paying any thing whatsoever to any person or persons, under whatsoever colour or pretext
for their Freedom; and shall be free of Taxes and publick Burdens or Exactions during their lifetime;
notwithstanding of any Law, Statute, Priviledge or Indulgence, made or granted in the contrait by
His *Majesty* or any of His Predecessors, in favours of any Committee, or Incorporation whatsoever,
which are all hereby Cassed, Rescinded, and Declared void and null, in so far as they may be con-
ceived to derogate from the Priviledges and Immunities granted by this present Act, in favours of
Tradef-men, Natives or Strangers, belonging to, or brought home by, the saids Companies, for work-
ing in the saids Manufacturies. And to the end that the foresaid Stuffs and Cloaths may be more useful
at home, and have the better vent abroad, His *Majesty*, with advice foresaid, doth Prohibit and
Discharge any Weaver belonging to the saids Companies or private Tradf-men, to make any Searges
under the breadth of an ell and a nail; Perpetuanacs and Sempiternums, under the breadth of three
quarters and a half, nor no Woollen cloath under an ell and a half broad; under the pain of twenty
pounds, to be paid by the Weaver thereof, and the saids Stuffs and Cloaths, to be confiscat, the one
half

hath to His *Majesties* use, and the other half to the use of the discoverers thereof. Further, His *Majesty*, with advice foresaid, for encouragement of these who shall enter into the saids Companies or Manufacturies, Doth grant to ilk one of the saids Companies all the Priviledges and Immunities that are, or shall be hereafter by the Kings *Majesty* indulged to the Companies or Societies of Fishers, as if the same were herein exprest. Whereanent, His *Majesty*, with consent foresaid, hath dispensed, and hereby dispenses for ever.

XLIII.

Act discharging the exportation of Linnen-yarn, and regulating the breadth of Linnen-cloath, &c.

Our Sovereign Lord, conceiving it necessary for the good and wel-being of His *Majesties* Subjects, to project and endeavour the improvement of all the Native Commodities of this His *Majesties* ancient Kingdom, and to make Laws and Ordinances, for evring and preventing of all fraud and deceit used heretofore, in making Sale of the saids Commodities; And considering that it would tend more to the advantage of His *Majesties* Subjects, and promoting of Manufacturies, to restrain the liberty that Merchants have taken to export Linnen-yarn, then suffer them to carry the same unto other places and Kingdoms. Therefore His *Majesty*, with advice and consent of His Estates of Parliament, Discharges any Merchant or others whatsoever, to transport out of this Kingdom any Linnen-yarn, under the pain of Confiscation of the same, the one half to His *Majesties* use, and the other half to the use of the Attacher and Apprehender of the said Yarn; and Statutes and Ordains that all Yarn be sold by weight, and that no Reel be made use of within this Kingdom, under the measure and length of ten quarters, and that under the pain of Confiscation of any Yarn brought to the Mercat of a shorter Reel, the one half to His *Majesties* use, and the other half to the use of the Delaters and Apprehenders of the said Yarn. As also, His *Majesty* considering, that Linnen-cloath is one of the most usefull Commodities of the product of this Kingdom, whereby much money in ancient times was brought home; And that now, to the great prejudice of the said Commodity, the same is brought in contempt abroad, and become hardly vendible, through the deceitfull Making, evil Bleerching, and unequal Breadth thereof; Therefore His *Majesty*, with advice and consent of the saids Estates, doth Discharge and Prohibit all Weavers to make any Linnen-cloath, of the price of ten shillings *Scots* the ell, or above, under the breadth of an ell and two inches, after the first day of *November* next to come, under the pain to be imprisoned, for the space of fourteen dayes, and of twenty pounds *Scots* to be paid for each fault, to Magistrates of Burghs, Sheriffs of Shires, Lords of Regalities, and Barrons within their respective bounds, and of the Confiscation of the same, to the use of the Atrachers and Discoverers thereof; and Statutes that all Linnen-cloath be taken up by Selvage, and not by the Rigg, and so to be presented to the Mercat; and that all Linnen-cloath be Bleerched without Lime, under the pain of twenty pounds for each fault, to be paid to the Magistrates foresaid, within their respective bounds. And lastly, it is hereby Declared that all Flax and Linnen-yarn Imported, and all Linnen-cloath Exported, by such as shall enter into the Companies and Manufacturies for making of Linnen-cloath, shall be free of all Custom, and all other Imposition, for the space of fifteen years after the saids Manufacturies shall be established in the persons of such as shall enter themselves in the said Companies, betwixt and the first day of *January* next, conform to another Ordinance of Parliament for establishing the saids Companies.

XLIV.

Act for encouraging of Shipping and Navigation.

Our Sovereign Lord, considering that the Wealth, Safety and Strength of this Kingdom, are very much concerned, in the increase of Shipping, and incouragement of Trade and Navigation; both which are much decayed; if not wholly ruined, by the late unhappy Wars, and the said effects that have followed thereupon. And perceiving the present low condition of Trade, and the small number of Ships and Sea-men within this Kingdom, Hath thought expedient, our of His Princely zeal for the publick good, with advice and consent of His Estates of Parliament now presently convened, to Statute and Ordain, and by these presents Statutes and Ordains, that from and after the . . . day of . . . and thence forward, no Goods nor Commodities whatsoever, that are of Forraign growth, Product or Manufacture, which are to be brought into *Scotland*, or any of the Isles thereto belonging, shall be shipped or brought from any other place or places, Country or Countries but only from those places where the saids Commodities do grow, are produced or made, or from the Ports where the saids Goods and Commodities commonly are, or usually have

been, first shipped for Transportation, and from no other place or Countrey; and in no other Ships or Vessels, but such as do truly and only belong to His said Kingdom; and whereof the Master, and three fourth parts of the Mariners, are Natives and Inhabitants within the same; or at least in such Ships and Vessels, as do truly and only belong unto, and are of the build of, these Kingdoms or Countries where the said Commodities do grow, are made or produced; and whereof the Master, and three fourth parts of the Mariners, are Natives and Inhabitants within the same. All which is to be verified and attested, under the Seal of the City or place from whence they come, and Oath of the parties to whom the said Ships or Vessels do belong, under the pain of Confiscation of all such Goods as shall be Imported from any other place or Countrey, or in any other Ship or Vessel, contrair to the true intent and meaning of this Act; As also of the Ship in which they shall happen to be imported, with all her Guns, Furniture, Tackle, Ammunition and Apparelling, the one half to His Majesty, and the other half to the use of those who shall discover the Contraveeners of this present Act, and pursue for the same before the Lords of His Majesties Exchequer. And further it is Statute and Ordained by His Majesty, with advice and consent foresaid, that all Goods or Commodities whatsoever, produced or shipped, as is above express, which from and after the said day, and thence forward, shall be Imported into this Kingdom, or any Islands thereto belonging, in any Ships or Vessels, that shall not truly and only belong to the Natives and Inhabitants thereof (except in English or Irish Vessels, providing always that Scots Vessels, enjoy the like benefit of Trade within the Kingdoms and Dominions of England and Ireland, and no otherways) shall be lyable to double Custome, and pay accordingly, whether the said Goods pertain to Natives or Aliens. And further it is Statute and Ordained, that from and after the said day, and thence forward, all Goods and Commodities whatsoever, belonging to Aliens, Exported or Imported in whatsoever Ships or Vessels, whether Forraign or Scottish, shall be lyable to double Custome and pay accordingly. And it is further Statute and Ordained, that from and after the said day, and thence forward, all Goods or Commodities whatsoever, Exported, in any other Ships or Vessels, then such as do truly and only belong to the Natives and Inhabitants of this Kingdom, shall be lyable to double Custome and pay accordingly, whether the said Goods appertain to Natives or Aliens. And it is further Enacted and Ordained by His Majesty, with advice and consent foresaid, that and after the said day, and thence forward, all Ships and Vessels belonging to this Kingdom, that at and be Navigated only by Scots-men, dwelling in Scotland, at least the Master and three fourth parts of the same being such, under the pain of being esteemed Forraign Vessels, and paying double Custome, for all the Goods and Commodities, Imported or Exported within the same. And for preventing of all fraud, which may be used in the buying or Forraign Ships, It is Statute and Ordained by His Majesty, with consent foresaid, that from and after the said day, no Ship whatsoever shall be deemed, or pass as a Ship belonging to Scotland, or enjoy the benefit of such a Ship or Vessel, untill such time that he or they, claiming the same to be theirs, shall make appear to the chief Officer or Officers of the Customs at *Leith*, he or they residing in any place betwixt *Berwick* and *Stirling* on the South side or *Forth*, and to the chief Officer or Officers at *Burntisland*, he or they residing in any place betwixt *Stirling* and *Fife-ness* upon the North-side of *Forth*, and in case of their abode in more remote places, to the Officer or Officers of the Port next to the place of his or their abode, that they or he are not Strangers, and shall have taken an Oath before such Officer or Officers, who are hereby authorized to administer the same, that such Ship or Vessel was *bona fide*, and without fraud, bought by him or them, for a valuable consideration, expressing the Sum, Time, Place and Persons, from whom it was bought, and who are his Partners (if he any have) All which Partners shall be lyable to take the said Oath before the chief Officer or Officers of the Customs *respective*, as said is; and that no Forraigner, directly nor indirectly, hath any part, interest or share therein; and that upon such Oaths, he or they shall receive a Certificate under the Hand or Seal of the said chief Officer or Officers of the Port next the abode of the persons so making Oath, whereby such a Ship may for the future passe, and be deemed as a Ship belonging to the said Port, and enjoy the Privilege of such a Ship or Vessel; and the said Officer or Officers, shall keep a Register of all such Certificates, as he or they shall so give, and return a Duplicate thereof to the chief Officers of the Customs at *Leith*, for such as shall be granted in all the other Ports of this Kingdom, together with the names of the person or persons, from whom such Ships were bought, and the sum of money which was paid for the same; as also the names of all such persons as are Partners, if any such be. And it is further Enacted by His Majesty, with consent foresaid, that if any Officer of the Customs, shall from and after the said day, allow to any Forraign Ship or Vessel, the priviledges due to a Scots Ship, till such Certificate be by them produced, or such Proof and Oath taken before them, or such as they shall appoint to receive the same, and to examine whether the Master and three fourth parts of the Mariners at least be Natives and Inhabitants within this Kingdom; that for the first offence, such Officer or Officers shall be put out of their Offices or Places. And it is further Statute and Ordained, that no

Merchants belonging to this Kingdom, shall employ any Alien, or person not born within this Nation or naturalized, or made a free Denizen thereof, from and after the said day, as Factor in any place beyond Seas, for the use and account of the Merchants of this Kingdom, under pain of a pecuniary Mute, to be paid by him, or them that shall employ him: which sum shall be imposed at the discretion of the Council of Trade, the one half thereof to His Majesty and Successors, and the other half to him or them that shall inform and pursue for the same. It is alwayes hereby provided, that this Act, not any Clause therein contained, extend not to, or be meant to restrain or prohibit the Importation of any of the Commodities of *Asia*, *Africa*, or *America*; as also of the Commodities of *Musco* and *Italy*, from such Ports and places, and in such Ships and Vessels, as may be gotten most conveniently, until such time as the Merchants of this Kingdom have actual Trade to these respective places; and that the same be prohibited by Act of Parliament, Privy Council, or Council of Trade. It is hereby Declared, That it shall be lawful to import any sort of Corns, in time of dearth, from any place or places, in any Ship or Vessel whatsoever, without being liable to Confiscation, double Custom, or any other Penalty contained in this present Act; the dearth and necessity of import being alwayes cognosed and declared, by a publick Act of the Privy Council, or Council of Trade.

XLV.

Act discharging the Exportation of Skins, Hides, &c.

THE Kings Majesty, considering how necessar it is, that all former Laws for improving of Native Commodities be Revived; and understanding that the Deacons and remnant Trades-men of the Skinners, have upon their own charges, brought from Forraign places, Perfumers, Makers and Preparers of Leather, by whose pains and Art, the Kingdom may be furnished with Gloves at easier Rates, and be able to furnish other Nations abroad with Made-work; Doth therefore with advice and consent of the Estates of Parliament, Ratifie and Approve the hundred seventy eight Act of the thirteenth Parliament of King James the sixth of blessed memory, discharging the Exportation of Skins and others therein contained; and Ordains the same to be put to execution, conform to the tenor thereof in all points. And also considering how useful Goat-skins, Hart, Deer, and other wilde Beasts Skins might be, if they were prepared and improved by Skinners within the Kingdom; His Majesty doth therefore with advice foresaid, Discharge all Merchants, Trades-men and others, to Transport any Cali-skin, Kid-Skin, Hudderen, or Shorling-skins, or any Goat-skins, Hart, Buck, Deer, or any other wilde Beasts Skins forth of the Kingdom under pain of Confiscation of the same. And for the further encouragement of the Skinner-trade and Manufactory, Licence is hereby given to Export Gloves made within the Kingdom, free of all Custom and Excise, for the space of ninteen years after the date hereof; reserving alwayes to the Lord-Treasurer and Commissioners of Exchequer, to give Licences for Exporting of Skins, as they shall find cause, after one year from the date hereof.

XLVI.

Act discharging Exportation of Wollen-yarn, Worstead, broken Copper and Pewter, &c.

THE Kings Majesty, considering the great prejudice this Kingdom and Manufacturies do receive by the Export of Worstead, Wollen-yarn; Raw and Unwaked-cloath and Stuffs; and the discouragement that Trades-men and Artifs have by the Export of broken Copper, Brass and Pewter; Doth therefore, with advice and consent of His Estates of Parliament, Discharge all Merchants, Trades-men, and others whatsoever, as well Strangers as Natives, upon any colour or pretext whatsoever, to Export forth of this Kingdom any Worstead, Woollen yarn, Raw or Unwaked-cloaths and Stuffs whatsoever, made within the same, (Plaiding excepted) or any broken Copper, Brass or Pewter, under the pain of Confiscation of what of any of the particulars above-written shall be apprehended in the Exporting; the one half to be applied for His Majesties use, and the other half for the use of the apprehender and pursuer of the same.

XLVII.

Act discharging Trades-men to Import Made work.

THe Kings *Majesty*, considering the great discouragement given to Manufacturies and Trades, by Trades-men's bringing home from Forraign places, such Commodities as may be made within the Kingdom, by these of the same Trade; Doth therefore, with advice and consent of the Estates of Parliament, Inhibit and Discharge all Trades-men and Mechanicks, to Import from Forraign parts any Made-work belonging to that Trade or Calling whereof they are Free-men; or to vend the same, or any such Ware brought home by Merchants, in their Shops or otherways, under the pain of Confiscation, the one half to His *Majesties* use, and the other to the apprehender or purchaser of the same.

XLVIII.

Act for encouraging of Soap-works.

THe Kings most Excellent *Majesty*, considering the great advantage this His ancient Kingdom hath had, and may have by erecting and keeping up of Soap-works, whereby the Eastern Trade and Green-land Fishing will be much helped, by Importing of Pot-ashes and other Materials; and money brought into the Kingdom, by the Exported Soap made within the same; And His *Majesty* being sensible of the prejudice this Kingdom hath suffered during these troubles, by the decay of these works, and being willing to give all due encouragements to the same for the future; Doth therefore, with advice and consent of the Estates of Parliament, Declare all Oyl, Pot-ashes, and other Materials of any kinde whatsoever, to be Imported for the use of Soap-works or making of Soap, and all Soap made within the Countrey, to be free of all Custom and Excise, and all other publick or private Dues whatsoever; and also that all Soap, so made and Exported, shall be free for the space of nineteen years after the setting up of these works, and after the date hereof, for such works as are already set up; and discharges all Customers, Collectors or Fermerers of Excise or Custom, and all others whatsoever to demand Custom, Excise or other Duty, for any Oyl, Pot-ashes, Tallow, or other Materials Imported for making of Soap, or use of Soap-works allanerly, or for Soap made within the Kingdom, and exported as said is.

XLIX.

Act Reducing the Annals to six for the Hundred.

THe Kings *Majesty*, with advice and consent of the Estates of Parliament, Hath thought fit upon divers good considerations, to Reduce, Likeas hereby they do Reduce, the Annualrents of all money within this Kingdom, to six for the Hundred yearly, in all time coming. And Declares the said six for the Hundred to be free of all Retention, or other publick Burdens whatsoever.

L.

Act and Offer of Twelve thousandpounds Sterling to the Lords of Session.

FOrasmuch as among the many and unparalle'd blessings, wherewith it hath pleased the Almighty GOD to visit these Kingdoms, in the return of His *Majesty* to the exercise of His Royal Government, it is the greatest happinesse of this Kingdom, that the ordinary Judicatories, the fountains and seats of Justice, are by His *Majesty* established, according to their ancient and well grounded Constitutions; And the Estates of Parliament considering, how much it doth import the advancement of His *Majesties* service, the honour of the Kingdom, and the good of the Subjects, that the Senators of the Colledge of Justice (who are the Supream Judges under His *Majesty*, in all civil Causes) should be provided to a competent allowance, towards their charge and expences, in their attendance on this their publick Administration. And understanding, that by the calling down of the Annualrents from ten to six of the hundred; and by the disability of some Debtors, and by laying aside the twentieth penny of Sentence-silver, (which is conceived to be an unequal burden and grievance to such as must sute the benefit of the Law; and so are lyable thereto, before they can have repetition

tion of it, or recovery of their just Debts) the present yearly allowance to each of them will not exceed one hundred pounds Sterling; which being so mean, and unsureable to the honour and reputation of that employment, and to equity and Justice, as to the persons called by His Majesty to serve therein; Therefore the Estates of Parliament have thought fit to grant, Likeas they do hereby make a free offer and grant of a Taxation of twelve thousand pounds Sterling, towards the making up of a Stock, whereof the Annualrent is to be employed for the use aforesaid, and to be paid by the Shires and Burghs of the Kingdom; the one half thereof in the month of *November* next to come, and the other half in the month of *May* thereafter, in the year one thousand six hundred and sixty two years, and to be raised in the same manner, the present or last Impositions are, and have been paid. And in order thereunto, The Kings Majesty, with advice and consent of His Estates of Parliament, Doth hereby Statute and Ordain, the said sum of twelve thousand pounds Sterling, to be paid by the Shires and Burghs of the Kingdom, in manner for the use aforesaid, the one half thereof in the month of *November*, and the other half in the month of *May* next to come; and that in the same be brought in and delivered to any, whom the Senators of the Colledge of Justice shall appoint to receive the same; and whose discharge upon the receipt thereof, in whole or in part, shall accordingly be a sufficient exoneration to the Shires and Burghs, and all others whom it effects. And the saids months of *November* and *May* respective, being past, Ordains Letters of Horning and Poynding, and all other Execution necessary to be directed at his or their instances, against the Shires or Burghs of the Kingdom and their Collectors: And twenty dayes being expired, after either of the saids months respective, Ordains Quartering to be upon deficient Shires, and Burghs; and that all who command the Forces within the Kingdom, gives orders, and be assisting hereunto according-ly.

L I.

Act concerning Arrestments.

Owring to their Debtors, by vertue of Heritable Bonds, Contracts and other Writs bearing payment of Annualrents: which in respect of the Obliegment for Annualrents, were not in former times Arrestable. Therefore the Kings Majesty, with advice and consent of His Estates of Parliament, findes and Declares, that all sums of money which are addebted by Bonds, Contracts and other personal Obliegments; whereupon no Infeftments have followed, are, and shall be Arrestable at the instance of any Creditor, notwithstanding that the Bonds, Contracts and other Obliegments bear payment of Annualrents. And the Kings Majesty, with advice and consent aforesaid, Declares that this shall no wayes change the nature of the saids Sums, nor prejudice the Heir nor any other person their rights to the same as being Heritable, which are hereby Declared to remain in their own nature unchanged by this Act *pro ut de jure*, except that only the same are Arrestable. And it is hereby expressly provided, that all Arrestments and Executions thereof, since the twenty ninth day of *July*, one thousand six hundred and fourty four years, used conform to the tenor of this Act, shall be as valid and sufficient, as if this present Act had been of the said date; But prejudice always to the Creditors to Comprise the saids Heritable Sums, if they shall choose rather to Comprise then to Arrest.

L II.

Act concerning the disposal of Vacand Stipends.

Forasmuch as by divers Acts, it is found that Stipends and Benefices of Vacand Kirks, or which thereafter should vaik by Decease, Deposition, Suspension, Transportation of Ministers, Dis-union of Kirks, or any other way, should, during the Vacancy thereof, be employed on pious uses; and the Kings Majesty considering, that during these troubles, many Learned and Religious persons in the Ministry and Universities, for their expressions of duty and loyalty to His Majesty, or not concurring in the confusions of the time, have been Deposed, or Suspended from their Charge and Ministry, and have been otherwayes put under great sufferings, and they and their Families, reduced to extream misery and want. And conceiving it to be an Act of great Piety and Justice, to have regard to the sufferings of those honest and faithfull Ministers and others, and in some measure to provide for them, and repair their losses; Therefore His Majesty, with advice of His Estates of Parliament, Ordains all Stipends or Benefices of Kirks that are Vacand; and not already disposed of, or which shall vaik by Decease, Deposition, Suspension, Transportation, or any

any other wayes to be employed for the supply and maintenance, and towards the reparation of the sufferings and losses of the persons aforesaid, and of the Wives and Bairns of such of them as are dead; and that in such manner and wayes as after tryal of their merits and sufferings, and the causes and grounds thereof, shall be thought fit by the Lords of His *Majesties* privy Council, to whom His *Majesty*, with advice and consent foresaid, commits the care of this busines; And doth hereby empower and require them to use all diligence, that the favour and Justice hereby intended by His *Majesty* to these suffering Persons and their Families, may be made effectual; and that notwithstanding of any thing contained in any of the saids Acts to the contrair. It is always provided, that this Act is without prejudice of any benefit, which by the Law and Custom of this Kingdom, falls to the Relict, Bairns or Executors of a Minister after his deceale; and that this Act is to endure for the space of seven years, and longer as His *Majesty* shall think fit.

LIII.

Act ratifying the Act of Parliament 1633. anent the Annexation of His Majesties Property, &c.

OUR Sovereign Lord, with advice and consent of the Estates of this present Parliament, Ratifies and Approves, and for His Highnesse, and His Successors, perpetually Confirms, the tenth Act of the first Parliament of His *Majesties* Royal Father of blessed memory, King *Charles* the first, holden at *Edinburgb*, in *Anno* one thousand six hundred and thirty three, Intituled *An Act anent the Annexation of His Majesties Property*, in the whole Heads and Clauses thereof, especially that Clause of the same whereby His *Majesty* and the Estates of Parliament then convened, did Declare the right and title of Superiority, of all and sundry Lands, Barronies, Milns, Woods, Fishings, Towers, Fortalices, Mannor-places, and pertinents thereof pertaining to whatsoever Abbacies, Priors, Prioresses, Preceptories, and whatsoever other Benefices, of whosoever Estate, Degree, Title, Name or Designation the same were of, Erected in temporal Lordships, Barronies or Livings, before or after the general Act of Annexation of Kirk-lands made in the moneth of *July* one thousand five hundred eighty and seven, together with the whole Few-mails, Few-fermes and other Rents and Duties of the saids Superiorities to be annexed, and to remain with the Crown for ever, upon the reservation of the Lords and Titulars of Erection therein specified: Likeas thereby His *Majesty* and Estates foresaid, Found and Declared, that all Titulars of Erection without exception, should hold their property and proper Lands of the Kings *Majesty* and His Successors in Few-ferm, for payment of the Few-ferm-duties, contained in the Infeittments, granted to them before the said Act of Annexation, and no otherwayes. And that all Rights and Deeds, made and granted to whatsoever person or persons, preceeding the date of the foresaid Act, which might prejudice His *Majesty* and His Successors, in the peaceable injoying of the said Superiorities and Few-ferm-duties, should be null and of no avail, by way of Action, exception or reply. And further His *Majesty* with advice and consent foresaid, of new Declares, the foresaid Superiorities of all and whatsoever Kirk-lands, Milns, Woods, Fishings and whole pertinents of the same, pertaining of before to whatsoever Chapters, Priors, Prioresses, Preceptors, and whatsoever other Benefices of whatsoever other Estate, Degree, Title, or Designation they be of, whereof the presentation belonged to His *Majesty* and His Highnesse Predecessors, erected in temporal Lordships, Barronies and Livings, to pertain to His *Majesty* and His Highnesse Crown, therewith to remain all time comming. And also Declares all and whatsoever Grants, Rights or Infeittments, of any of the saids Superiorities of the Lands and others pertaining to whatsoever Chapters, Priors, Prioresses, Preceptors, Abbacies, and whatsoever other Benefices of whatsoever Estate, Degree, Title, Name or Designation the same were of, with all Warrands, Tacks, Commissions, Baileries or Deputations for entering of the Vassals thereto, made and granted by His *Majesty* or His said Umquhile dearest Father in any time by-gone since the Surrender in *Anno* one thousand six hundred twenty seven, or to be made in time comming with all other Gifts and Donations of the saids Few-duties formerly belonging to the saids Lords of Erection, and made by His *Majesties* said Umquhile dearest Father after the Surrender, and before the Redemption thereof from the saids Lords, and all heritable and irredeemable Rights granted by His *Majesties* said Umquhile dearest Father after the redemption whereby the Profits Casualties & Emoluments of the Superiority of the said Kirk-lands, may be consierd to any other person, except the proper Vassals thereof, directly or indirectly, of whatsoever Name, Title or Designation they be of, & of all Gifts of new Regalities or Jurisdiction, to be null by way of exception or reply: Reserving always to these persons, who have right to the Few-duties, the right and Title thereto. And reserving to *John* Earl of *Lauderdale*, His *Majesties* Sole Secretary for the Kingdom of *Scotland*, a Signatur superscribed by His *Majesty* at His Court of *Whitehall*, the twenty fifth day of *May* last by past, and past in His *Majesties* Exchequer, of all and whole the Lordship, Barrony and Regality of *Mulleburgh*, containing a new gift of Union and Erection of the same, in a free Lordship, Barrony, and Regality; and discharges the Treasurer Principal and Depute, Commissioners of the Treasury and remnant Lords

Lords of Exchequer, Writers to, and Keepers of the Seals, from all passing or expeding any such new Grants, Rights, Infeftments, Tacks, Warrands, Commissions, Bailieries, or Deputations for entering of Vassals, except allannerly such Infeftments and Signatures, as shall be granted to the Lords and others, who had formerly right to the saids Erections and Superiorities, whereby they might have right to claim the Few-fermes and Few-duties addebted by the Vassals and others subject in payment thereof, allannerly, ay and while they be satisfied therewith, in manner specified in the fourteenth Act of his Majesties said unquibile dearest Father His first Parliament, and with the whole remanent exceptions and reservations, contained in the saids Acts, made in *anno* one thousand, six hundred, and thirty three, which are holden as repeated and expressed herein. It is alwayes Declared, thar notwithstanding of this Act, any who have gotten or shall get any new Infeftment of Superioritie of Kirk-lands, the same shall stand good, as to such Vassals who have given their consents to the said right of Superioritie: In regard that such a consent, as to His Majestie, is of the nature of a Resignation of their proprietie, in favours of the said Superior, to be holden of the King. But prejudice neverthelesse to His Majestie, of His Highnesse Right of Reversion of the Few-ferm, Few-duties and Casualties, conforme to the foresaid Act of Parliament, one thousand, six hundred, and thirty three.

L IV.

*Act in favours of Laick Patrons, of Provestries, Prebendaries, Chaplanaries
and Alterages.*

OUR SOVERAIGNE LORD, with advice and consent of His Estates of parliament, Ratified and Approves the Act of Parliament, made by King James the sixth, His Majesties Grand-Father of eternal memorie, Parliament first, Chap. twelfth, *Ancient Provestries, Prebendaries, Alterages, Chaplanaries, and Collegiat Kirks*, pertaining to laick Patrons, together with the Act of Parliament twelfth Chap. one hundred and fifty eight, Ratifying the same; and Ordaines the saids Acts to have full force and effect in all time coming; with this Declaration alwayes, That in respect the Vassals which held Lands of the saids Provests, Prebendars, and others foresaid, are put to a great uncertainty of their Superiors, it not being known to them who are provided to the saids Provestries, Prebendaries, Chaplanaries, Alterages, and others foresaid, by reason there is no publick Register, to the which they may have recourse for knowledge and notice thereof, and that the most that they can know by any Register, is the Infeftments and Seizings, made to those who are laick Patrons holding of His Majestie. Theretore, for securing of the Vassals, who hold Lands, Milnes, Fishings, Tenements, Annual-rents or others whatsoever, of the saids Provestries, Prebendaries, Collegiat Kirks, or of Chaplanaries, Alterages, and others of that nature, at any time of before; It is Statute and Ordained, that the entry of the saids Vassals by Retour, Precept of *Clare constat*, Resignation, Comprising or otherwayes whatsoever, shall pertain to the laick-Patrons and their successors, who stand inest in the said laick-Patronages, holding immediatly of His Majestie; and that the entry of the Vassals by them, shall be as valid and sufficient to the saids Vassals, receivers thereof, as if they were entred by the Titulars of the saids Provestries, Prebendaries, Alterages, Chaplanaries, and others foresaid. And that the saids laick-Patrons, shall be in all time coming in their place, as Superior to the saids Vassals, and to have the same power to give Infeftments to His Majesties Subjects, upon Retour or by precept of *Clare constat*, or by Resignation, Comprising, or any manner of way, with Gifts *De novo damnus*; and that without consent of persons provided, or so be provided, to the saids Provestries and prebendaries of Collegiat Kirks, Alterages, Chaplanaries, or other Titulars of Collegiat Kirks; and also without consent of the Chapter or Convent of the saids prebendaries thereof, or most part of the same, which of before was in use and custom. Whereanent, and anent all Acts in the contrair, His Majestie, with consent foresaid, dispentes for ever; Reserving alwayes to the Titulars of the saids Provestries, Prebendaries, Alterages, Chaplanaries, and others foresaid, the Fruits, Rents and Emoluments of the saids Provestries, Prebendaries, and others foresaid, which are no wayes prejudged by this present Act. It is hereby further Statute and Ordained, with advice and consent foresaid, where there are any Prebendaries, Chaplanaries, Alterages, or other foundations of that nature above-mentioned, founded, and situated within any Burgh Royal of this Kingdom, that the Provest, Bailies and Council of that Burgh, where the same are founded, are and shall be in all time coming, only undoubted Superiors, by whom and by no others, the Vassals and Tennants shall enter in manner above-specified; the saids Provest, Bailies, and Council having been formerly Patrons of these Chaplanaries.

L V.

Act anent Cocquets and Entries of Ships.

OUR SOVERAIGNE LORD, understanding there are divers abuses committed by the Customers and Receivers of entries of Ships; and by the keepers of the Cocquet, in sometime, exacting from Masters of Ships, greater sums of money then is due to them, and sometimes absenting themselves,

selves, to the great prejudice of the Merchants estate, and to the hazard of the loss of their voyage. Therefore Our Sovereigne Lord, with advice and consent of the Estates of Parliament, Ordains that there be no greater price exacted, for entering their Ships and Goods, then the sume of twentie three shillings four penies; and for the said Coquet, then the sume of fourty shillings; and that the keepers of the said Coquet, attend by themselves or their servants, diligently and readily to answer and give out Coquets to all Merchants and Masters of Ships, under pain of losing their place, whensoever they shall be found either to exact more then the said sum above-written, or shall occasion to the saids Merchants and Masters more delay nor is needful for writing of the same.

LVI

Act anent Coal-hewers.

OUR SOVERAIGNE LORD, with advice and consent of His Estates of Parliament, Ratifies the eleventh Act of the eighteenth Parliament of King JAMES the sixth, of worhie memorie, made anent Coal-hewers and Salters, with this addition, That because Water-men who laves and draws Water in the Coal heugh-head, and Gate-men, who work the wayes and passages in the saids Hewghs, are as necessar to the Owners and Masters of the saids Coal-heughs, as the Coal-hewers and Bearers. It is therefore Statute and Ordained by Our Sovereigne Lord, with advice and consent foresaid, That no person shall hire nor seduce any Water-men, Windf-men and Gate-men, without a Testimonial of the Master whom they serve, under the pains contained in the former Acts in all points. And because it is found by experience, that the giving of great Fees, hath been a mean and way to seduce and bring Coal-hewers from their Masters, It is therefore also Statute and Ordained, That it shall not be lawfull for any Coal-Masters in this Kingdom, to give any greater Fee then the sum of twentie merks in Fee or Bounteth, under any colour or pretext: and because the saids Coal-hewers and Salters, and other work-men in Coal-hewghs within this Kingdom, do fly from their work at *Pasch, Zule, Whitsonday*, and certain other times in the yeare; which times they employ in Drinking and Debauchry, to the great offence of God, and prejudice of their Masters; It is Therefore Statute and Ordained, that the saids Coal-hewers and Salters, and other Work-men in Coal-heughs of this Kingdom, work all the six dayes of the week, except the time of Christ masse, under the paine of twenty shillings *Scots*, to be paid to their Master; for ilk dayes failzie (by and attour the prejudice sustained by their saids Masters) and other puishment of their bodies.

LVII

ACT discharging the Custome of two and a halfe of the Hundred, and the Impost of four pounds on the Tun.

OUR SOVERAIGNE LORD, considering that the prices of all Merchandice do dayly rise to exceeding great dearth, which is alleaged to be occasioned through extraordinary Customs and Impositions. For remedy whereof, His Majestie, with advice and consent of His Estates of Parliament Doth discharge all and sundrie whatsoever Customs and Impositions exacted by the Customes, which are not allowed by the Acts of Parliament, and especially the late Custome of two and an halfe per cent, and the late new Imposition of four pounds upon the Tun of Wine, and all raisings of His Majesties Customs, directly or indirectly, without consent of Parliament. And because that the too much troubling of Merchants, and drawing of Masters and Mariners from their ordinary charges, doth much impede the Trade; Therefore His Majestie, with advice and consent foresaid, discharges the taking of Merchants, Masters and Mariners Oaths in the matter of Customs. And to the end, that the Subject of Trade may not be restrained with unnecessary Customs, His Majestie, with advice and consent foresaid, Declares, That all Goods and Merchandice, Imported from Forraign places to this Kingdome and out of the same, paying Inward-custom, shall be free of all Outward-custom, according as is used in *England and Ireland*. Like-as His Majesty Declares, that He consented to the Act above-written upon this condition, that Commission and Warrant be granted to the Exchequer, to establish the Book of Rates; according as the prices of Merchandice now rules; and His Majesty permitted the option to the Burroughs, whereupon the Burroughs having advised, they made choice to be ruled by the Book of Rates anent the Customs; and consented, that Commission should be granted to the Exchequer to establish the Book of Rates, according as the prices of Merchandice now rules. In respect whereof; Our Sovereigne Lord, Ordains a Commission to be drawn up to the Exchequer to the effect foresaid, and extracted thereupon, for establishing the Book of Rates according as the prices of Merchandice now rules: And therefore Our Sovereigne Lord, with advice and consent foresaid, Ordains the Act above mentioned to stand as a Law, in manner and to the effect above-rehearsed.

LVIII.

Act in Favours of these who get their Ward-holding changed by the Kings Majestie.

THE Estates of Parliament having taken to consideration, that some difficulty hath occurred in the prosecution of his Majesties Royal Fathers invention of; changing of Ward-holdings in Few, for the well of his Subjects, conform to the two Commissions, granted by His said Majestie thereanent; under the Great Seal of this Kingdom: And that the said difficulty hath risen upon this ground, that diverse of His Majesties Subjects, holding Lands of His Majestie or of the Prince, ward, or Few *Cum maritagio*, holds also other Lands of other Superiors, Ward; who whilst their Vassals held Lands Ward, or Few *Cum maritagio*, of His Majestie or of the Prince, could pretend no right to the Marriage of the Vassals Heir; when the same shall be changed in Few, and Composition and a yearly Few-duty being granted to His Majestie or the Prince for the said Ward and Marriage, the other Superiors of the saids Vassals, of whom he holds Ward, may contend for the benefit of the casualty of the Marriage of His Vassals Heir, when the same falls out, he being the Vassals eldest Superior of whom he holds Ward; which was grievous to the Vassals, who by this new course of changing of his holding, hath composed both for Ward and Marriage. Therefore It is Statute and Ordained, by the Kings Majestie, with advice and consent of His Estates of Parliament, that all Vassals, holding Ward of His Majestie or the Prince, or holding Few *Cum maritagio*, who shall hereafter compose and agree with the Commissioners to be appointed by His Majestie, for changing of their Holdings, from Ward to Few, or for renunciation of the Marriage, contained in their Few-infestments, their Heirs and Successors in the saids Lands, shall be free of the Marriage that can be acclaimed by their Superiors of the Lands holden by them of their saids other Superiors, Ward; and that the saids other Superiors, shall have no right to the Marriage of their Heirs, when the same falls out, no more then they would have had, if the Lands holden Ward of his Majestie or the Prince, had continued still Ward: but that the saids Vassals, whose holding shall be changed, or who shall compose for their Marriage, as said is, their Heirs and Successors, shall enjoy their Lands in all time thereafter, free of any such burden of Marriage: Providing alwaies, Like-as it is hereby Provided and Declared, that if the foresaid Vassals whose Holding shall be changed as said is, and who shall compose for the renunciation of the Marriage contained in their Few-infestments, or their Heirs or Successors in the saids Lands which once held Ward or Few *Cum maritagio*, shall alienate and dispose the saids Lands to any other persons; then and in that case, the Aliener, or his Heirs shall no longer have the benefite of this present Act; but that notwithstanding of this present Act, if they hold Lands Ward of any other Superior, that their Superior shall enjoy all the benefit of his Superioritie, as if this present Act had never been made. And such-like, for the greater furtherance of His Majesties Lieges, in the way of the changing of the tenours of the saids Ward-holdings, or renouncing of the Marriage contained in their saids Few-infestments, Our Sovereigne Lord, with advice and consent foresaid, Ordains Signaturus to be past to the Lieges by the Exchequer, on the recommendation of the saids Commissioners of the Ward-lands in their favours, upon the Lieges their Resignation for new Infestments to be granted to them; bearing the new manner of Few-holding, or bearing the renunciation of the said Marriage contained in their old Few-infestments, as shall be Ordained by the saids Commissioners of the Ward-lands.

LIX.

Act anent the Exchequer.

THE Kings Majestie, considering that some doubts and debates may arise, concerning the meaning of the eighteenth Act of the Parliament, holden by his Majesties Royal Father of blessed memorie, in the year one thousand, six hundred, and thirty three, *Anent the deciding & Judging in Causes concerning His Majesties propriety*; Doth for explanation thereof, with advice and consent of His Estates of Parliament, Find, Declare, Statute and Ordaine that the validity and invalidity of Infestments of His Majesties Property, or of any other Infestments, may nor be discussed nor decided in the Exchequer, neither by way of Exception, Action nor Reply; but that the discussing and decision thereof, is only proper to the Lords of Session; Reserving alwaies to the Exchequer to judge in all other buisnesses concerning His Majesties Rents and Casualties, as they might have done before the yeare one thousand, six hundred, and thirty three.

L X.

Act concerning Docqueting of Signaturs.

THe Kings *Majestie*, with advice and consent of His Estates of Parliament, Doth Ratifie and Renew the twentieth Act of the tenth Parliament of King *James* the sixth, of blessed memory, and accordingly Statutes and Ordains, that no Signaturs, Writs, Letters or Warrands shall be presented to be signed by His *Majestie*, but by His ordinary Officers, to whose charge the same properly belongs. And that His *Majestie* may the better know what passeth under His Hand, and upon what grounds He signs the same, It is appointed, That any of His *Majesties* Officers, who shall present any Signature, Writ, Letter or Warrant to be signed by His *Majestie*, shall cause Registrare the Docquet of the same in a Register, and then send the just double thereof under their hands to His *Majesties* Secretary, who is to give His *Majesty* timely notice of any prior Deed, differing or contrary to the same, that His *Majestie* may give His further Orders concerning the same.

L X I.

Comission for Plantation of Kirks, and Valuation of Teinds.

Our Sovereign Lord, considering the great care His Royal Father and Grand-father, of ever blessed memory, had, at all times, of the Reformed Religion, within this Kingdome, and of the Maintenance and Provision of the Ministry and Churches thereof; Concerning which, and for the publick good of the Nation, His *Majesties* Royal Father did emit a declaration, immediately after His succession to the Crown; and concerning diverse other particulars relating to Teinds and Superiorities of Kirk-lands: in order whereunto, diverse Acts and Ordinances of Parliament and of Commissions, were from time to time made, during the Reign of His ever Glorious Father; And yet, by the unhappy Troubles of the time, His Royal purpose hath not got a final accomplishment, so that diverse Churches are as yet unprovided with sufficient Maintenance, many Teinds unvalued, and diverse other particulars are as yet unperfected; And His *Majestie* being desirous to prosecute this good Work, for the universal good of the People, and namely for the encouragement of the Ministers of the Gospel, His *Majesty*, with advice and consent of the Estates of Parliament, Doth Ratifie and Approve the nineteenth Act of the Parliament holden at *Edinburgh* by His Royal Father, in *Anno* one thousand, six hundred, and thirty three, Intituled, *Comission for Valuation of Teinds &c.* in the whole Heads, Clauses and Contents thereof, except in so far as there hath been any derogation made thereto, by Acts and Commissions made and granted by His *Majestie*, since the date of the said Act, or granted by pretended Parliaments since and which are Ratified or Salvvd, or to be Reserved by this present Parliament. And His *Majestie*, with advice and consent foresaid, doth give full power and Commission to the persons aftermentioned, *viz.* *John* Earl of *Middleton* His *Majesties* Commissioner, *William* Earle of *Glencairn* Lord High Chancellor, *John* Earl of *Craufurd* and *Lindsay* Lord Thesaurer, *John* Earl of *Rothes* President of His *Majesties* privy Council, *William* Duke of *Hamilton*, *James* Marquess of *Montrose*, *John* Earl of *Lauderdaile* His *Majesties* Secretary, *William* Earl of *Marishal*, *John* Earl of *Atbul*, *George* Earl of *Linlithgow*, *James* Earl of *Home*, *James* Earl of *Tullibarran*, *William* Earl of *Roxburgh*, *John* Earl of *Haddingtoun*, *James* Earl of *Annandale*, *William* Earl of *Dumfries*, *John* Earl of *Tweeddale*, *James* Earl of *Calendar*, *John* Earl of *Dundee*, *David* Viscount of *Stomount*, *John* Lord *Stclair*, *David* Lord *Cardros*, *John* Lord *Belhaven*, *Lord Halkertoun*, *William* Lord *Cochran*, *William* Lord *Belleuden*, *Sir John* *Gilmor* of *Craigmiller* President of the Session, *Sir Archibald* *Primmerose* of *Chester* Knight and Barronet, Clerk of His *Majesties* Council, Registers and Rolls, *Sir John* *Fletcher* His *Majesties* Advocat, *Sir Robert* *Murray* Justice Clerk, *Sir James* *Lockhart* of *Lce*, *Sir George* *Mackenzie* of *Tarbet*, *Sir James* *Foulis* of *Colington*, *Sir Archibald* *Stirling* of *Carden*, *Sir James* *Dahymple* of *Stair*, *Sir John* *Scougal* of *Whitekirk*, Senators of the Colledge of Justice; *Alexander* *Bruce* of *Kincairn*, *Sir John* *Urquhart* of *Cromarty*, *Sir Robert* *Flecker* of *Salton*, *Sir Alexander* *Gibson* of *Durie*, *Sir Robert* *Innes* of that ilk, *James* *Crichton* of *St. Leonard*, *George* *Kinnaird* of *Rossie*, *Sir Gilbert* *Ramsay* of *Balnayn*, *John* *Murray* of *Pohnais*, *William* *Scot* of *Ardruse*, *Sir James* *Dundas* of *Arnotstoun*, *Sir John* *Foulis* of *Roxilston*, *Richard* *Murray* of *Broughtoun*, *Sir Robert* *Hepburn* of *Keith*, *Mr. Robert* *Preston* of that ilk, *Sir Andrew* *Ramafay*, *Sir Robert* *Murray*; *Sir Archibald* *Sydsers*, *Sir William* *Tombson* and *John* *Mih* Burgesles of *Edinburgh*, *Sir Alexander* *Wedderburn*, & *Alexander* *Wedderburn* of *Dundee*, *Mr. John* *Pater* son of *Perth*, *John* *Bell* of *Glasgow*, *William* *Cunningham* of *Air*, *Andrew* *Glen* of *Linlithgow*, *Duncan* *Nairn* of *Stirling*, *Alexander* *Bruce* of *Cubros*, *Andrew* *Carstairs* of *St. Andrews*, and *William* *Seaton* of *Haddingtoun*, Burgesles: Or any thirteen of them, there being alwayes present three Noblemen, three Gentlemen, and three Burgesles, with His *Majesties* Commissioner, the Lord Chancellor, Lord Thesaurer, Lord President of the Council, Lord Privy Seal, the Lord Secretary, or any one of them, with power to them, or *Quorum* foresaid, to meet and convene at *Edinburgh*, or such other place or places, at such times and diets as they shall appoint, to value and cause value whatsoever Teinds great or small, Parsonage or Vicarage, of whatsoever Lands and others within this Kingdome lyable to the payment of Teinds of whatsoever

Act 61.

soever nature or quality the same be of which are yet unvalued. Providing the Ministers serving the Cure; who do lead Teinds, be secured of good and thankful payment of so much victual or money answerable to the worth of the saids Teinds, as the Teinds shall be valued to. And also with power to them to receive reports from Sub-commissioners, and to appoint Sub-commissioners conform to the former Acts and Commissions, to appoint constant and local Stipends, and grant augmentations, to disjoyn too large and spacious Kirks, build and erect new Kirks, dismember, annexe and unite Kirks, and to take order that every Heritor and Life-renter shall have the leading and buying of their own Teinds, if they be willing, according to the Rates prescribed by former Commissions, namely by the foresaid Commission granted by his Majesty, with consent of the Estates of Parliament, in Anno one thousand six hundred thirty and three. And with power to the saids Commissioners or *Quorum* foresaid, to give recompence to the Parties for the augmentation of Stipends to be imposed by this Commission in the same way as was done by former Commissions, namely by the Commission in Anno 1617. With power to them to determine all Questions concerning the Prices of Teinds betwix Titulars and others having right to the Teinds, and the Heritors: And to appoint such securities in favours of the Titulars and others having right, by the Heritors payers of the valued Duties or buyers of the saids Teinds, and in favours of the Ministers as to their maintenance, as the saids Commissioners shall think fitting, according to the Rules set down in the saids former Acts, namely in the said Act, in Anno one thousand six hundred thirty and three. And suchlike, with power to them to appoint and provide for such other pious uses in each Paroch as the Estate thereof may bear. Declaring, that where the Vicarage of any Paroch is a several Benefice and Title from the Parsonage, the same shall be severally valued, to the effect the Titulars or Ministers serving the Cure, having right to the said Vicarage, be not frustrate of the true worth thereof. It is always Declared, That Ministers serving the Cure, who now lead their Teinds, and that Colleged, Schools and Hospitals be not constrained to sell, set nor dispone their Teinds in prejudice of their Successors notwithstanding of the valuation thereof; and that Titulars and others having right to Teinds, shall not be forced to dispone any Teinds valued or to be valued, which they shall be content and willing to assign and dispo to the Minister serving the Cure of the Paroch as a part of his Provision. And His Majesty, with consent foresaid, Declares, That where valuations are lawfully led against all parties having interest, and allowed by former Commissions, according to the order observed by them, that the same shall not be drawn in question, nor rectified upon the pretence of enorm lesion, at the instance of the Minister, not being Titular; or at the instance of his Majesties Advocate, for and in respect of his Majesties Annuitic: Except it be proved that collusion was used betwix the Titulars and Heritor, or betwix the Procurator-fiscall and Heritors and Titulars; which collusion is Declared to be where the Valuations are led with the diminution of a third of the just Rent; and which diminution shall be proved by the Parties Oaths. And albeir that all the Acts of the pretended Parliaments, in the years one thousand six hundred and fourty, and one thousand six hundred fourty and one, and since; are declared by an Act of this present Parliament, null and of none avail in all time coming; yet it is hereby Declared, That all and whatsoever Valuations, Acts, Sentences and Decretes, done, concluded, and decerned by vertue of any Commissions granted by the saids pretended Parliaments, with all execution used or to be used thereupon, are and shall stand valid in all times coming, notwithstanding of the foresaid Act Rescissory; And this for the good and ease of the People, and for incouragement of the Ministers of the Gospel, whereunto his Majesty hath always a tender respect. And although by a special Act of this present Parliament, the pretended Parliament holden in Anno one thousand six hundred and fourty nine, and in the beginning of the year one thousand six hundred and fifty, is from the beginning Declared void and null, and all that hath followed thereon; Yet nevertheless His Majesty Doth, with advice foresaid, Authorize all Valuations, Acts, Decretes and Sentences led, deduced and pronounced by the Commissions one or moe appointed by the said pretended Parliament, for Plantation of Kirks and Valuation of Teinds, and all execution competent thereupon; Excepting such Decretes and Sentences given in favours of Ministers for their Stipends, or for dividing, uniting, annexing or building of Kirks, which shall be found to have been unjustly or exorbitantly decerned: The determination whereof is hereby referred by his Majesty, with consent foresaid to the saids Commissioners, that they after hearing of parties, and consideration of particulars, may take such course for altering, annulling or allowing of the saids Acts, Decretes, and Sentences, as they shall think fitting, conform to the Laws, Practique and custom observed preceeding the year one thousand six hundred and fourty nine: and Ordains Proccesse upon Supplications to be summarly granted, parties always being cited, and that without any reduction. And it shall be lawful to the saids Commissioners or *Quorum* foresaid, to proceed in all Summons and Actions to be intended for that effect, within the space of two years after the first down-fitting of the Commission. As also, with power to the saids Commissioners, upon the dependance of the saids Complaints and Processes to discharge execution upon the foresaid Decretes, in whole or in part, as they shall find just, ay and while the matter be determined by them. As also in respect that by diverse Decretes pronounced by the saids Commissioners appointed by the said Commission, in Anno one thousand six hundred and fourty nine, the burden of an Augmentation was put upon diverse Tacks-men of Teinds, and yet no recompence was made to them by prorogating of the saids Tacks; in regard also that diverse Registers of Commissions, preceeding the year one thousand six hundred and fourty nine, are lost, whereby Prorogations were granted in favours of Tacks-

men, and the Extracts also perished the time of the Troubles: Therefore his Majesty, with consent foresaid, Gives power to the saids Commissioners, or *Quorum* foresaid, appointed by this Commission, to grant recompence and prorogation to the saids Tackl-men, in the same manner as was prescribed by the former Commissions, namely by the Commission in Anno one thousand, six hundred, and seventeen, the Titulars alwayes being cited thereto. And whereas it may fall out that some of the saids Commissioners now appointed, may be unable to attend the service, through death, sickness, or some other notour and known impediment, Therefore His Majesty Declareth, that He shall be careful to fill their places with other persons qualified, whose Oaths for faithful discharge of the same, shall be taken by the Lord Chancellor, or in his absence, by the President of the said Commission for the time: And ordains this present Commission to endure ay and while the same be discharged by His Majesty; and Ordains the Acts, Decrees and Ordinances thereof, to have the force, strength and effect of a Decree, Sentence and Act of Parliament; and the Lords of the Session to grant and direct Lettters of Horning, Poynding and others requisite, in manner contained in the foresaids former Commissions. And considering that it was the will and pleasure of His Majesties Royal Father, that all Heritors, who should be willing to buy, should have their own Teinds at reasonable Rates; Therefore His Majesty, with advice foresaid, Statutes and Ordains, that all Heritors whose Teinds are not valued, shall have liberty ro value and buy the same at such Rates as are contained in the Act of Parliament one thousand, six hundred, and thirty three years. With power to augment the saids Rates according to the burden of Augmentations and others sustained by the Titulars, since the said Act of Parliament one thousand, six hundred, and thirty three years; and the saids Heritors to have the liberty of buying, as said is, within the space of three years after the valuation. With power to the saids Commissioners to determine therein according to Justice; with this Declaration alwayes, That in case the impediment during the space foresaid, flow from the Titular, by reason of his minority or other inability, in that case, the Heritor who offered himself ready to buy his own Teind within the space foresaid, shall have place, so soon as the impediment is removed, to buy his Teinds, notwithstanding of the expiring of the years and space above exprest. And it is Declared, that if the Heritor be Minor, and his Tutors neglect the buying of his Teinds within the foresaid space, the Minor shall have Action for two years after his minority, to compel the Titular for selling of the saids Teinds.

LXII.

ACT for ordering the payment of Debts, betwixt Creditor and Debitor.

OUR SOVERAIGNE LORD, considering how necessary and essential it is to the very being and flourishing of Kingdoms and Nations, that there should be a National confidence among the people themselves, and with these of other Nations with whom they have correspondence and traffick abroad; and that the most effectual and proper way to beget, cement, and maintain the same, is, that Promises, Pactions, Obligments and Debts be faithfully performed and satisfied, without which there can be no trust, and consequently no society, intercourse and commerce at home, and all Trade and Traffick with other Nations will certainly decay and cease, to the irreparable loss, ruine and discredit of the Nation: Yet, the troubles and difficulties of the time being so great, that it is fit some breathing time and encouragement should be given to the Debtors, for the better enabling them to keep their credit, and to take some effectual course for payment of their Debts. Therefore His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That for all Sums and Debts contracted before the teatm of Whitfunday, one thousand, six hundred, and fifty eight years, and exceeding one thousand pounds Scots of principal, personal execution shall be forborne by the space of six years, to begin at Whitfunday last by-past, in this instant year, one thousand, six hundred, and sixty one; Providing that the Debtors make payment of one yeats Annual-rent at Candlemesse next, in the year one thousand, six hundred, and sixty two, and that the residue of the by-gone Annualrents of the saids Sums resting unpaid at Whitfunday next, shall become and be made a principal Sum, and the Debitor shall give security for the same to these who have right to the by-gone Annualrents, when they take the benefit of the foresaid forbearance, in manner after-mentioned; or at any other time that the same shall be demanded: Which Security to be granted for the said by-gone Annualrents, made up in a principal Sum, shall bear obligation to pay Annualrent for the same, in manner and from the terms after-specified, *viz.* For a third part thereof, from Whitfunday next, one thousand, six hundred, and sixty two years; and for an other third part, from Martmessé thereafter, in the said year, and for the last third part, from Whitfunday, in the year one thousand, six hundred, and sixty three, during the not payment of the said principal Sum so made up, for which, personal execution is to be forborne, as for the other principal Sums, by the space aforesaid of six years after Whitfunday last. And without prejudice of the Security to be granted in manner foresaid, It is also Declared and Ordained, that the said by-gone Annualrents, are made up, and shall be holden and esteemed principal Sums; And that Annualrents shall be due and payable for the same from the terms and in manner foresaid, and that execution shall follow at the instance of those who have right

right to the same, upon and by vertue of their Bonds, Contracts and Rights, and of this present Act and Ordinance, in the same manner as if a new Security were already granted in manner and of the tenour above-written.

And notwithstanding of the Premises, It is hereby Declared, that the Lords of Session shall have power to grant and passe Suspensions for Sums not exceeding one thousand pounds, upon such reasons as they shall think just.

And where those who have right to by-gone Annualrents are only Liferenters, and have no right to the stock and principal Sum, It is Ordained, that it shall be lawful to them to use execution for the whole by-gone Annualrents due to them, as they might have done before the making of these Presents; and that the saids Lords of Session shall have power to grant and passe Suspensions against the saids Liferenters, in case they shall find just grounds and cause for granting of the same.

It is likewise Provided, that the benefit of the said forbearance, shall only be granted and competent to such Debtors, as shall pay the said years Annualrent, within the time foresaid, and shall betwixt and the first day of November, compare before any of the Lords of Session with the Clerk, and declare before them upon Oath, that their Debts exceeds the value of Four years Rent of their Estate, pertaining to, and possess by them: which Declaration, extracted under the hand of the Clerk of Register, or his Deputies, shall be a sufficient Security against Personal execution: And for which Extract, the Clerk Register and his Deputies shall have for their Fees the sum of thirty three shillings four pennies Scots, and no more. And it is Declared, that all persons, who shall not by themselves, or their Tutors or Curators, appear and declare within the time, and in manner foresaid, shall be excluded from the benefit of the foresaid forbearance, and shall never be reponed or admitted thereafter, upon any pretext whatsoever.

And the benefit of the foresaid Forbearance being granted to the Debtors, or any of their Cautioners, upon the comparance and declaration foresaid, shall only be personal for them and their Heirs and others representing them, and shall not be extended to those who are bound with them, and lyable to the saids Debts, unless they also compare and declare, that their own proper Debts and Cautionry for persons who have taken the benefit of this Act, exceeds the value of Four years Rent of their Estate, and that within the time and in manner foresaid.

And for the more ease of the Debtors, It is Ordained, that in-case within the time of the Forbearance foresaid, the Debtor shall offer to the Creditor a part of his Debt, not being beneath or within the third part of the whole Sums due by them to the Creditor for the time, the Creditor in that case, shall be holden to accept of the said partial payment: and in-case of his refusal, offer being made of a part of the saids Sums, not within the proportion foresaid, in presence of a Notar and Witnesses, the Debtor, upon consignation of the same in the hands of the Clerk of the Bills; shall be free of the Annualrent of that part of the said Sum that shall be consigned, in all time coming after the consignation foresaid.

And whereas the legal reversion of Comprisings was formerly limited to seven years, His Majesty, for the reasons and with consent foresaid, is graciously pleased to extend the same to ten years in all time coming; and Statutes and Ordains, that all Comprisings already deduced, and whereof the legal reversion is not yet expired, or which shall be deduced any time hereafter, shall be redeemable within the space of ten yeares after the date of the same; and all comprisings deduced since January, one thousand, six hundred, and fifty two years, and whereof the legals are expired, and all comprisings deduced before the said Moneth of January, one thousand, six hundred, and fifty two years, and which were not expired before the said Moneth of January, one thousand, six hundred, and fifty two years, shall be redeemable within the space of three years, after Whitsunday now last by past, notwithstanding the legal reversions of the same be now expired.

And in case the Lands and others comprised, exceed in yearly Rent and value, the Annualrent of the Sums contained in the saids Comprisings, and of the expence disbursed in obtaining Infeudments thereupon, and the Debtor shall desire the Creditor to possess the Lands and others comprised, it shall be lawful to the Lords of Session, like-as the saids Lords are hereby impowered and authorized, upon a Supplication to be made to them by the Debtor, and citation of the comprisers, to appoint the Apprifiers to possess such of the saids Lands and others, during the legal reversion, as the saids Lords of Session shall think just and reasonable; the saids Debtors always giving possession to those who have right to the saids Comprisings, and ratifying their possession already apprehended by them (if any such possession they have) of such of the saids Lands and others, as the saids Lords of the Session appoint, not being beneath in yearly Rent and value of the Annualrents above-mentioned; or otherways giving to the Creditors (whether they have possession or not) sufficient security, at the sight of the saids Lords, for payment of the saids Annualrents, during the time foresaid; the saids Lords of Session having always power to determine, whether in the cases foresaid the Debtor shall give surety to the Creditor, for his Annualrents, or the Debtor not being able to give surety, the Creditor shall be obliged to take possession of the Debtors Lands. And if the Lords of Session shall appoint, in the case foresaid, the Creditor to be possess for his Annual-rent, then and in that case, the Debtor shall be holden to deliver the Evidents of the saids Lands to the Creditor, or transmits thereof, providing always, that the Creditor's right, by vertue of the saids Comprisings, be nowayes prejudged after the expiring of the same;

And

And that the whole Lands and others, both such as shall be possessed by the Debitor, and the remanent of the Lands and others contained in the saids Comprisings, shall pertain to the Creditor irredeemably.

And because oftentimes Creditors, in regard they live at distance, or upon other occasions, are prejudged and prevented by the more timeous diligence of other Creditors, so that before they can know the condition of the common Debitor, his Estate is comprised, and the posterior Comprisers have only right to the Legal reversion, which may, and doth often prove ineffectual to them, not being able to satisfie and redeem the prior Comprisings: (their means and money being in the hands of the common Debitor) Therefore it is Statute and Ordained, that all Comprisings, deduced since the first day of *January*, Therefore thousand, six hundred, and fifty two years, before the first effectual Comprising, or after, one thousand year and day of the same, shall come in *pari passu* together, as if one Comprising had been deduced and obtained for the whole respective Sums, contained in the foresaids Comprisings. And it is Declared, that such Comprisings as are preferable to all others in respect of the first real Right and Infeftment following thereupon, or the first exact diligence for obtaining the same, are and shall be holden the first effectual Comprising, though there be others in date before and anterior to the same; and the foresaid benefit given and introduced hereby, in favours of these whose Comprisings are led within the time, and in manner foresaid, is only granted and competent in the case of Comprisings, led since the first day of *January*, one thousand, six hundred, and fifty two years, and to be led after the date of thir presents, and for personal Debt only, without prejudice alwayes of ground Annuals, Annualrents due upon Infeftment, and other real Debts, and *Debita fundi*, and of comprisings therefore of Lands and others affected therewith, which shall be effectual and preferable according to the Laws and Practick of this Kingdom now standing; And it is also provided, that the Creditors having right to the first comprising, except as is above excepted, shall be satisfied by the posterior comprisers, claiming the benefit foresaid, of the whole expence disbursed by them, in deducing and expeding the said first comprising and Infeftments thereupon.

And further, for obviating the frequent and fraudulent practice of the appearand Heirs of Debtors, who are in use to acquire the right of expired comprisings, and by vertue thereof, to enjoy and possess their Predecessors Lands and Estate, to the prejudice and defrauding of the posterior comprisings and other Creditors, It is Statute, that in case the appearand Heir of any Debitor, or any other confident person to his behoof, shall at any time hereafter acquire the right of an expired comprising, already deduced, or which shall be led and deduced hereafter, the said right shall be redeemable from the appearand Heir, or the said confident person their Heirs and Successors within the space of ten years, after the acquiring of the said right, by the posterior comprisers, upon payment allaner of the Sums truly paid and given out, for buying and acquiring the saids rights, at the least so much thereof as shall be besting unsatisfied, for the same, by the intromission of the appearand Heir, or of the said confident person, or their foresaids.

And His Majestie, with consent foresaid, doth Declare, That the benefit foresaid introduced hereby anent Comprisings, shall be extended to Adjudications for Debt; so that the Creditors, at whose instance the same are obtained, and those who have right to redeem the same, shall be in the same case as to the benefite foresaid, as if the said Adjudications for Debts were Comprisings.

And in case a Creditor, against whom the benefit of the foresaid forbearance for six years shall be taken, or who hath led or shall lead a Comprising against the Debitor, shall think fit, and be willing, and desirous to take his Debtors Lands, or other Estate, or any part thereof for security or payment, and in satisfaction of his Debt, then and in either of these cases, the Debitor shall be holden to give Security out of his Lands, and other Estate, or to sell the same to the Creditor, at the sight of the Lords of Session, with such warrantize, and at such rates and prices (if the Creditor be content to buy) as they shall appoint; with certification, that otherways the Debitor, refusing or failing, shall lose and forfeit all benefit introduced in favours of the Debtors by this present Act, as if it had never been made.

And in regard some persons may have taken advantage of the late times and troubles, by taking and acquiring of proper Wodfets of Lands and others, exceeding the Annual-rent of the Sums lent upon the same; and providing nevertheless, by the right of the foresaids Wodfets and expresse provisions therein, or by writ a part, that they should not be lyable to any hazard of the Fruits, Tennents, War, or Troubles; His Majestie, with consent foresaid, Statutes and Ordains, that all such Wodfets, granted since the year one thousand, six hundred, and fourty nine, shall be restricted to the ordinary Annual-rent of the Sums whereupon the same are redeemable; and the saids Wodfeters shall be countable for the *superplus* of the Mails and Duties and other benefit of the same, exceeding the Annual-rent of the saids Sums, and the same shall be imputed and ascribed, in satisfaction of the saids principal Sums *pro tanto*: And in case any such Bargains and Rights shall be made and acquired hereafter, His Majestie, with consent foresaid, Declares the same unlawful and usury, and the contraveeners shall be punished severely as Uirers, conform to the Lawes and Acts of Parliament against Oekerers and Userers.

And as to proper Wodfers, granted since the time foresaid, where the Creditor undergoes the saids hazards, and the same are affected with the ordinar provisions and elauses irritant, in case of not payment of the sums given out and due upon the saids Wodfets, at the tearmes and in manner mentioned in the saids

Rights:

Rights: albeit the saids Wodfets and Provisions be lawful; yet His Majesty, considering and having respect to the difficulties of the times, Statutes and Ordains, with consent foresaid, That the saids Clauses irritant, shall not take away the Heritors right, they alwayes redeeming within the space of five years after Whit-sunday last: And in case the Debtors conceive, that they have dis-advantage by the said proper Wodfets, and shall desire to redeem the same, it shall be lawful to them to redeem at any term of Whitunday or Martimasse they please, notwithstanding of any provision to the contrair in the said Wodfet-rights, or any other right apart suspending the redemption thereof. Like-as it is Declared, That the clauses of requisition contained in proper Wodfets, granted since the year one thousand, six hundred, forty nine years, shall be effectual and no wayes suspended nor prejudged hereby; But prejudice alwayes to the forbearance of personal execution in manner above-written. And where the Creditors and Wodfeters have transacted with their Debtors, and have acquired irredeemable rights, for, and in place of their former Wodfets, It is Ordained and Declared, That when, and at what time soever the saids Wodfets were granted, whether before or since the year one thousand, six hundred, and fifty years, the saids transactions and irredeemable rights acquired by the Creditor for the same, are and shall be valid and effectual, and shall no wayes be prejudged by these presents.

And further His Majesty, with consent foresaid, doth Declare, That in case any Debtors have by Voluntar agreement betwixt them and their Creditors, or any of them, renounced the benefit of any Acts of this nature, concerning Debtor and Creditor, made or to be made, the said agreement shall be of force and effectual, and shall not be prejudged hereby; without prejudice alwayes to the said Debtor of the prorogation foresaid of the Legal reversions of comprisings led and deduced against them; and not as yet expired, notwithstanding of the agreement and renouciation foresaid.

And because, before the year one thousand, six hundred and fifty, when money past at eight or ten *per cent.*, divers proper Wodfets were then made and granted, and are yet unredeemed; and since the beginning of January, one thousand, six hundred, and fifty, there be divers persons, who taking advantage of the times, refused to lend their money, unless they got proper Wodfets of Lands and Teinds, at extraordinary advantages, to the heavy prejudice of the Debtors: Therefore, His Majesty, with advice foresaid, Statutes and Ordains, That in time coming, during the not requisition of the Sums whereupon the saids Wodfets are redeemable, and during the not redemption of the same respectively, if the Debtors shall give sufficient Security to the Wodfetter, for payment of his Annualrent, during the not redemption, or not requisition, as said is; In that case, the Creditors-Wodfetter, shall be holden to renounce and quyt his possession of the saids Lands and Teinds, in favours of the Debtor and others having right from him; At least if the Wodfetter shall be content to retain the possession of the same; In that case all the free Profits and Rents, which he shall have or uplift out of the saids Lands, shall be restricted to six *per cent.* yearly of free money, and the Wodfetter shall be countable to the Debtor, or others having right from him, for the *superplus*; and that without prejudice of the Wodfeters real Right and Infeftment, ay and while the Lands be redeemed, and the principal Sum whereupon the same is redeemable shall be satisfied. It is alwayes provided, that where any Creditor hath had loss by his possession of the Wodfet-lands and others since the date of his Wodfet, So that he hath not received as much Free Rents as, *communibus annis*, hath extended to the Annualrent allowed by Law for the time, all charges and burdens being deduced; in that case, it is provided that the Wodfetter shall be first satisfied of what he wants before he quyt his possession of the said Wodfet-lands, or be holden to accept Security for his Annualrents: And it is Declared, that in the account of the Wodfeters by-gone loss, there shall be allowed what he hath disbursed upon reparation and building of Tennents houles, Milnes, and for the advantage of the ground; and generally all other expence which the Wodfetter was put to, and what loss he sustained in reference to the saids Wodfet-lands, Rights and Securities thereof, any manner of way; and what he hath lost by Quarterings, Cefs, waste Land, depauperated Tennents, or by Tennents who were or are not able to pay, unless the ground should be casten waste: And because the Wodfeters probation of his saids loss may be difficile, he not conceiving that there should be necessity for any such count, or that there should be any alteration made in the right and possession of his proper Wodfet, Therefore His Majesty, with advice foresaid, doth allow the Lords of Session to take such reasonable probation as in equity they shall think fit; And if there be any deficiency, to take the Wodfeters Oath in supplement; and where the Wodfetter is in natural possession of the Wodfet-lands, by dwelling thereon or labouring the same with his own Plough and Goods, or otherways, having the same plenished with his saids Goods, in that case, he shall not be holden to remove from his said possession, but at the ordinary term of removing, and that he be lawfully warned forty dayes before, and after sufficient Security shall be made to him, in manner above specified, before the said warning.

And His Majesty having granted so much favour, benefit and indulgence to Debtors, as the like cannot be thown to have been granted at any time in this Kingdom, doth Declare, Statute and Ordain, That the Laws and Practick of the Kingdom, concerning Debts and payment thereof, and diligence & execution for the same, and concerning proper Wodfets, where the Creditor-wodfetter hath the hazard of Fruits, Tennents, War and others, shall be observed inviolably, and be of full force, vigor and effect in all time coming, excepting so far as the same is altered, innovat and repealed by this present Act.

LXIII.

Act Salvo jure cujuslibet.

OUR SOVERAIGNE LORD, taking to consideration, that there be many Acts of Ratification and others, past and made in this Session of Parliament, in favours of particular persons, without calling or hearing of such as may be thereby concerned and prejudgcd. Therefore His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all such particular Acts, and Acts of Ratification, past in manner foresaid, shall not prejudice any third party of their lawful rights, nor of their actions and defences competent thereupon before the making of the saids particular Acts, and Acts of Ratifications; and that the Lords of Session and all other Judges within this Kingdom, shall be obliged to judge betwixt parties according to their several rights, standing in their persons before the making of the saids Acts. All which are hereby exponed and declared to have been made, *Salvo jure cujuslibet.*

LXIV.

ACT of Adjournment.

THe Kings Majestie Declares this Parliament current, and Adjourns the same to the twelfth day of March next to come; Ordaining all Members of Parliament, Noble-men, Commissioners of Shires and Burghs, and all others having interest, to attend that day: and that there be no new Elections in Shires or Burghs, except upon the death of any of the present Commissioners.

A. PRIMEROSE,

Cls. Register.

F I N I S.

A T A B L E

Of the Printed A C T S.

- 1 **A**CT concerning the President, and Oath of Parliament.
- 2 Act and acknowledgement of His Majesties Prerogative, in the choice of His Officers of State, Councillors and Judges.
- 3 Act asserting His Majesties Royal Prerogative, in the calling and dissolving of Parliaments, and making of Laws.
- 4 Act asserting His Majesties Royal Prerogative, in the making of Leagues, and the Conventions of the Subjects.
- 5 Act asserting His Majesties Royal Prerogative, in the Militia, and in making Peace and War, &c.
- 6 Act annulling the pretended Convention of Estates, kept in the year, 1643.
- 7 Act concerning the League and covenant, and discharging the renewing thereof, without His Majesties Warrant and approbation.
- 8 Act against Papiests, Priests and Jesuits.
- 9 Act approving the Engagement, 1648. and annulling the pretended Parliaments and Committees kept thereafter.
- 10 Act condemning the Transactions concerning the Kings Majesty, whilst He was at New-castle in the years 1646, and 1647.
- 11 Act for taking the Oath of Allegiance, and asserting the Royal Prerogative.
- 12 Act concerning the Judicial proceedings in the time of the late Usurpers.
- 13 Act and Offer of Fourty thousand pounds Sterling, to be paid to the Kings Majesty yearly during His lifetime, by this Kingdom.
- 14 Act for raising the Annuity of Fourty thousand pounds Sterling, granted to His Majesty.
- 15 Act rescinding and annulling the pretended Parliaments, in the years, 1640, 1641, &c.
- 16 Act concerning Religion and Church Government.
- 17 Act for a Solemn anniversary Thanksgiving, for his Majesties Restauration to the Royal Government of His Kingdoms.
- 18 Act for the due observation of the Sabbath-day.
- 19 Act against Swearing and excessive Drinking.
- 20 Act against Cursing and beating of Parents.
- 21 Act against the crime of Blasphemy.
- 22 Act concerning the severall degrees of casual Homicide.
- 23 Act Ratifying the Priviledges of the Colledge of Justice.
- 24 Act concerning appearand Heirs, their payment of their Predecessors and their own Debts.
- 25 Act for Denouncing of Excommunicate Persons.
- 26 Act appointing the Pursuer of the Thief, to have the Goods stolen from him, restored.
- 27 Act for the Pardon of Penal Statutes.
- 28 Act discharging the Quots of Testaments.
- 29 Act for poynding upon Sheriffs and Commissars Decrees.
- 30 Act anent the Fewers and Vassals of Kirk-lands.
- 31 Act concerning the Registration of Comprisings.
- 32 Act concerning Heretable and Moveable Bonds.
- 33 Act for the right Packing of Salmon.
- 34 Act against clandestine and unlawful Marriages.
- 35 Act concerning the Election and charges of the Commissioners from Shires to the Parliament.
- 36 Act anent presentation of Ministers.
- 37 Act concerning the Bullion.
- 38 Commission and Instructions to the Justices of Peace and Constables.
- 39 Act for the Fishings, and erecting of companies for promoting of the same.
- 40 Act for erecting of Manufactories.
- 41 Act for planting and Inclosing of Ground.
- 42 Act establishing companies and Societies, for making Linnen-cloath, Stuffs, &c.
- 43 Act discharging the Exportation of Linnen-Yarn, and regulating the breadth of Linnen-cloath, &c.
- 44 Act for encouraging of Shipping and Navigation.
- 45 Act discharging the Exportation of Skins, Hides, &c.

- 46 Act discharging the Exportation of Woollen-Yarn, Worstead, broken Copper and Pewter, &c.
 47 Act discharging Tradesmen to Import Made-work.
 48 Act for encouraging of Soap-works.
 49 Act Reducing the Annuals to Six for the Hundred.
 50 Act and Offer of Twelve thousand pounds Sterling to the Lords of Session.
 51 Act concerning Arreastments.
 52 Act concerning the disposal of Vacant Stipends.
 53 Act Ratifying the Act of Parliament, 1633. anent the Annexation of his Majesties Property.
 54 Act in favours of Laick Patrons of Provestries, Prebendaries, Chaplanries and Alterages.
 55 Act anent Cocquets and Entries of Ships.
 56 Act anent Coal-bewers.
 57 Act discharging the Custom of two and an half of the hundred, and the Impost of four pounds on the Tun.
 58 Act in favours of those who get their Ward-holding changed by the Kings Majesty.
 59 Act anent the Exchequer.
 60 Act concerning Docqueting of Signatures.
 61 Commission for Plantation of Kirks and Valuation of Teinds.
 62 Act for ordering the payment of Debts betwixt Creditor and Debitor.
 63 Act Salvo jure cujuslibet.
 64 Act of Adjournment.

F I N I S.

L A W S A N D A C T S

Past in the S E C O N D

S E S S I O N

Of the F I R S T

P A R L I A M E N T.

Of Our Most High and Dread Sovereign,

C H A R L E S

T H E S E C O N D

By the Grace of GOD, King of Scotland, England, France and Ireland,
Defender of the Faith.Holden at *Edinburgh* by the Noble Lord, *John Earl of Middleton*, Lord *Clermont*
and *Fettercairn*, His MAJESTIES *Commissiſioner*.Begun at *Edinburgh* upon the eight of *May*, and continued
to the ninth of *September*, 1662.

I.

*ACT for the Restitution and Re-establishment of the Ancient Government
of the Church by Arch-bishops and Bishops.*

DRASMUCH as the ordering and disposal of the external Government and policy of the Church, doth properly belong unto his Majesty, as an inherent right of the Crown, by vertue of his Royal Prerogative and Supremacy in causes Ecclesiastical. And in discharge of this Trust, his Majesty, and his Estates of Parliament, taking to their serious consideration, that in the beginning of, and by, the late Rebellion within this Kingdom, in the year, one thousand, six hundred and thirty seven, the ancient and sacred order of Bishops was cast off, their Persons and rights were injured and overturned, and a seeming parity among the Clergy factiously and violently brought in, to the great disturbance of the publick Peace, the reproach of the reformed Religion, and violation of the excellent Laws of the Realm, for preserving an orderly subordination in the Church: And therewithal considering, what disorders

and exorbitances have been in the Church, what encroachments upon the Prerogative and Rights of the Crown, what usurpations upon the Authority of Parliaments, and what prejudice the liberty of the Subject hath suffered by the invasions made upon the Bishops and Episcopal Government, which they find to be the Church-Government, most agreeable to the word of God, most convenient and effectual

for the preservation of Truth, Order and Unity, and most suitable to Monarchy and the Peace and Quiet of the State. Therefore, His Majesty with advice and consent of his Estates of Parliament, hath thought it necessary, and accordingly doth hereby Redintegrate the State of Bishops to their ancient places and conditions; and doth hereby Restore them to the exercise of their Episcopal Function, priviledges and Jurisdiction, power of Ordination, inflicting of Censures, and all other Acts of Church-discipline, which they are to perform, with advice and assistance of such of the Clergy as they shall find to be of known loyalty and prudence. And, his Majesty with advice foresaid, doth Revive, Ratifie and Renew all Acts of any former Parliaments, made for the establishment, and in favours of this ancient Government. And doth Ratifie and approve all Acts and Proclamations emitted by his Majesty or His Privy Council, since the first day of June last, in order to the restitution of Bishops. And further it is hereby Declared, that whatever shall be determined by his Majesty, with advice of the Arch-bishops and Bishops, and such of the Clergy as shall be nominated by his Majesty, in the external Government and Policy of the Church (the same consisting with the standing Laws of the Kingdom) shall be valide and effectual. And his Majesty, considering how necessary it is, that all doubts and scruples, which from former Acts or Practices may occur to any concerning this sacred Order, be cleared and removed, Doth therefore, of certain knowledge, and with advice foresaid, Rescind, Cass and Annull all Acts of Parliament, by which the sole and only power and jurisdiction within this Church, doth stand in the Church, and in the general, provincial and presbyterial Assemblies, and Kirk-Sessions; And all Acts of Parliament or Council which may be interpreted to have given any Church-power, Jurisdiction or Government, to the Officers or bearers of the Church, their respective Meetings, other than that which acknowledgeth a dependance upon, and subordination to the sovereign Power of the King, as Supream; and which is to be regulated and authorized, in the exercise thereof, by the Arch-bishops and Bishops who are to put order to all Ecclesiastical matters and causes, and to be accountable to his Majesty for their Administrations. And particularly, his Majesty with advice foresaid, doth Rescind and Annull the first Act of the twelfth Parliament of King James the sixth, holden in the year, one thousand, five hundred and ninety two, and Declares the same, and all the heads, clauses and articles thereof, void and null, in all time coming. And His Majesty, considering, that the Jurisdiction of the Commissariots is a proper part of the Rights and Priviledges belonging to the Bishops, Doth therefore, with advice foresaid, Restore the Arch-bishops and Bishops to their said jurisdiction of Commissariots, according to the sixth Act of the Parliament, one thousand, six hundred and nine, which is hereby Ratified and Renewed: And accordingly Ordains, that in all time coming the Quotes of Testaments be payed in to the Arch-Bishops and Bishops; in their respective Diocesses, as formerly; and Rescinds and Annuls the twenty eight Act of the last Session of this present Parliament, anent the Quotes of Testaments, and declares the same void in all time coming. It is always hereby Declared, that this Act is without Prejudice of the present Commissariots, their Clerks and Fiscals, their enjoying their Places and benefits thereof, conform to their Gifts and Laws of this Kingdom; unless, for their insufficiency or misdemeanors, they be found incapable of the same. Further, His Majesty, with advice and consent foresaid, Statutes and Ordains, That no Act, Gift, or Deed, passed by whatsoever Authority, since the interruption of the Government by Arch-bishops and Bishops, in the year one thousand, six hundred and thirty seven, to the prejudice of their Rights, Patronages, Admiralties, Superiorities, Rents, Possessions and Jurisdictions pertaining to the several Bishopricks, stand valide or be in force. But that the saids Arch-bishops and Bishops may have their Claim, Right and Possession, for the year one thousand, six hundred, and sixty one, and all years following, to whatsoever was possess by, or by the Laws of the Kingdom was due to their Predecessors in anno, one thousand, six hundred, and thirty seven; and that notwithstanding of any donation or rights made to Colledges, Churches, Corporations, Ministers, or any other persons, since the year one thousand, six hundred, and thirty seven, by whatsoever Order, Deed or Warrant, excepting as is aforesaid, in favours of Commissariots, Clerks and Fiscals: And whereas, divers persons having right to Lands, Annualrents, or some other estate holden formerly of Bishops, or who had succeeded or acquitted Rights to the saids Lands, and others of the nature and holding foresaid, have been forced, during the late troubles, there being no other way or superior for the time, to obtain themselves inest therein, holden of His Majesty or his Royal Father, or of their Donators, having right for the time; and to that effect did take Precepts out of the Chancery, and to pass Inestments under the great Seal, and to obtain Precepts and Charters from the saids other persons who had right to their Superiorities for the time. And His Majesty being graciously pleased, that such Rights and Inestments as, for the time, were necessary and of course taken and past in manner foresaid, should not be prejudged; Therefore it is statute and declared, That all persons, who, since the beginning of the Troubles, in the year one thousand, six hundred and thirty eight, are entered or inest by his Majesty or his Royal Father, by the pretended Authority for the time; or any other person having right from them in any Land or Estate holden immediately of the Bishops before the saids troubles, shall now hold the same of the Arch-bishops and Bishops, their lawful Superiors, in the same manner as they, their Predecessors and Authots, held the same before the late troubles.

bles. And it is Declared, That neither this nor any other Act of the last or present Session of this Parliament, shall prejudice any Retours, Signators, Charters, Precepts, Infeiments, Seizings of Lands, Annualrents, or any other Estate holden immediatly of Bishops, whereby the same are retoured, or Infeiments of the same are taken to be holden of the King or his Donators since the time foresaid, upon Retours, Resignations, Comprisings, Adjudications, or by way of confirmation, or Precepts of *clare constat* or otherwayes; which Infeiments being orderly past as they ought to have been for the time, with the Retours, Signators and other Warrands of the same, His Majestie with consent foresaid, doth Ratifie and approve, and Declares to be valide Rights, as if the same had been granted or renewed by the saids Arch-bishops or Bishops. It is alwayes Declared, that the Declaration and Ratification foresaid, shall not be extended to any new Gift or Grant, or any other Clause or Right contained in the saids Infeiments or Signators, or other Warrands of the same, whereby any new Gift or original Right of the saids Lands and others are given, or the Right of the same is granted or conveyed otherwayes then conform to the Rights and Infeiments thereof, before the time foresaid. Likewise it is Declared, That the said Ratification and Declaration foresaid, shall not corroborat or import any Ratification to the saids Vassals their former Rights, which are to be in the same case as they were in the beginning of the saids troubles, in the year foresaid; In regard it is His Majesties intention; likewise it is Declared by His Majesty, with consent foresaid, That the Arch-Bishops and Bishops shall be, as to their Patrimony and Rents, in the same case and condition as they were in the year foresaid, notwithstanding of whatsoever Acts of the pretended Parliaments, since the time foresaid, to the contrary; And notwithstanding of whatsoever Rights, Grants or Deeds flowing from, or depending upon, or done or granted by vertue of any Act or Acts of the said pretended Parliaments, which His Majesty with consent foresaid, doth Declare, Decern and Determine to be void and null, except in so far as is reserved and ratified in manner abovewritten. It is hereby Declared, That this Act of Restitution shall give no Right to any of the saids Arch-Bishops or Bishops, or their Successors, nor to the Heirs or Executors of the deceased Bishops, of any Rents belonging to the Arch-bishopricks or Bishopricks preceeding the year, one thousand, six hundred and sixty one, after the said year one thousand, six hundred and thirty eight; but that all the saids Rents intronnetted with by, and pertaining to, such persons as had right thereto for the time, and wherewith they have or might have intronnetted, shall be secured to them. As also, all such persons who, *bona fide*, have made payment of their Few-dues, Teinds and Teind-dues, and others Rents of their Bishopricks, are and shall be also secured, for bygones allannerly, free of any action or question, notwithstanding of this present Act or any thing therein contained.

II.

ACT for preservation of His Majesties Person, Authority and Government.

THE Estates of Parliament taking into their consideration, the miseries, confusions, bondage and oppressions, this Kingdom hath groaned under since the year, one thousand, six hundred, and thirty seven, with the causes and occasions thereof, Do with all humble duty and thankfulness acknowledge His Majesties unparallel'd grace and goodness, in passing by the many miscarriages of His Subjects, and restoring the Church and State to their ancient Liberties, Freedom, Rights and Possessions; and the great Obligations thereby lying upon them to expresse all possible care and zeal in the preservation of His Majesties Person, (in whose honour and happiness consisteth the good and welfare of His people) and in the security and establishment of His Royal Authority and Government, against all such wicked attempts and practices for the time to come. And since the rise and progress of the late troubles, did, in a great measure proceed from some treasonable and seditious positions infused into the people, *That it was lawfull to Subjects, for Reformation, to enter into Covenants and Leagues, or to take up Arms against the King, or those Commissionated by Him, and suchlike:* And that manie wilde and rebellious courses were taken and practised in pursuance thereof, by unlawful meeings and gatherings of the people, by mutinous and tumultuarie petitions, by insolent and seditious Protestations against His Majesties Royal and just Commands, by entering into unlawful Oaths and Covenants, by usurping the name and power of Council Tables, and Church Judicatories, after they were by His Majesty discharged, by treasonable Declarations, that His Majesty was not to be admitted to the exercise of his Royal power, untill he should grant their unjust desires and approve their wicked practices, by rebellious rising in Arms against his Majesty and such as had Commission from Him; And by the great countenance, allowance and encouragement given to these pernicious courses by the multitude of seditious Sermons, Libels and Discourses, preached, printed and published in defence thereof. And considering, that as the presentage is not fully freed of those Distempers, so posterity may be apt to relapse therein, if timely remeid be not provided. Therefore the King's Majesty and Estates of Parliament

liament do Declare, that these positions, *That it is lawful to subjects, upon pretence of Reformation, or other pretence whatsoever, to enter into Leagues and Covenants, or to take up Arms against the King; or that it is lawful to subjects, pretending His Majesties Authority, to take up Arms against His Person or those commissioned by Him, or to suspend Him from the exercise of His Royal Government, or to put limitations upon their due obedience and allegiance,* Are Rebellious and Treasonable: And that all these Gatherings, Convocations, Petitions, Protestations and Erecting and keeping of Council-tables, that were used in the beginning, and for carrying on, of the late troubles, and keeping lawful and seditious: And particularly, that these Oaths, wherof the one was commonly called *The National Covenant*, (as it was sworn and explained in the year one thousand six hundred and thirty eight, and thereafter) and the other entituled, *A Solemn League and Covenant*, were, and are against the fundamental Laws and Liberties of the same; and that there lyeth no obligation upon any of the Subjects from the saids Oaths, or either of them, to endeavour any change or alteration of Government either in Church or State; And therefore Annuls all Acts and Constitutions, Ecclesiastical or Civil, approving the said pretended *National Covenant, or League and Covenant*, or making any interpretations of the same or either of them. And also it is hereby Declared by his Majesty and Estates of Parliament, That the pretended Assembly, kept at *Glasgow* in the year one thousand six hundred, and thirty eight, was in it self (after the same was by His Majesty discharged, under the pain of treason) an unlawful and seditious Meeting; and that all Acts, Deeds, Sentences, Orders or Decrees past therein, or by vertue of any pretended Authority from the same, were in themselves from the beginning, are now, and in all time coming, to be reputed unlawful, void and null: And that all Ratifications or Confirmations of the same, past by whatsoever Authority or in whatsoever Meetings, shall from henceforth be void and null. Like-as, His Majesty and Estates of Parliament, reflecting on the sad consequences of these rebellious courses, and being careful to prevent the like for the future, have therefore Statute and Ordained, and by these presents Statutes and Ordains, That if any person or persons shall hereafter plot, contrive or intend death or destruction to the Kings Majesty, or any bodily harm tending to death or destruction, or any restraint upon His Royal Person, or to deprive, depose or suspend Him from the stile, Honour and Kingly Name of the Imperial Crown of this Realm, or any others His Majesties Dominions, or to suspend Him from the exercise of His Royal Government, or to levy War or take up Arms against His Majesty or any commissioned by Him, or shall entice any strangers or others to invade any of His Majesties Dominions; and shall by writing, printing, preaching or other malicious and advised speaking, expresse or declare such their treasonable intentions, every such person or persons, being upon sufficient probation legally convicted thereof, shall be deemed, declared and adjudged Traitors, and shall suffer forfeiture of life, honour, lands and goods as in cases of high Treason. And further, it is by His Majesty and Estates of Parliament Declared, Statute and Enacted, That if any person or persons shall, by Writing, Printing, Praying, Preaching, Libelling, Remonstrating, or by any malicious and advised speaking, expresse, publish or declare any words or sentences to stir up the people to the hatred or dislike of His Majesties Royal Prerogative & Supremacy in causes Ecclesiastick, or of the Government of the Church by Archbishops and Bishops as it is now seled by Law, or to Justifie any of the deeds, actings, practices or things above-mentioned and declared against by this present Act, that every such person or persons so offending, and being, as said is, Legally convicted thereof, are hereby declared incapable to enjoy or exercise any place or employment, Civil, Ecclesiastical or Military, within this Church and Kingdom, and shall be liable to such further pains as are due by the Law in such cases; Provided always, that no person be processed for any of the offences aforesaid, contained in this Act, (other then these that are declared to be high Treason) unless it be by order from His Majesty, or by order of His Privy Council for the time; neither shall they incur any of the penalties above-mentioned, unless they be pursued within eight Moneths after the offence committed, and sentenced thereupon within four Moneths after the intending of the Process. And it is also Declared, That if his Majesty grant His pardon to any person convicted for any of the offences contained in this present Act; After such pardon, the party pardoned shall be restored to all intents and purposes, as if he had never been pursued nor convicted, any thing in this Act to the contrary, notwithstanding.

III.

Act concerning such Benefices and Stipends as have been possessed without presentations from the lawful PATRONS.

THE Kings most Excellent Majesty being desirous, that all His good Subjects may be sensible of the happy effects and fruits of the Royal Government, by a free, peaceable and safe enjoyment of their due interests and properties under His protection; and that in His restitution they may find themselves restored to these Rights, which by Law were secured unto them, and by the violence and injustice of these late troubles and confusions have been wrested from them: And considering, that notwithstanding the right

of Patronages be duly settled and established by the ancient and fundamental Laws and Constitutions of this Kingdom; Yet, divers Ministers in this Church have, and do possess Benefices and Stipends in their respective Cures without any Right or Presentation to the same from the Patrons. And it being therefore most just, that the lawful and undoubted Patrons of Kirks be restored to the possession of the Rights of their respective Advocations, Donations and Patronages; Therefore, His Majesty, with advice and consent of His Estates of Parliament, Doth Statute and Ordain, That all these Ministers who entered to the Cure of any parish in Burgh or Land within this Kingdom, in or since the year one thousand, six hundred and forty nine (at and before which time the patrons were most injuriously dispossessed of their patronages) have no right unto, nor shall receive, uplift nor possess the rents of any Benefice, modified Stipend, Manse or Gleib for this present crop, one thousand, six hundred and sixty two, nor any year following, but their places, Benefices and Kirks are, *ipso jure*, vacant. Yet, His Majesty, to evidence His willingness to pass by and cover the miscarriages of His people, Doth, with advice foresaid, Declare, That this Act shall not be prejudicial to any of these Ministers in what they have possessed, or is due to them, since their admission: And that every such Minister who shall obtain a presentation from the lawful patron, and have Collation from the Bishop of the Diocese where he liveth, betwixt and the twentieth of September next to come, shall from thenceforth have right to, and enjoy his Church, Benefice, Manse and Gleib, as fully and freely as if he had been lawfully presented and admitted thereto at his first entry, or as any other Minister within the Kingdom doth or may do. And for that end, it is hereby Ordained, That the respective patrons shall give presentations to all the present Incumbents, who in due time shall make application to them for the same. And in case any of these Churches shall not be thus duly provided before the said twentieth of September, then the patron shall have freedom to present another betwixt and the twentieth day of March, one thousand, six hundred and sixty three; which if he shall refuse or neglect, the presentation shall then fall to the Bishop, *jure devoluto*, according to former Laws. And suchlike His Majesty, with advice foresaid, doth Statute and Ordain the Archbishops and Bishops to have the power of new Admission and Collation to all such Churches and Benefices as belong to their respective Sees, and which have vaked since the year one thousand, six hundred and thirty seven: And to be careful to plant and provide these their own Kirks conform to this Act.

I V.

ACT concerning Masters of Universities, Ministers, &c.

THE King's most Excellent Majesty, according to the laudable example of His Royal progenitors in former parliaments, Doth, with advice and consent of His Estates convened in this present parliament, Ratifie and Approve all and whatsoever Acts and Statutes heretofore made, concerning the liberty and freedom of the true Church of God, and the Religion now professed and established within this Kingdom: And considering how necessary it is for the advancement of Religion and Learning, for the good of the Church, and peace of the Kingdom, that the Universities, and Colleges be provided and served with professors, principals, Regents and Masters, well affected to His Majesty and the established Government in Church and State; His Majesty, with advice foresaid, Doth Statute, Ordain and Enact, That from this time forth, no Masters, principals, Regents, nor other professors in Universities or Colleges within this Kingdom, be admitted, nor allowed to continue in the exercise of any Function within the same, but such as are of a pious, loyal and peaceable conversation, submitting to, and owing the Government of the Church by Archbishops and Bishops, now settled by Law; and who having given satisfaction therein to the Bishops of the respective Diocesses and patrons, and having, in their presence, taken the Oath of Allegiance, shall procure their attestation of the same; that is to say, the professors and other Masters of the Universities of *St. Andrews, Glasgow and Aberdeen*, to have the approbation and attestation of the Archbishops and Bishops, who are the respective Chancellors of the said Universities; and the professors and other Masters of the New-toun Colledge in *Aberdeen* and Colledge of *Edinburgh*, to have the approbation of the respective patrons, the Earl of *Marshall*, and Magistrates of *Edinburgh* and *Aberdeen*, and an attestation and certificat under the hand of the Bishops of *Edinburgh* and *Aberdeen*, respective, that they have taken the Oath of Allegiance, and that they are persons who submit to, and own the Church-government as now settled by Law. Likewise, His Majesty finding it necessary for the peace and quiet of the Church, that the Ministers be such as will acknowledge, and comply with, the present Government of the same, Doth therefore, with advice foresaid, Statute and Enact, That whatsoever Minister shall, without a lawful excuse be admitted by his Ordinary, absent himself from the visitations of the Diocese, which are to be performed by the Bishop or some of the Ministers to be appointed by him, or from the diocesan Assembly; or who shall not, according to his duty, concur therein, or who shall not give their assistance in all the Acts of Church-discipline, as they shall be required thereunto by the Archbishop or Bishop of the Diocese, every such Minister so offending shall, for the first fault, be suspended from his Office and Benefice till the next diocesan Meeting; and if he amend not, shall be deprived, and the Church and Benefice to be provided as the Law alloweth in other cases

cases of Vacancies. And his Majesty considering, that under the pretext of Religious exercises, divers unlawful Meetings and Conventicles (the nurseries of sedition) have been kept in private families; Hath thought fit, with advice foresaid, hereby to Declare, That as he doth, and will, give all due encouragement to the Worship of God in families amongst the persons of the family, and others who shall be occasionally there for the time, so he doth hereby Discharge all private Meetings or Conventicles in houses, which under the pretence of, or for, Religious exercises, may tend to the prejudice of the publick worship of God in the Churches, or to the alienating of the people from their lawful Pastours, and that duty and obedience they owe to Church and State, And it is hereby Ordained, That none be hereafter permitted to preach in publick or in families within any Diocesse, or teach any publick School, or to be pedagogues to the children of persons of quality, without the licence of the Ordinary of the Diocesse.

V.

ACT concerning the Declaration to be signed by all persons in publick Trust.

FOrasmuch as it hath pleased Almighty God, in His Majesties Restitution to His Royal Government, to restore this Kingdom to its ancient liberties and peace, and to deliver His Majesties good Subjects from these miseries and bondage whereby they have been oppressed, during these troubles; And the Estates of Parliament, finding themselves obliged in a due resentment of this mercy, and in discharge of that duty they owe to God, to the Kings Majesty, to the publick peace of the Kingdom, and in discharge of His Subjects, To use all means for the due preservation of that peace and happiness they now enjoy under His Royal Government; and to prevent and suppress every thing that may tend to the renewing or favouring of these courses, by which, the late Rebellion hath been fomented and carried on; And conceiving, that the employing of persons of sound principles and intire loyalty, in all offices of Trust and places of publick Administration, will conduce much to these ends: Therefore, and for quieting the spirits of His Majesties good Subjects, and begetting a confidence in them of their security for the future; His Majesty hath thought fit, with advice and consent of His Estates of Parliament, to Statute, Ordain and Enact; Likeas His Majesty, by these presents, doth, with advice foresaid, Statute, Ordain and Enact, That all such persons as shall hereafter be called or admitted to any publick Trust or Office, under His Majesties Government within this Kingdom; that is to say, to be Officers of State, Members of Parliament, privy Counsellors, Lords of Session, Commissioners in Exchequer, Members of the Colledge of Justice, Sheriffs, Stewarts or Commissaries, their Deputs and Clerks, Magistrates and council of Burroughs, Justices of Peace and their Clerks, or any other publick Charge, Office and Trust within this Kingdom; shall at and before their admission to the exercise of such places or Offices, publickly, in face of the respective Courts they relate to, subscribe the Declaration under-written: And that they shall have no right to their said Offices or Benefites thereof, untill they subscribe the same as said is; but that every such person who shall offer to enter and exerce any such Office, before he subscribe the Declaration, is to be reputed and punished as an usurper of His Majesties Authority, and the place to be disposed to another. Likeas His Majesty doth, with advice foresaid, remit to His Commissioner, to take such course as he shall think fit, how these who are presently in Office may subscribe the said Declaration. And it is hereby Declared, that this Act is without prejudice of any former Acts, for taking the Oath of Allegiance and asseiting the Royal Pterogative.

I Upon pretence of Reformation or other pretence whatsoever, to enter into Leagues and Covenants, or to take up Armes against the King or those commissioned by Him: And that all these Gatherings, Convocations, Petitions, Protestations, and erecting and keeping of Council-tables, that were used in the beginning, and for carrying on, of the late troubles, were unlawful and seditious. And particularly, that these Oathes, whereof the one was commonly called, The National Covenant, (as it was sworn and explained in the year, one thousand, six hundred and thirteight, and thereafter) and the other entituled, A Solemn League and Covenant, were, and are, in themselves unlawful Oaths, and were taken by, and imposed upon, the Subjects of this Kingdom, against the fundamental Lawes and Liberties of the same. And that there lyeth no obligation upon me, or any of the Subjects from the saids Oathes, or either of them, to endeavour any change or alteration of the Government, either in Church or State, as it is now established by the Lawes of the Kingdom.

VI.

Act for suppressing of Theft, Robberies and Depredations.

OUR SOVERAIGNE LORD considering, That notwithstanding the many laudable Laws made by His Royal Progenitors, for suppressing of Theft, Robberies, Depredations, &c. Yet some insolent persons have of late, and daily do commit several Out-rages, Thefts and Robberies upon the persons and goods of divers of His Majesties faithful Subjects, to the dishonour of Religion, contempt of His Majesties Authority, and reproach of the Nation. And His Majesty being most willing to remedy these insolencies for the future, that so all His good Subjects may find the fruit and effect of His happy Restauration, in the safe protection of their persons, and secure possession of their goods; Doth therefore, with advice and consent of His Estates of Parliament, Statute and Ordain, That whensoever any Oppressions, Herillips, Reifs, Sorninges, Thefts, Robberies or Depredations shall happen to be committed within any part of this Kingdom, by whatsoever person or persons; the owner of the Goods away-taken shall immediatly after the way-taking of the same, by himself or some in his name, give intimation thereof to the Sheriff of the Shire or his Deputes, or any of the Justices of Peace or Constables within the Paroch out of which the Goods are taken, as can be most conveniently had; and which Sheriff, Justice of Peace or Constable, shall immediatly upon intimation foresaid, under the pain of being lyable in the restitution of the Goods away-taken, or payment of the value thereof, command and require all sensible persons within the said Paroch, to concur and go along with them in the pursute of the said Goods and Way-takers thereof; and which persons are hereby obliged to obey under the pain foresaid. And in case it shall happen the saids Theeves or Robbers, to pass through or rest in any other Paroch where the Justices of Peace, Constables, Heretors, Wodsetters and Fewers within the same are able to stop and oppose the Carrying away of the saids Goods, then and in that case the saids Justices of Peace, Constables, Heretors, Wodsetters and Fewers, shall be themselves, tenants and servants, and such as they can command, make opposition, and seize upon the Goods and Drivers thereof; and shall be obliged upon complaint made to the Sheriff or his Deputes, or any of the saids Justices of Peace, by the owners of the saids Goods or any having power from the owner for that effect, to restore the saids Goods within fifteen dayes after the requiring thereof, and deliver or secure the Drivers and Way-takers thereof, that they may underly the Law. And in case the committers of the foresaid crime be so numerous and powerful that they cannot be stopt and mastered by the inhabitants of the said Paroch, then the saids whole sensible inhabitants shall be obliged, under the pain foresaid, to rise in Arms and follow and pursue them, and require all the sensible persons in any other Paroch they shall happen to pass through to joyn with them (and which persons shall be obliged to do the same, under the pain of being lyable for the Goods or value thereof, as said is) in the prosecution and recovery of the saids Goods, that so the Goods may be restored to the right owners, and the Depredators punished according to Law. It is likewise Statute and Ordained, That if the pursuer of the Goods shall not be able, after all his utmost endeavours, with concurrence aforesaid, to recover the saids Goods an apprehend the Way-takers thereof, then and in that case the respective Heritors, Wodsetters and Fewers within the Paroch wherein the Goods shall be found to have been disposed of or sparpelled, shall be lyable for the value of the saids Goods according to their severall interests. And further it is Statute and Ordained, That in case it shall happen the parties whose Goods shall be taken away, or those that are obliged to rise with them in manner foresaid, to slay, hurt or mutilat in the said pursute, any of the Way-takers thereof or their associats; yet notwithstanding they shall never be drawn in question, nor lyable in any pursute, Civil or Criminal, for the said slaughter, mutilation or other hurt, but are hereby as freely remitted as if they had our Sovereign Lords special Commission for that effect. And for the better suppressing of the foresaid Thefts, Robberies and Depredations, and punishing of the persons committers thereof, the Sheriffs in the respective Shires and their Deputes, are hereby strictly required to put in execution the power allowed to them by the former Acts and Laws of the Nation, for pursuing and apprehending Robbers and Theeves, with all other persons who have no certain residence nor known way of livelyhood, and that under the pains contained in the foresaid Acts *respective*. And for defraying of the saids Sheriffs and their Deputes their charges, and rewarding their pains, the Lands, Goods and Geer of the saids Theeves and Robbers and their Refetters, and the Refetters of such persons as have no certain residence nor known way of livelyhood, as said is, shall be made use of and employed, atleast, so much thereof as the Lords of His Majesties Privy Council shall think fit upon consideration of the case.

And further it is Statute and Ordained, That the In-bringer of every Robber and Theef, after he is outlawed and denounced Fugitive, shall have two hundred pounds Scots for every Theef and Robber so apprehended and brought in: And all Sheriffs of Counties and their Deputes, Magistrates of Burghs and Justices of Peace are hereby required to receive the said Theef or Robber off their hands without delay, giving the In-bringer of the said Theef or Robber a receipt thereof under his or their hands: To the end, he may repair to His Majesties Secrer Council, and receive the reward afore-mentioned.

VII.

Act for the allowance of ten thousand pounds Scots, yearly, to the Lords of Session, out of His Majesties Customs.

THe Kings most excellent Majesty taking ro His consideration, how much His own honour, the general good of the Kingdom, and the particular interests of His Subjects, of all ranks within the same, are concerned, in the speedy and equal administration of Justice; and how necessary it is, in order thereunto, that the Senators of the Colledge of Justice, who are the only ordinar supream Judges of this Realm, in all Civil causes, be provided with a competent and futeable allowance for the defraying of the charge and expence they are put to, in their attendance on the discharge of that publick Trust; Hath therefore, out of His princely care, thought fit to grant the saids Senators of the Colledge of Justice, an addition of ten thousand pounds Scots to be payed unto them yearly, and that over and above the former Annuity of ten thousand pounds granted by His Royal Grand-father, in the year one thousand, six hundred, and nine, or what hath been formerly granted to them in this or any other Parliament, or otherways doth appertain to them. And His Majesty considering, that this grant will much tend to the profit, advantage and good of His Majesties service and well-fare of His Kingdom, Doth therefore, with advice and consent of his Estates of Parliament, appoint the same to be payed out of the Customs of this Kingdom: And for that end, His Majesty, with advice foresaid, and after mature deliberation had thereupon, dissolves, annuls and inustings from the Crown and Patrimony thereof, the annexation of the Customs of this Realm, in so far as the same may be extended to the said sum of ten thousand pounds, of the first and readiest of the Customs. And now after this dissolution, His Majesty, with advice foresaid, gives, grants, assigns and disposes to the saids ordinar Lords and Senators of the Colledge of Justice, and their Successors in the said Office and Trust, in all time coming, all and whole the sum of ten thousand pounds usuel money of Scotiand, to be uplifted and received by them, and their Collectors appointed by them, at two termes in the year, Whitfunday and Mertimafs, by equal portions, forth of the first and readiest of His Majesties Customs, or any part thereof, from his Majesties Thefaurer, Deput-thefaurer, Receavers, Tack-men, Possessors, Intromettors with the saids Customs, and others lyable in paiement thereof, present and to come; beginning the first termes paiement thereof from the feast and terme of Mertimafs last by past, one thousand, six hundred, and sixty one years, and so forth, yearly and termly thereafter at the termes foresaid in all time coming; charging hereof the said Thefaurer, Deputy-thefaurer, Receavers, Tack-men, Possessors, Intromettors with the saids Customs, and others lyable in paiement thereof, present and to come, to make thankful paiement at the termes of paiement above-written, of the foresaid yearly sum of ten thousand pounds to the saids ordinar Lords of Council and Session, their Successors and Collectors in their names, out of the first and readiest of the saids Customs; and that they be preferred in paiement thereof to all and whatsoever other person or persons pretending right to the saids Customs or any part thereof by pension, assignation, gift, or other right or disposition whatsoever. And likeways commanding the Lords of Exchequer, present and to come, to allow the same to the payers of the said sum of ten thousand pounds, yearly and termly, in the first end of their accounts, upon sight of the saids Lords of Session, or their saids Collectors acquittance upon paiement thereof. And also, His Majesty, with advice and consent foresaid, Decerns and Ordains His Majesties Thefaurer, Deput-thefaurer, Receavers, Tack-men of, and Intromettors with the saids Customs, present and to come, to become enacted themselves and find sufficient caution, acted in the Books of Council and Session, for the yearly paiement of the foresaid sum of ten thousand pounds to the saids Lords of Session and their Successors, or their Collectors, at the termes and in manner above-exprest: And at the decease or dimission of any of the persons so enacted, that the next entrant shall become enacted, and find caution to the effect foresaid; As also, at the setting of any new Tacks, the Tack-men find caution to the effect foresaid; otherways, the saids whole Tacks to be null, and the nullity thereof to be decided by way either of action or exception: And that Letters and Executorials of Horning, upon an charge of ten dayes, be directed against them, by delivrance of the saids Lords of Session, for paiement of the said sum of ten thousand pounds in manner above-written. And Decerns and Ordains, That no Suspension be granted in this matter, to whatsoever person or for whatsoever cause, by the Lords of Parliament, Lords of Exchequer, or other Judge whatsoever, except upon consignation of the sums charged for, or production of sufficient acquittances; and that the saids ordinar Lords and Senators of the Colledge of Justice are, and shall be, only Judges for discussing of the saids Suspensions, discharging all other Judges of granting Suspensions, concerning the premises and discussing of the same, and of their Offices in that part for ever. And to the foresaid Disposition and Assignment of ten thousand pounds, and to the whole Heads and Articles of this Act above written, His Majesty and Estates of Parliament interpones their Consent and Authority, as to an Act which doth highly concern the good and well-fare of the Nation. And His Majesty, for his Highness and His Successors promises, *in verbo Principis*, never to impugn or quarrel the same, nor come in the contrait thereof, directly nor indirectly, in time coming, and the like execution being granted by Act

of Parliament in the year, one thousand six hundred and nine, for payment of the ten thousand pounds then granted to the Lords of the Session; It is hereby appointed by His Majesty and the Estates of Parliament, That in time coming they be paid together; and that all the execution contained in this or that former Act shall pass, and be allowed for payment of the whole twentie thousand pounds Scots yearlie, as fullie as if the said twenty thousand pounds had been granted together, and in one sum, and that this Act had been expresse made and granted for the same.

VIII.

THE KING'S MAJESTIES

General

REVOCATION.

THE Estates of Parliament having considered His Majesties Revocation, past under His Royal hand, and this day presented to them by His Majesties Advocat, Do Ordain the same to be recorded in the Books of Parliament; whereof the tenour followeth.

CHARLES R.

WE CHARLES, by the grace of GOD, King of Great Britain, France and Ireland, Defender of the Faith, taking to our consideration, That during the time of the late troubles, and by occasion thereof, many Writes, Declarations, Ratifications and other Deeds may have past Our hands, to the prejudice of the Church, Our Estate, Patrimony, and just interest of our Subjects, and derogatory to our honour, the priviledges of our Crown, and dignity of our Person, either before we attained to the age of twenty one years or thereafter; as also, that many Deeds might have past our Royal Fathers hands during the late wars, to the enorm hurt and lesion of His Sacred Majesty, in all the particular wayes above exprest, which by the Lawes of this our Kingdom can no wayes be binding, or obligatory against us, but by vertue of the saids Lawes may be revoked. And seeing, before our return to the Government of our Kingdoms, in May one thousand, six hundred and sixty, we had not the fit occasion of Judicatories within this our Ancient Kingdom, to whom we (according to the practice of our Royal Ancestors) might have directed our Revocation of such Deeds: Therefore, now after that we are, by the blessing of Almighty God, returned to the exercise of our just, lawful and Royal Authority, do, by these presents, Revoke, Cass, Annul, Retreat and Rescind all Acts of pretended Parliaments, Conventions or Councils, Declarations, Treaties or Ratifications of the same; and all and sundry Inseftments, Charters, Gifts, Donations, Dispositions, Confirmations, Pensionns, Tacks, Affe-dations, and other Rights and Deeds whatsoever, conveyed, signed or consented to by us, to whatsoever person or persons, of any Rents, Lands, Teinds, Patronages, Offices, Few-farmes, Casualties, Priviledges, Services and others whatsoever, which the Lawes and custome of our said Realm alloweth us to Revoke, either past by us in our Minority, or since, at any time preceeding the twenty ninth day of May, one thousand, six hundred and sixty, or by our Royal Father of glorious and blessed memory, at any time since the year one thousand, six hundred and thirty seven, to the hurt or prejudice of the Church, His or Our Honour, Estate, Patrimony, Priviledges of our Crown, Dignity of His or Our Person, or just right and interest of our Subjects. And We Will and Declare, and by our Sovereign, Royal Authority Ordain, That these presents shall be as amply extended, and of as great force strength, and effect, in general and in special, as any Revocation made by any of our Royal Predecessors, contained in the Books and Records of Parliament, which in all beads, clauses and circumstances thereof we Will and Ordain to be holden as here repeated. And We Will and Ordain these presents to be as valde, legal and effectual to all intents and purposes, as if the same had been done and Registered in the Books of Parliament, before our Age of twenty five years; Protesting solemnly, that the omission thereof, nor our absence forth of our said Kingdom of Scotland, at this time, nor want of other Solemnities whatsoever, shall be no prejudice to us aient this present Revocation, with all which we do dispence, and do supplie all defects thereof by our Kingly power and Authority Royal, Declaring also, that albeit we, of favour and benevolence, and for any respect or consideration whatsoever, suffer any person or persons to use and enjoy any Priviledges, Possessions, Lands or Rents, Offices or any other thing falling under the compass of this our Revocation, the same shall make no right to the users or holders thereof, unless the same hath been granted or confirmed by us since the twenty ninth day of May, one thousand, six hundred and sixty, or shall be of new confirmed by us in any time hereafter: But it shall be lawful to us and our Successors to intromet therewith, when we or they please, but any contradiction, and that by vertue of this our Revocation, and Acts and Constitutions of our Realm. And we do

Declare, that the Gifts or Confirmations made and granted by us since the twenty ninth of May, one thousand, six hundred, and sixty, and such as shall be granted or confirmed by us at any time hereafter, are not, nor shall not be comprehended within this Revocation, but are excepted out of the same; which Revocation we Will and Ordain to be intimate, insinuat, declared and registrate in the Records of this present Parliament now sitting in Edinburgh, and holden by our trusty and well-beloved Cousin and Councillor, John Earl of Middleton, Our Commissioner in Our Name and by Our Authority. Given at Our Honour of Hampton-Court, the fourteenth day of July, one thousand, six hundred and sixty two, and of Our Reign the fourteenth year.

And His Majesty, with advice and consent of His Estates of Parliament, doth Declare, that this Revocation is to be extended to all and whatsoever Deeds done in hurt and prejudice of whatsoever Lands, Lordships and others annexed to the principallity, or to the Prince who is second Person in this Realm. And for the clearing and further satisfaction of the Subjects, as to that clause, by which all and whatsoever Rights and Deeds, made and done by His Royal Father, are Revoked, which the Laws and Custom of this Kingdom allow His Majesty to Revoke; His Majesty, with advice foresaid, doth Declare, That all such Deeds are only thereby to be Revoked and Rescinded which were made against the Laws and Acts of Parliament in force, before the year one thousand, six hundred, and thirty seven; And that this general Revocation shall be without prejudice to His Majesty to make a more special Revocation hereafter, if His Majesty shall think fit so to do.

I X.

Act anent the Teinds belonging to Bishops and other beneficed persons.

Forasmuch, as by the Kings Decret arbitral, in the Moneth of one thousand, six hundred and twenty seven years, His Majesty found, upon the Submission made by the Bishops and other Clergy, that the *quota*, or rate of all Teinds pertaining to the Bishopricks and other Benefices which falleth under the Submission, should be the fifth part of the constant rent of Stock and Teind. In which Submission, there is an express Clause, that the Bishops, and others of the Clergy, should enjoy the fruits and rents of their several Benefices, as they were possessed by them the time of the said Submission. By which provision it appears, that whatsoever Teinds, Parsonage or Vicarage, they were in possession of, by leading and drawing the same, or by rental Bolls, they were not at all to be valued by the Heritors thereafter. Like-as, till the year one thousand, six hundred, and forty one, none of the saids Teinds, possessed by the Bishops and other Beneficed persons, were valued and approved by any Commission, unless by consent or collusion, none making opposition thereto. And it being reasonable, that the Rights and Priviledges belonging to the Church-men in the year one thousand, six hundred, and thirty three, should be restored to them: Therefore, the Kings Majesty, with advice and consent of His Estates of Parliament, Statutes and Ordains, all valuations of the Teinds, whereof the Bishops and other beneficed persons were in possession, as said is, led by any pretended Commission for valuation of Teinds, since the year one thousand, six hundred, and thirty seven, to be void and null in time coming; And that the saids Bishops and other beneficed Persons shall enter to the said possession of rental Bolls, and leading of the saids Teinds, Parsonage and Vicarage, this cropt and year of God, one thousand, six hundred, and sixty two years, and in time coming; Providing always, like-as it is hereby provided, that the Heritors of such Lands, whereof the Teiches belongs to the Arch-bishops, Bishops, and other beneficed persons, being Ministers, and were set in tack, the time of their submission to His Majesties Father of blessed memory, shall be in that same place and condition they were in, by the Decret arbitral pronounced thereupon, and by the nineteenth Act of the Parliament held Anno, one thousand, six hundred, and thirty three, Entitled, *Commission for valuation of Teiches*, &c. and shall have the full benefit thereof.

X

The Kings Majesties gracious and free Pardon, Act of Indemnity and Oblivion.

The Kings most Excellent Majesty considering, that by the late troubles, divers of His Subjects, of this his ancient Kingdom of *Scotland*, have fallen under, and are involved in many great crimes, faults, offences & other deeds of commission & omission, whereby they have contravened the Laws of this Kingdom, & thereby rendered themselves lyable to the pains, penalties, censures due thereto: And being most desirous, that a perfect peace be setled in this Kingdom, and that all His good Subjects may be sensible of, and enjoy the happiness and blessings of His Government, and that no crime, offence or other deed whatsoever, committed against His Majesty, or His Royal Father of blessed memory, or by any of His Majesties Subjects against another, in relation to the late troubles, shall hereafter rise in Judgment, or be brought in question against any of them before any Judge, Civil or Criminal, to the prejudice either of their lives, Estates, Offices, priviledges, Liberties or reputations: But that all seeds of future differences, and remembrance of former

proceedings, may as well by his Majesty, as by his Subjects one towards another, be forgotten: and that all names of reproach or distinction which have been used, or may revive the memory of the late differences, be buried in Oblivion. Therefore, His Majesty, of His signal prudence, Grace and Goodness, Doth, with advice and consent of His Estates of Parliament, Declare, Statute and Ordain, That all manner of Treasons, Rebellions, Murthers, Offences, Crimes, Contempts, Injuries, Misdemeanors and all other Deeds, as well of commission as omission, commanded, acted or done by any person or persons, by vertue of any power or warrant of any pretended Parliament, Council or their Committees, Commanders of Armies, or others pretending Authority, under whatsoever title, name or designation, since the first day of *January*, one thousand, six hundred and thirty seven years, and before the first day of *September*, one thousand, six hundred and sixty, (other then such as are hereafter excepted in this present Act) be and are hereby *Pardoned, Released, Indemnified and Discharged*; and that all and every person and persons or Incorporations, Acting, Advising, Assisting or Abetting the same, and their Heirs, Executors, and Successours (except as shall be hereafter excepted) are hereby *Pardoned and Indemnified*, and *Discharged* thereof, and of all pains of Forfeiture, Death, Fines, Imprisonment, Banishment, and other pains, Penalties, Action and Question, Civil or Criminal; and of all Decrets, Sentences, Acts or Orders past thereupon, and all other damage, prejudice and inconveniencies whatsoever, they or any of them might or may be lyable unto for the same. All which Pains, Sentences, and others foresaid, are hereby declared void and null in all time coming; and that this Free and General *Pardon, Indemnity and Oblivion*, shall be as effectual in Law, to every one of his Majesties Subjects, and bodies politic and incorporat, and person or persons whatsoever, in, for and against all things; (which be not after excepted) as if the said Persons, Crimes, Offences, Injuries, Deeds, Misdemeanours, Penalties, Decrets, Sentences and Orders, had been specially and particularly here inferd, and in expresse words *Pardoned and Released*; and that none be hereafter, in any manner of way pursued or questioned for the same, but that these presents shall be in all cases, in Judgment and outwith the same, a sufficient defence and exoneracion to all parties concerned: Discharging hereby, all and sundrie Judges, Civil and Criminal, to give order for intending any Procees, either at the instance of his Majesties Advocat, against the Subjects, or at the instance of any of the Subjects against another, for any of the said Crimes, Faults, Offences or other deeds, or to proceed in any Procees already intended, or to be intended thereanent. And His Majesty, with advice foresaid, doth hereby Statute and Ordain, That every clause and word, in this present Act, be understood and interpreted in the most favourable sense the expression may bear, for Indemnity of the whole persons who may have interest therein: Excepting always from this present Act, and the *Pardon and Indemnity* therein contained; all such persons (if any be) who were guilty of, and accessory to, any previous transactions and bargains of money, for carrying on of that proceedor concerning his Majesties Person, condemned by the tenth Act of the first Session of this present Parliament; and excepting all such (if any be) who upon any contrivance were art and part of the horrid murder of his late Majesty of blessed memory: And sick-like, Excepting all private murthers, thefts, witch-crafts, incests, buggeries, briberies, forging of false Writes, perjuries, usuries, and other crimes of that nature, not relating to the late troubles; and the Accounts of all such persons as have intromitted with any of his Majesties Revenues, publick Impositions, Excise, Fines, Forfeitures, Sequestrations, and all other publick money, for which they had not Order, Warrant or Assignment, (for their own privat use) or for which they have not duly counted, and received Discharges thereof, from such as pretended to have the Authority for the time, to do the same; And also Excepting all such persons who have been forfeited, or declared Fugitives, in this present Parliament, or by the Committee of Estates, since *August* one thousand, six hundred, and sixty. And particularly, Excepting the Decrets of forfeiture against *Archibald Campbel*, late Marquess of *Argyll*; *Archibald Johnston*, sometime called *Sir Archibald Johnston of Warristoun*; *John Swintoun*, sometime called of *Swintoun*; *James Gutbery*, *William Govan*, *John Home*, and *William Dundas*; *James Campbel*, sometime called of *Arkinglafs*, and *James Campbel*, sometimes called of *Ormsay*; which Decrets are to stand in full force and have further execution, conforme to the tenours thereof. And sick-like, Excepting all Decrets, Sentences, Assignments and Orders, past, given and renewed by this present Parliament, in favours of any person or persons; And but prejudice of the generality foresaid; Excepting such persons, as to the payment of such sums of money, as are respectively exprest in another Act, past in this Parliament, Entituled, *Act concerning some exceptions from the Act of Indemnity*.

X I.

Act Salvo jure cujuslibet.

OUR SOVERAIGN LORD, taking to consideration, that there be many Acts of Ratification and others, past and made in this Session of Parliament, in favours of particular persons, without calling or hearing of such as may be thereby concerned and prejudged. Therefore, His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all such particular Acts, and Acts of Ratification, past in maner foresaid, shall not prejudice any third party of their lawful Rights, nor of their actions

actions and defences competent thereupon before the making of the saids particular Acts, and Acts of Rati-
fications; And that the Lords of Session and all other Judges within this Kingdom, shall be obliged to judge
betwixt parties, according to their several rights, standing in their persons before the making of the saids Acts.
All which are hereby expounded and declared to have been made, *Salvo jure cujuslibet*.

XII.

ACT of Adjournment.

THE Kings Majesty Declares this Parliament current, and adjourns the same to the twentieth day of
May next to come; Ordaining all Noblemen, Commissioners from Shires and Burroughs, and all others
having interest, to attend that day; and that there be no new election in Shires or Burroughs, except upon
the death or incapacity of any of the present Commissioners.

A. PRIMEROSE,

Cls. Register.

A T A B L E

Of the Printed A C T S.

- 1 **A**ct for the Restitution and Re-establishment of the ancient Government of the Church by Archbishops
and Bishops.
- 2 Act for preservation of His Majesties Person, Authority and Government.
- 3 Act concerning such Benefices and Stipends as have been possessed without Presentations from the
lawful Patrons.
- 4 Act concerning Masters of Universities, Ministers, &c.
- 5 Act concerning the Declaration to be signed by all persons in publick Trust.
- 6 Act for suppressing of Theft, Robberies and Depredations.
- 7 Act for the allowance of ten thousand pounds Scots, yearly, to the Lords of Session, out of His Maje-
sties Customs.
- 8 The Kings Majesties general Revocation.
- 9 Act anent the Teinds belonging to Bishops and other beneficed persons.
- 10 The Kings Majesties gracious and free Pardon, Act of Indempnity and Oblivion.
- 11 Act *Salvo jure cujuslibet*.
- 12 Act of Adjournment.

F I N I S.

L A W S A N D A C T S

Past in the T H I R D

S E S S I O N

Of the F I R S T

P A R L I A M E N T,

Of Our Most High and Dread Sovereign,

C H A R L E S

T H E S E C O N D.

By the Grace of GOD, King of Scotland, England, France and Ireland,
Defender of the Faith.*By a Noble Lord, John Earle of Rothes, Lord Lesly and Bambreith, His MAJESTIES
Commissioner for holding the same, by vertue of a Commission under His
MAJESTIES Great Seal of this Kingdom.**With the special Advice and Consent of the Estates of Parliament.*Begun at *Edinburgh* upon the eighteenth of *June*, 1663, and continued
to the ninth of *October* thereafter.

I.

ACT *anent the way and maner of Election of the Lords of the Articles.*

THE WHICH DAY, The Earle of Rothes, His Majesties Commissioner, represented to the Estates of Parliament, That it was His Majesties express pleasure, That in the constitution of Parliaments, and choising of Lords of the Articles at this Session and in all time coming, the same form and order should be kept, which had been used before these late troubles, especially in the Parliament holden in the year One thousand, six hundred, and thirty three. And the manner of election of the Lords of Articles at that time being now seen, and considered, be the Estates of Parliament; They did with all humble duty acquiesce in His Majestie's gracious pleasure, thus signified unto them. And in prosecution thereof, The Cleygy retired to the Exchequer chamber, and the Nobility to the Inner house of the Session, (the Barons and Burgeses keeping their places in the Parliament house) The Clergy made choice of

eight Noble men to be on the Articles, *viz.* The Duke of *Hamilton*, The Marquess of *Montrose*, The Earles of *Errol*, *Mar*, *Eglintoun*, *Haddington*, *Callendar*, and *Amandaile*; And the Nobility made

choice of eight Bishops, *viz.* The Archbishops of Sanct-Andrews and Glasgow, The Bishops of Edinburgh, Galloway, Dunkeld, Breichen, Cathnes, and Isles; which being done, the Clergy and Nobility mett together in the Inner Exchequer house, and having shewn their elections to others, the persons elected, at least so many of them as were present, stayed together in that room, (whilst all others removed) and they jointly made choice of Eight Barons, and eight Commissioners of Burrows, *viz.* Sir John Gilmour of Craigmillar, President of the Session, Sir James Lockhart of Lee, Sir James Foulis of Collingtown, Sir Archibald Stirling of Carden, Sir Peter Wedderburn of Gosford, Sir Thomas Hamilton of Preston, Murray of Polmais, and William Scott of Ardross, Sir Robert Murray Provost of Edinburgh, Master John Paterson of Perth, Alexander Wedderburn of Dundie, Gilbert Gray of Aberdeen, Duncan Nairn of Stirling, Andrew Carstairs of Sanct-Andrewes, Andrew Glen of Linlithgow, and William Cunningham of Air, Burgeses; And then represented the whole elections to his Majestie's Commissioner, who being satisfied therewith, did then with the Clergy and Nobility return to the Parliament-house, where the list of the eight Bishops, eight Noblemen, eight Barrons, and eight Burgeses being read, It was approved, And his Majestie's Commissioner did add to the list the Officers of Estate, And appointed the Lord Chancellor to be President, in the meetings of the Lords of the Articles; and ordered the Lord of their trust, in preparing of Laws, Acts, overtures, and ordering all things remitted to them by the Parliament, and in doing every thing else which by the Law and Practick of the Kingdom, belonged, or were proper to be done by the Lords of Articles at any tyme bygone.

I I.

A C T against separation and disobedience to Ecclesiastical Authority.

FORasmuch as the Kings Majesty, considering the prejudices which did ensue to the Church and Protestant Religion, to the prerogative of the Crown, to the Authority of Parliament, to the Liberties of the Subject, and to the publick Lawes and Peace of the Kingdom, by the invasions made upon Episcopall Government during the late troubles; And finding that Government, to be the Church Government, most agreeable to the word of God, most convenient & effectual for preservation of Truth order & Unity, and most sureable to Monarchy and to the Peace and Quiet of the State; Hath therefore, with advice and consent of His Estates of Parliament, by several Acts past in the second Session of this Parliament, restored the Church to it's ancient and right Government by Arch-bishops and Bishops, and hath redintegrated the estate of Bishops to the exercise of their Episcopall Function, and to all the priviledges, Dignities, Jurisdictions, and Possessions due and formerly belonging thereunto. And in further order to the settlement of the Church, and bringing the Ministers to a due acknowledgment of and compliance with the Government thereof thus established by Law, His Majesty, with advice foresaid, hath also Statute and Ordained, That all these Ministers, who entered to the Cure of any Paroch without Right or presentations from the lawful Patrons, in and since the year, one thousand, six hundred, and forty nine, and should not, betwixt and the twentieth of September last, Obtain Presentations from their severall Patrons, and Collation from the Bishop of the Dioceses where they lived, should have no right to the uplifting the Rents of any Benefice or Stipend for the year, one thousand, six hundred and sixty two, but that their places, Benefices and Kirks should be, *ipso jure*, vacand: And that whatever Ministers should, without a lawful excuse to be admitted by their Ordinary, absent themselves from the Dioecesan Assembly, or who should not concur in all the Acts of the Church-discipline, as they should be thereunto required by the Arch-bishop or Bishop of the Dioecses, should be for the first fault suspended from their Office and Benefice till the next Dioecesan Meeting; and if they amend not, should be deprived, and the Church and Benefice to be provided as in other cases of vacancies. And the Kings Majesty having resolved to conserve and maintain the Church in the present State and Government thereof by Arch-bishops and Bishops, and others bearing office therein, and not to endure nor give way or connivance to any variation therein in the least, Doth therefore, with advice and consent of his Estates convened in this third Session of His Parliament, Ratifie and approve the afore-mentioned Acts, and all other Acts and Lawes made in the two former Sessions of Parliament, in order to the settling of Episcopall Dignity, Jurisdiction and Authority within this Kingdom; and Ordains them to stand in full force as publick Lawes of the Kingdom, and to be put to further execution in all points, conforme to the tenor thereof. And in pursuance of His Majesties Royal resolution herein, His Majesty, with advice foresaid, doth recommend to the Lords of His Majesties Privy Council, to take speedy and effectual course, that the Acts receive ready and due obedience from all His Majesties Subjects; And for that end, that they call before them all such Ministers, who having entered in or since the year, one thousand, six hundred, and forty nine, and have not as yet obtained presentations and Collations, as foresaid, yet dared to preach in contempt of the Law, and to punish them as seditious persons and contemners of the Royal Authority. As also, that they be careful, that such Ministers, who keep not the Dioecesan Meetings, and concur not with the Bishops in the Acts of Church discipline, being for the same suspended or deprived, as said is, be accordingly, after deprivation, removed from their Benefices, Glebs and Manſes; and if any of them shall notwithstanding offer to retain the possession of their Benefices

fices or Manles, that they take present course to see them dispossess; and if they shall thereafter presume to exercise their Ministry, that they be punished as seditious persons, and such as contemn the Authority of Church and State.

And as His Majesty doth expect, from all His good and dutiful Subjects, a due acknowledgment of, and hearty compliance with, his Majesties Government, Ecclesiastical and Civil, as it is now established by Law within this Kingdom, and that in order thereunto they will give their chearful concurrence, countenance and assistance to such Ministers, as by publick Authority are or shall be admitted in their severall Paroches, and attend all the ordinary Meetings for divine Worship in the same; So His Majesty doth Declare, that He will, and doth, account a with-drawing from, and not keeping and joyning in, these Meetings, to be seditious, and of dangerous example and consequence. And therefore, and for preventing the same for the future, His Majesty, with advice and consent of His Estates in Parliament, doth hereby Statute, Ordain and Declare, That all and every such person or persons, who shall hereafter ordinarily and willfully with-draw and absent themselves from the ordinary Meetings of divine Worship in their own Paroch-Churches on the Lords-day, (whether upon account of Popery or other disaffection to the present Government of the Church) shall thereby incur the pains and penalties under-written, *viz.* Each Noble-man, Gentleman and Heretor, the loss of a fourth part of ilk years Rent, in which they shall be accused and convicted; and every Ycoman, Tennent or Farmer, the loss of such a proportion of their free moveables (after the payment of their Rents due to their Master and Land-lord) as His Majesties Council shall think fit, not exceeding a fourth part thereof; and every Burges to lose the liberty of Merchandizing, Trading, and all other Priviledges within Burgh, and fourth part of their moveables. And His Majesty, with advice foresaid, doth hereby authorize and requite the Lords of His Majesties Privy Council, to be careful to see this Act put to due execution; and for that end, to call before them all such persons as after admonition of the Minister, in presence of two sufficient witnesses, and by him so attested, shall be given up to the Council as transgressors of this Act, in with-drawing from their Paroch Churches as aforesaid; and the same, after hearing of the parties, being duly found, to decern and inflict the censures and penalties above-mentioned, and such other corporal punishment as they shall think fit, and direct all execution necessary for making the same effectual, and to do every other thing they shall find necessary, for procuring obedience to this Act, and putting the same to punctual execution, conform to the tenor and intent thereof.

III.

Additional ACT concerning the Declaration to be signed by all persons in publick Trust.

INASMUCH, as by an Act, pass in the second Session of this Parliament, on the fifth of *September* last, concerning the Declaration to be taken by all persons in publick Trust, It is remitted to His Majesties Commissioner to take such course as he should think fit, how these, who are presently in Office, may subscribe the Declaration; And the King's Majesty being resolved, that all in publick Trust, should without further delay, sign the same: But considering, that in this vacand time, many of the Courts of Justice do not sit, so as some longer time, must be allowed unto them. Therefore, the King's Majesty, with advice and consent of His Estates in Parliament, Statutes and Ordains all persons, who enjoy or possess any publick Trust or Office within this Kingdom, as Officers of State, Members of Parliament, Privy Councillors, Lords of Session, Commissioners in Exchequer, all Members of the Colledge of Justice; Sheriffs, Stewarts, Bailies of Regalities, Commissaries, Justices of Peace and their respective Deputs and Clerks, and all who enjoy any other publick Charge, Office or Trust within the Kingdom, to subscribe the Declaration hereunto subjoynd, in presence of the severall Courts they relate to, betwixt and the eleventh of *November* next to come, or sooner, as they shall have occasion or be required thereto by His Majesties Council; Discharging hereby all such of them, who shall not sign the same, as said is, to exercise any publick Trust or Office within the Kingdom, after the said eleventh of *November*. And that a speedy account may be returned herof, It is hereby Ordained, that the Sheriffs in the severall Shires be careful in requiring due obedience to this Act, and that they and all others concerned therein, make report thereof to His Majesties Council, betwixt and the first of *January* next to come. And seeing the election of the Magistrates and Council of Burghs will occur about *Michaelsmas* next, and that some disaffected persons in Burghs, having none or small advantages by their Magistracy, may, upon account of this Declaration, refuse to accept any Charge or Trust; It is therefore, by His Majesty, with advice foresaid, Statute, That at the next ensuing election of Magistrates within Burgh, all such persons who shall continue in, or be of new elected to be Magistrates, Clerks, or of the Council of Burghs, shall at such their elections, if they be present, or otherwise, how soon thereafter they shall be required thereto by those who did elect them, sign the Declaration aforesaid; Declaring hereby, all who shall refuse or delay the same, to be from thenceforth not only incapable of, and to have forfeited, the priviledges of a Magistrate, but also all the priviledges of Merchandizing, Trading, and others belonging to a Burges; And that the severall Burghs make report of their proceedings therein to His Majesties Council betwixt & the foresaid eleventh of *Nov.* as they will be answerable upon their duty & allegiance. And for such as

shall hereafter be admitted to any publick Trust or Office, they are to sign the Declaration in the manner, and under the certifications, express in the former Act of Parliament of the fifth of September. And His Majesty doth hereby recommend to the Lords of His Majesties Privy Council, to be careful that these Acts be put to due execution, and receive obedience conform to the tenor thereof.

I Upon pretence of Reformation or other pretence whatsoever, to enter into Leagues and Covenants, or to take up Armes against the King or those commissioned by Him: And that all these Gatherings, Convocations, Petitions, Protestations, and erecting and keeping of Council-tables, that were used in the beginning, and for carrying on, of the late troubles, were unlawful and seditious. And particularly, that these Oathes, whereof the one was commonly called, The National Covenant, (as it was sworn and explained in the year, one thousand, six hundred and thirty eight, and thereafter) and the other entituled, A Solemn League and Covenant, were, and are, in themselves unlawful Oathes, and were taken by, and imposed upon, the Subjects of this Kingdom, against the fundamental Lawes and Liberties of the same: And that there hath no obligation upon me, or any of the Subjects from the saids Oathes, or either of them, to endeavour any change or alteration of the Government, either in Church or State, as it is now established by the Lawes of the Kingdom.

I V.

Act against Protections.

THe Kings most Excellent Majesty being careful, that the benefit of the Law in the administrations of Justice, be free to all His Majesties good Subjects; And considering the prejudices many have formerly sustained, in the stopping of the course of Justice, by the too frequent granting of Protections against personal execution. Therefore, and for preventing of the like for the future, His Majesty, with advice and consent of His Estates in Parliament, Doth Ratifie, Approve and Renew all former Acts of Parliament, made against the granting of Protections; And Discharge the Lords of His Majesties Privy Council, Session and Exchequer, to grant Protections to any persons against personal execution, certifying such as shall grant the same, they shall be liable for the debt against which they grant the Protection; and all execution shall pass against the havers thereof, as if the same had not been granted.

It is always hereby Declared, That notwithstanding hereof, it shall be free to the Lords of His Majesties Privy Council, Lords of Session and Exchequer, and to the Justice-general and his Deputes, when any person or persons are summoned and appointed to appear personally before them, to give order now, as they have been in use formerly to do, for suspending personal execution against the persons so summoned and appointed to appear, for such few dayes, as they may come to give their appearance, and during their necessary stay, and some few dayes for their return, and that according as the saids respective Judges shall find reason, upon the particular applications to be made thereupon.

V.

Act for the establishment and constitution of a National Synod.

FOrasmuch as the ordering and disposal of the external Government of the Church, and the nomination of the persons, by whose advice, matters relating to the same are to be settled, doth belong to His Majesty, as an inherent right of the Crown, by vertue of His Prerogative-royal, and supream Authority in causes Ecclesiastical: And in prosecution of this Trust, His Majesty, considering how fit and necessary it is, for the honour and service of Almighty God, the good and quiet of the Church, and the better Government thereof in unity and order, that there be a National Synod and Assembly duly constitute within this Kingdom, Hath therefore Appointed and Declared, and by these presents Appoints and Declares, that there shall be a *National Synod of the Church of Scotland*; And that this Synod, for the lawful Members thereof, shall consist and be constitute of the Archbishops of Sanct-Andrews and Glasgow, and the remanent Bishops of these two Provinces, of all Deans of Cathedral Churches, Arch-deacons, of all the Moderators of Meetings for exercise, allowed by the Bishops of the respective Diocesses, and of one Presbyter or Minister of each Meeting, to be chosen and elected by the Moderator and plurality of Presbyters of the same; and of one or two from the University of Sanct-Andrews, one from Glasgow, one from the King's Colledge, one from Marshalls Colledge, of Aberdeen, and one from the Colledge of Edinburgh; And this Synod, thus constitute, is to meet at such times and places as His Majesty, by His Proclamation, shall appoint; and is to debate, treat, consider, consult, conclude and determine upon such pious matters, causes and things, concerning the Doctrine; Worship, Discipline and Government of this Church, as His Majesty shall from time to time, under His Royal hand, deliver, or cause be delivered, to the Archbishop of St. Andrews, President of the said

National

National Assembly, to be by him offered to their consideration. The Estates of Parliament do humbly recognize and acknowledge His Majesties Royal power and prerogative aforesaid, with the piety, justice and prudence of His Majesties resolution herein; Likeas His Majesty, with their advice and consent, doth hereby Establish, Ratifie and Confirm this constitution of a National Assembly, as the lawful constitution of the National Synods and Assemblies of this Church, His Majesty, or his Commissioner (withour whose presence, no National Synod can be kept) being alwayes present: And Declares, That no Act, Canon, Order or Ordinance shall be owned as an Act of the National Synod of the Church of *Scotland*, so as to be of any effect, force or validity in Law, to be observed and kept by the Arch-bishops and Bishops, the inferior Clergy, and all other persons within this Realm, (as far as lawfully, being Members of this National Church, it may concern them) but that which shall be considered, consulted and agreed upon by the President and major part of the Members above specified. It is alwayes hereby provided, that nothing be enacted or put in execution, by Authority of a National Synod within this Kingdom, which shall be contrary to his Majesties Royal prerogative or the Lawes of the Kingdom; And that no Act, Mater or Cause be debated, consulted and concluded upon, but what shall be allowed, appoven and confirmed by His Majesty or his Commissioner, present at the said National Synod.

V I.

ACT anent ruinous houses in Royal Burghs.

OUR SOVERAIGN LORD being informed, that upon the high Streets of severall of His Majesties Burghs-Royal, and in the vennels and other passages within the same, there be many houses in the publick view of all people resorting thereto, very ruinous and not inhabited these divers years by-gone, nor likely to be repaired by any, to the great opprobry of the saids Burghs, and common scandal of the Kingdome, as being altogether defective of that policy and good order which is, and ever hath been, so earnestly intended in the many wholsom and laudable Lawes already made, by his Majesty and his Royal Progenitors of most worthy memory. And finding the Burtoughs very desirous to have these many dangers and inconveniencies prevented and remedeed, which the Inhabitants of these Burghs, and the rest of the Lieges frequenting the same, do continually fear from such ruinous buildings; Doth therefore, with advice of His Estates of Parliament, Ordain the Provest and Bailies of the Burgh where such ruinous houses are, to cause warn and charge all persons, that have or pretend right to the property of such Lands and buildings, or any Annual-rents forth thereof, to cause build and repair, in a decent way, within year and day, such Houses and Buildings as have been wast and not inhabited three years before the date of this present Act, or shall be wast and not inhabited thereafter by the foresaid space of three years, or else to sell the same to others, to be builded within the same space of year and day: And to charge all known persons, personally or at their dwelling places, and by open Proclamation at the paroch-kirk or Mercat-crofs of the Burgh; and all others by open Proclamation at the said Mercat-crofs and Paroch-kirk. And in case of their absence out of this Realm, at the Crofs of *Edinburgh*, and Peer and shoar of *Leith*, upon threescore dayes; with certification to them if they failzie, the said Provest and Bailies shall cause the saids Lands and Tenements to be valued by certain persons, to be chosen and sworn by them for that effect, and sell the same to any person that will buy them, and pay the price of the same to these owners, if they be known; and if they be not known, to consign the prices thereof in the hands of the Provest, one of the Bailies, or Dean of Guild of the said Burgh, to be forthcoming to these who have interest thereto: And if no man will buy them, it shall be lawfull to the said Provest and Bailies, after apprising thereof, as said is, and payment or consignation of the prices of the same, to cast down the said ruinous houses and cause build the same of new. And His Majesty, with advice foresaid, Declares, That it shall not be lawful in time coming, to any maner of person to pursue them nor their successors therefore, nor pretend any right or interest thereto, but that the said right shall be a perfect security to the builders thereof and their successors.

V I I.

ACT discharging the Importation of Strong Waters, &c.

OUR SOVERAIGN LORD and Estates of Parliament understanding, that there are divers Strong-waters, Mum-beer and other Beer for drinking, brought into this Kingdom from forraign places, which might be more conveniently made within the Kingdom, to the benefit of the Natives thereof. Therefore, His Majesty, with consent of the saids Estates, Discharges all in-bringing of *Aqua vitæ* or Strong-waters, Mum-beer and other Beer for drinking (except Black-beer, called Spruce-beer) within this Kingdom under the pain of escheat thereof.

VIII.

ACT discharging the mixing of Tin with Lead.

OUR SOVERAIGN LORD and Estates of this present Parliament considering, the great hurt sustained by His Majesties Lieges, by the fraudulent dealing of Pewterers, in mixing the finer sort of Tin brought from *England, France, Flanders* and other parts beyond sea, with baser and coarser metal of Tin and Lead, and their exacting greater prices betwixt the new Pewter casten by them, and the old which they receive from the Lieges. For remeid thereof, It is Statute and Ordained, that the Pewterer or founder of Tin, shall put the mark of the Thistle, and the Deacons mark, with his own name, upon every peece of work that he happens to cast, and that the same shall be of the finest of the Pewter marked with the Rose in *England*; And in case the same be under the finest of the said Pewter of *England*, that the same shall be confiscat, and he punished in his person at the discretion of the Magistrats of the Burgh where he dwels: And Aslike-ways, that he shall take, betwixt the pound of old pewter and Tin, marked with the Rose fore-said, and the pound of new casten by him, two shillings *Scots* allanerly, under the pain fore-said.

IX.

ACT anent the discharging of Advocations for sums within two hundred merks.

OUR SOVERAIGN LORD and Estates of Parliament considering, the manifold prejudices and troubles arising to divers of His Majesties Lieges, in pursuing of maters of final importance, by the too frequent granting of Advocations from inferiour Judges. Therefore, Our said Sovereign Lord, with advice and consent of the saids Estates, discharges the Lords of Session from giving and granting Letters of Advocation, of any actions intended or to be intended before whatsoever inferiour Judicatories, which may competently, by the Lawes of the Kingdom, be decided by the saids inferiour Judges, before whom the said Action is or shall be intended, for sums of money within two hundred Merks; or for any other cause whereunto, by the Laws of the Kingdom, the saids inferiour Judges are expressly appointed Judges.

X

ACT in favours of Minors, anent the duties of the Lands comprised from them.

OUR SOVERAIGN LORD considering, the favourable condition of Minors, who are oftentimes destitute of Tutors and Curators; and though they have them, yet in respect of their minority, they are not in capacity or credit to raise sums of money for satisfaction of their Creditors: And it being unreasonable, that their Creditors comprisers of their Estate, should, during the not expiring of the legal reversion, which, according to Law continues during their minority, have more advantage by their Estate then corresponds to the Annual-rent of the true sums owing to them by vertue of their comprisings; Doth, with advice and consent of his Estates of Parliament, Ratifie and approve the Act of Parliament, made in *August* one thousand, six hundred, and twenty one, *Cap. 6.* in so far as the same concerns Minors; And Declares, that the true meaning thereof was, and is, that Minors, having right to the Legal reversion, should be no further obliged during their minority of twenty one years of age, but allanerly for the Annual-rent of the sums contained in the comprisings; and that they lose not the right of the *super-plus* of the mailes and duties of the Lands, so far as the same exceeds the said Annual-rents, during their said minority.

XI.

ACT against exportation of money forth of the Kingdom.

THE Estates of Parliament considering, how much the Kingdom is impoverished by the daily exportation of money forth of the same; and that the making use of our own native Commodities, for furnishing us with these things which formerly were brought to us from forraign places, is, by the commendable industry of several deserving Country-men and ingenious Artists, much improved: And that in order to their encouragement, and that our own native Commodities may go the better off, necessar it is, that some more severe restraint then formerly be laid upon the exportation of money. Therefore, the King's Majesty, with advice and consent of His Estates of Parliament, Statutes and Ordains, That no person or persons whatsoever, shall trade or use merchandize with any other Nation, till first they take an Oath before the Lord Theasurer or Theasurer-depute, or before such persons as they shall appoint for that effect, That they shall

shall not export by themselves or others, directly or indirectly, by Sea or Land, any Gold or Silver, coined or uncoined, except such a sum as they shall declare upon Oath before the said Lord Thesaurer, Thesaurer-depute, or these appointed by them, as said is, to be necessary for making of their voyage to the port where they are going; and that if he know any money transported by any other person, he shall delate the same to the Lord Thesaurer, Principal or Depute, or to the foresaid persons appointed by them. As likewise, every Skipper shall, before he make any voyage after the publication hereof, to any other Kingdom or Nation, take an oath before the said Lord Thesaurer or Thesaurer-depute, or these appointed by them for that effect, that he shall not himself transport, nor suffer any Gold or Silver, coined or uncoined (except as is above-excepted, and except the sum of three score pounds at most, which every Passenger is hereby allowed to carry forth of the Country for his necessary spending) to be transported in the Ship wherein he is Master, and that he shall use his utmost endeavour for discovery of the same, if any be: And that if after he hath made fail, it shall come to his knowledge, that there is any money concealed in his Ship, or in any other Ship, he shall at his return, delate the same to the Lord Thesaurer, Principal or Depute, or to these appointed by them for that effect: And which persons appointed by them, are hereby required, to give timely notice thereof to the said Lord Thesaurer or Thesaurer-depute, under the penalty of the half of the money informed to have been transported. And likewise, the said Oaths shall be renewed and taken before the said Lord Thesaurer or Depute, or these appointed by them, as said is, by all Skippers and Merchants, at the making of every particular voyage; And both the said Oaths shall be subscribed by the respective parties, and insert in the Books of Exchequer, or in the books of these persons appointed by the Lords Thesaurer or Depute for that effect; For which Extracts, they shall pay to the keepers of these Registers twelve shillings Scots allanerly, the one thereof to be carried to the Customer, and insert in their Books *gratis*; the other to be carried to the keeper of the Cocquet, and insert in his Books *gratis*. And it is further Statute and Ordained, That in case any Merchant or Skipper, shall, after the publication hereof, trade with, or make any voyage to any other Kingdom or Nation, before the taking of the said Oaths, and production of the Extracts thereof to the Customer and keeper of the Cocquet, that then they shall forfeit the fifth part of their moveables and be incapable, the Merchant of all trading, and the Skipper of having any charge of any Ship within this Kingdom in all time coming. Provided alwayes, that the taking of the Oaths above mentioned shall be without prejudice of search for, or seizure of, any exported money: And if any Gold or Silver, coined or uncoined, shall, after publication hereof, be discovered carrying out of the Kingdom, by any person who hath taken the said Oath, the same not only to be confiscat, but the person or persons owners thereof, to be proceeded against as perjured persons, and further lyable to six months imprisonment. As also, it is hereby Declared, that notwithstanding of the said Oaths, if it shall at any time thereafter be legally proven, money hath been carried out of the Kingdom by the persons takers of the said Oath, the said persons shall be proceeded against as perjured persons, and by and attour, be fined in the value of the money exported; and whatsoever money shall be discovered or seized upon, the one half thereof to be for His Majesties use, and the other half to the informer. And the Lord Thesaurer and Thesaurer-depute are hereby required, to appoint sufficient honest men, to be found at the respective Ports of this Kingdom, or Royal Burghs next adjacent thereto, for taking of the said Oaths; And that they take bond, with sufficient caution, from each of the persons so appointed, under the pain of six thousand pounds Scots, that they shall not suffer any Merchant or Skipper to use trade or Merchandize with any foreign Kingdom or Nation, before they have taken the said Oaths; and shall do their utmost endeavours for discovery and seizure of all money carried out of the Kingdom: And that if it shall be informed to them, that any money hath been carried out of the Kingdom, they shall give speedy and timely notice of their information to the said Lord Thesaurer or Thesaurer-depute, the one half of the foresaid sum of six thousand pounds, in case of failzie, to be for His Majesties use, and the other half to be given to the delator, and to be further lyable to six months imprisonment for breach of their trust. And likewise, the said Lord Thesaurer principal, and Thesaurer-depute, are hereby required, to cause the Farmerers and Collectors of the Custom, and keepers of the Cocquet, to take an Oath, that the said Farmerers and Collectors of the Custom shall use their utmost endeavours, for the discovery and seizure of all money carrying out of the Kingdom by Sea or Land, either by Merchant, Skipper, or by any person of whatsoever quality or degree, except as is above-excepted; And that they shall not give warrant to any Skipper to receive a Cocquet, unless they have received, both from the Skipper and Merchants in the Ship, extracts of the respective Oaths, as said is; and that the keepers of the cocquets shall give no Cocquet, unless they have likewise received extracts of the Oaths above-mentioned, both from Skipper and Merchants; and both Customers and keepers of the cocquet to give bond, with sufficient caution, under such sums of money as the said Lord Thesaurer principal, and Thesaurer-depute shall think fit, for fulfilling of the premises. And in case the said Farmerers, Collectors and keepers of the cocquet, or either of them, shall refuse to compare, or comparing, refuse or delay to take the Oath, and give their Bond as aforesaid, then their Tack, Commission, Gift, or any other Title, by which they enjoy their places and charges, to be void and null, and they to be further lyable to such censures, as the said Lord Thesaurer principal, and Thesaurer-depute shall think fit for their contumacy. And if it shall be made appear to the said Lord Thesaurer principal, and Thesaurer-depute, that any of the Farmerers or Collectors

of Custom, or keepers of Cocquet, shall transgress the Oath and Bond above-mentioned in any part, then their Tack, Commission, Gift or any other Title by which they enjoy their saids places, to be void and null, and they to have incurred the fums and penalties contained in their respective Bonds (the one half thereof to be given to the Informer or delator) and to be further proceeded against as perjured persons; Discharging hereby, all granting of Licences for exporting of money; except to such persons allanerly as shall make faith in Exchequer, or these appointed by the Lord Thesaurer or Thesaurer-depute, and give sufficient Bond, that the money which they are to carry out, is to be bestowed upon Timber in Norway, or in order for bringing in of Victual in time of extream dearth, and that they shall return in specie, what part of the money shall not be so bestowed.

X I I.

ACT for encouragment of Tillage and Pasturage.

OUR Sovereign Lord considering, how necessar it is, for the encouragment of the tillage of this Country, which is subject to so much toil and expence, though the improvement thereof be most advantageous, to the whole Kingdom, That liberty be granted for the exportation of Corns, after the Natives are sufficiently provided for. Therefore, the King's Majesty, with advice and consent of His Estates in Parliament, Statutes and Declares, That it shall be lawful to export Coms of all sorts, when they are under the prices following, at the Ports or respective places of exportation; *viz* ilk Boll of Wheat, under twelve pounds the Boll, Beir & Barly under eight pund the boll, Oates and Pease, under eight marks the Boll; notwithstanding of any former Acts, Laws or practice to the contrary, they paying the usual custom and Bullion as formerly: with this provision, That when the Lords of His Majesties Secret Council shall judge it necessar, for the good of the Kingdom & preventing of dearth, they may discharge the exportation of Victual of all sorts, for so long time as they shall think fit. As also, for improvement of the Pasturage of this Kingdom, and for encouragment of the breeders of the Bestial thereof, It is Statute and Ordained, with advice and consent foresaid, that the exportation by Sea, of all sorts of Bestial, either Nolt, Sheep or Swine, and barrelled Fleshes of all sort, shall be free of Custom, Bullion, and all other impositions, for the space of nineteen years next after the date hereof.

X I I I.

ACT for a new Imposition upon English Commodities.

THE Estates of Parliament considering, how much it concerns the credit and wealth of the Kingdom, that our own native commodities be manufactured amongst our selves, and that the endeavours of such persons as are setting up Manufacturies and Trades, have been, and are much retarded, by the importation of such forraign commodities as may be made within the Kingdom. Therefore, and for their due encouragment, the King's Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That from and after the first day of *September* next, twelve pounds *Scots* upon ilk ell of broad English cloath; six pounds upon ilk ell of *Tork-shire* and all narrow cloath; two pounds, eight shillings upon ilk ell of Searge; thirty shillings upon ilk ell of eastilians; forty eight pounds upon ilk Beaver-hat; twenty four pounds upon ilk Demy-beaver and Vigon; and three pounds upon the piece of ilk common Hat; thirty six pounds upon the dozen of worstead Stockings; twenty four pounds upon the dozen of Stag-gloves; and twelve pounds upon the dozen of single Stags, cordivans, Kid or Shiverings; and twenty four shillings upon ilk pound of Tobacco, imported either for sale or private use into this Kingdom from *England*, all *Scots* money; Be exacted, levied and collected; and fourscore *per cent.* upon all other sorts of commodities imported into this Kingdom from *England*, and not particularly named in this Act, and upon all the growth and manufactory of that Kingdom, though imported from any other place, and that over and above all other impositions put upon the same already. And to the effect this present Act may be the more exactly put to execution, It is Statute and Ordained, That all Goods imported from *England*, or of the growth and manufactory of *England*, not above particularly exprest, shall be valued, after sighting, by two skilful honest men, upon oath, to be nominate by the Dean of Gild or his Assessors, or Magistrates of the Burgh, or next adjacent Burgh to the custom-office, where the saids Goods are entered, or by the oath of the party to whom the saids Goods belongs, and accordingly pay the said fourscore *per cent.* And the Lords Thesaurer and Thesaurer-depute; and Lords of His Majesties Exchequer are hereby required to take an Oath, and Bond with sufficient caution, from the Farmers or collectors of the saids impositions, that they shall exactly collect the same, without any abatement thereof directly or indirectly; and that they shall not suffer any of the saids Goods to pass or be conveyed away un-entred, and that under the penalty of the worth of the saids Goods, if the contrary shall be made appear, the one half thereof to His Majesties use, and the other half to the informer, and under the pain of forfaiting their Tacks and commissions, and being declared incapable to farm or collect, in any time hereafter, any custom, Excise, or other Imposition whatsoever within this Kingdom.

And if any of the forefaids Goods or Commodities fhall be informed and made appear to be brought in, or fhall be feized upon, nor being entered in the Custom-office, or any other Office appointed for that effect, then the fame to be wholly confiscat, the one half to His Majesties ufe, and the other half to the first informer or feizer thereof.

XIV.

ACT imposing a Custom upon Corn imported from Ireland into this Kingdom.

THE Estates of Parliament confidering, what great fums of money are caryed out of the Kingdom, by perfons, importers of Corn hither from *Ireland*, who having fold their Corns, export the money without bartering any of the Commodities of this Kingdom; whereby the whole Nation, particularly thofe near adjacent parts of the Kingdom, are much impoverifhed of money: And that it is juft and reasonable that the faids Corns fhould bear Custom, toward the increafe of His Majesties Revenue, proportionally with other imported Commodities, efppecially when the Corns of this Kingdom are fold at eafie rates. Therefore, the King's Majesty, with advice and confent of His Estates of Parliament, Doth hereby impofe three pounds *Scots* of Custom upon ilk boll, *Linlithgow* meafure, of Corn imported into this Kingdom from *Ireland*, after the first day of *September* next; and appoints thirty fhillings *Scots* to be taiffed upon ilk boll already imported, and not yet retailed, conform to an Act of the Committee of Estates made there-ament, in *anno*, one thoufand, fix hundred, and fixty. But leaft the more indigent fort of people might be prejudged, by hightning the prices of the faids Corns in time of dearth under prerence of the faid Custom; Therefore, the King's Majesty, with advice and confent forefaid, doth hereby give power to the Lords of His Privy council to remit and difcharge the exacting of the faid Custom, when they fhall find the prices of the Victual of this Kingdom, Meal and Barley *refpective*, to exceed eight pounds the Boll; And appoints the Lords of His Exchequer to caufe put this Act to full execution, and caufe the forefaid Custom be exactly levied, with power to them to allow fuch fies to the Collectors thereof as they fhall think fit.

XV.

ACT for in-bringing of His Majesties Rents.

FORASMUCH, as His Majesty and Estates of Parliament, taking to their confideration, the great contempt and neglect of the feveral Fewers and others lyable in payment of His Majesties Rents, whetthrough (notwithftanding of the diligence and endeavours of His Majesties Thefaurer-principal, Thefaurer-depute, and others His Majesties Officers appointed for the management of His Majesties Revenue) the fame are not payed, or otherwife founeafonably payed, that it proves a great hinderance and prejudice to His Majesties affairs. And finding feveral Acts of Parliament made for the timeous and feafonable payment of His Majesties Rents, as well conftituting the time and fitting of the Exchequer, to the effect that the perfons lyable in payment, might know both the time, place and perfons, where, when and to whom they fhould compt and make payment of the faids Duries, as alfo fuch censures and penalties as might induce them to due obedience thereto: particularly, the fixty third Act, *Par.* eleventh, holden by His Majesties Grand-father of bleffed memory, in *anno*, one thoufand, five hundred and eighty feven, Ordaining the Exchequer to fit down the first day of *July* yearly, and to continue to the last day of *auguft* thereafter; requiring not only the Thefaurer, Comptroller, Collector, their Deputes and other Officers, to be prefent and give their attendance during the faid time; but alfo all perfons lyable in payment, who ought to make compt in Exchequer, to be charged by precepts to compare thereat, under the pain of fourty pounds, to be up-lifted by the Thefaurer; Ordaining Letters of Horning to be directed againft them for payment thereof, and that the faids perfons do attend for making of the faids accompts to the clofe thereof; and in cafe of difobedience to the faid Precept, that they be charged of new at the Mercat-crofs of *Edinburgh*, and in cafe of their difobedience to the faid Charge, to be denounced Rebels at the faid Crofs; which denunciation is declared to be as fufficient, as if the fame were at the head Burgh of the Shire where the perfon liveth, and that the Horning be regiftrated in the Thefaurers books or Sheriff books of *Edinburgh*. And fikelike, by the fixty fifth Act of the faid Parliament, all Chamberlains and other Receivers of His Majesties Rents, as well heretable as moveable, are ordained to find caution to the Thefaurer in *Edinburgh*, for making compt at the ordinar time of Exchequer, and payment within twenty dayes after the terme. And alfo, by the eighty Act of the faid Parliament, it is Ordained, that Letters be directed, charging the Sheriffs, under the pain of rebellion, with certification, &c. to find caution, Burgefles Indwellers in *Edinburgh*, that they fhall yearly make their accompts in Exchequer, and pay all things refing owing to the Kings Majesty, by vertue of their office. And fikelike, by the two hundred and thirty Act, Parliament fourteenth, *anno*, one thoufand, five

hundred, and ninety four; not only the foresaid Act is ratified and approved; but also, all Chamberlains, Fewers, Customers, Baillies of Burroughs, and Sheriffs, and others intrrometers with the foresaid Rents, are ordained to find caution Burgeses of *Edinburgh*, for yearly compering with the compt in Exchequer. And sicklike by another Act, Parliament fifteen, Act two hundred and making two, for preventing of the prejudice that did then arise, through the not timestous payment of the foresaid Rents, payable out of the High-lands and Isles, the saids Fewers are Ordained to find caution to the Exchequer, for yearly and thankful payment of the yearly Rents, Duties and Services due and payable forth of the Lands posselt and occupied by them, or any other in their names; wherein if they failed, their pretended Infestments, and other Rights and Titles they have to any of their Lands, either property or superiority, are declared forfault and null. Which whole Acts of Parliament *respective* above-mentioned, The King's Majesty and Estates of Parliament, taking of new to their consideration; and finding no means could have been more probable and condeuceable, for preventing of these prejudices and obstructions that have arisen to His Majesties Affairs, through the not timely payment of His Rents; and that the neglect of the exact putting of the saids Acts to execution, hath been the only fountain from whence these have sprung. Therefore, and for preventing of the same in the future, the Kings Majesty, with advice and consent of the Estates of Parliament, doth Revive, Renew, Ratifie and Approve the foresaid Acts respectively and particularly above-written of the dates, tenors and contents thereof in all points, in so far as the same are or may be extended to the payment or securing of His Majesties Rents; and Ordains the same to have force, and to be punctually obeyed and extended against all Chamberlains, Fewers, Sheriffs, Stewarts of Stewartries, Bailies of Regalities, Bailies of Burroughs, and others lyable in payment of any of His Majesties Rents, for finding caution in Exchequer to the Thefaurer-principal and Thefaurer-depute, who are hereby required to cause charge the foresaid persons, particularly above-mentioned, at the Mercat-crofs of *Edinburgh* to compear before them, to the effect above-written; with certification, not only under the pains contained in the respective Acts of Parliament; but also, in case of their disobedience, to denounce them Rebels at the said Mercat-crofs of *Edinburgh*, and to be registrate in the Thefaurers or general Registers of Hornings: Which charge, denunciation and registration *respective*, the King's Majesty and Estates of Parliament Declares to be as sufficient, to all purposes and intents, as if the same charge were given to them personally at their dwelling-houses, and the denunciation at the head Burgh of the Shire where they live, and the same registrate in the Sheriff Books thereof. And sick-like, His Majesty and Estates of Parliament taking to their consideration, that several of the saids Fewers, charged and denounced for not compering, compting and paying of their saids Duties, do ly under the Process of Horning, apprehending themselves (from the distance of the place) secure, both as to their persons and goods, to the great contempt of His Majesties Royal Authority, slighting, contemning and vilipending His Majesties Laws: And His Majesty and Estates of Parliament considering, by the nature, duty and office of each Sheriff, Stewart and Bailies of Regalities, within their respective Jurisdiccions, they as His Majesties Officers are obliged, and by several Acts of Parliament (*viz.* the 30. *Act* Ja. 4. *Par.* 3. *Par.* 6. *Act* 69. *Act* 97. Ja. 5. *Par.* 7. *Act* 74. *Par.* 6. Ja. 6. *Act* 75. Ja. 6. *Par.* 6.) Ordained, to execute His Majesties Laws, and put letters of Poinding and Caption to execution, and to apprehend the Rebels, uplift their estates and compt for the same to the Comptroller and Thefaurer, and to cause their Clerks give in the Registers of Hornings, and to up-lift His Majesties retoured Duties, blench duties, taxations, and other duties payable to His Majesty, as not only the saids Acts of Parliament, but also the several Rols of Exchequer, bears; Whereby it appears, both by the Law, and the nature, and duty of their Office, that they ought to execute His Majesties Letters, and cause His Majesty be payed of His Rents by the persons lyable in payment thereof within their bounds, and that the contemners of His Majesties Authority be duly punished, and His Majesties Laws put to execution by them as His proper Officers. Therefore, the King's Majesty and Estates of Parliament Ordains, when any of the foresaid persons, for disobedience to the charges given to them for payment of the Mails, Farnes and Duties, as said is, are denounced Rebels and put to the horn, Letters to be directed to charge the Sheriff of the Shire and his Deputes, Stewarts of Stewartry, Bailly of the Regality *respective*, within those bounds where the saids persons dwells or Lands lyes, to take and apprehend their persons and put them in ward, ay and while payment be made to the Thefaurer and Thefaurer-Depute, or others appointed by them, and an *equ* retired thereof, or to poind and destrinzie the readiest goods and geer, and to make sale of so much thereof; or to cause His Majesties Thefaurer and Thefaurer-depute, and others appointed by them for that effect, to be compleatly payed of the said sum charged for, or to instruct sufficient and exact diligence for the same, within twenty one dayes next after they be charged: With certification, if they failzie, the saids twenty one dayes being by-past, Letters shall be directed to charge them or their respective cautioners, to make payment thereof themselves, under the pain of rebellion and putting of them to the horn; and if they failzie, to denounce them rebels, &c. in maner above-specified.

XVI.

ACT concerning Beggars and Vagabonds.

Our Sovereign Lord, considering the many laudable Acts of Parliament, made by His Majesties Royal predecessors for relief of the Poor, and for conftraining of Beggars, Vagabonds and idle Persons to take themselves to lawful Callings, that they might not be burdenson and dis-graceful to the Kingdom; Especially the seventh Act of the sixth Parliament of His Majesties Royal Grand-father King James the sixth of happy memory; Ordaining the names of the poor of ilk Paroch, and such as must be necessarily sustained by almes, to be taken up, and to tax and stint the persons within the Paroch, according to the estimation of their substance, without exception of persons, to such weekly charges and contributions, as should be thought sufficient to sustain the said poor People: And the hundred and sixty eight Act of the fiftenth Parliament King James the sixth, Ratifying the former Act; With this addition, That strong Beggars with their Bairns, be employed in common Works, and that they shall continue servants therein during their life-times. And considering the tenth Act of the two and twentieth Parliament of His said Royal Grand-father King James the sixth, Recommending to all His good Subjects, to take into their service poor and indigent children, declaring that they shall be subject to their said Masters, their Heirs and assignes, in all kind of service that shall be enjoyned to them, until they pass their age of thirty years compleat, and that they shall be subject to their Masters correction and chastisement in all maner of punishment (life and torture excepted) and that if it shall happen, the said persons to absent themselves from their Masters service without their licence, nor only to be lyable to bodily punishment at their Masters discretion, but that all receptors of them shall be obliged to restore them to their Masters, within twenty four hours after they be required, otherways, to pay to their said Masters, ten shillings Scots for ilk dayes absence till they be restored. And His Majesty considering, that the chiefe cause, whereby the foresaid Acts have proven in-effectual, and that Vagabonds and idle persons do yet so much abound, hath been, that there were few or no common Works then erected in the Kingdom, who might take and employ the said idle persons in their service; and that now, by His Majesties princely care, common Works for Manufacturies of divers sorts, are setting up in this Kingdom; Therefore, His Majesty, with advice and consent of His Estates in parliament, Ratifies and Approves the foresaid Acts of Parliament; with this addition, That it shall be licifum to all persons or Societies, who have or shall set up any Manufacturies within this Kingdom, to seize upon and apprehend the persons of any Vagabonds, who shall be found begging, or who being Masterless and out of service, have not wherewith to maintain themselves by their own means or work, and to employ them for their service as they shall see fit, the same being done with the advice of the respective Magistrates of the place where they shall be seized upon; And Ordains the Paroches where such Vagabonds or idle persons, as shall be found begging, were born; Or in case the place of their nativity be not known, the Paroches where they have any residence, haunt, or most resort for the space of three years immediately preceeding their being so apprehended, who thereby are relieved of the burden of them, to make payment to the persons or Societies that shall happen to employ them; two shillings Scots money *per diem*, for the first year after they be apprehended, and one shilling Scots *per diem* for the next three years thereafter; the one half thereof to be payed by the Heretors of the severall Paroches *respective*, and the other half thereof to be payed by the possessors and Inhabitans dwelling upon the ground of each Heretor *respective*. Likewise, His Majesty, with advice and consent foresaid, Ordains the Heretors of each Paroch, or as many of them as shall happen to meet, upon publick intimation, made at the Paroch-kirk upon any Sabbath at the dissolving of the Church from the first Sermon, by any of the Heretors of the Paroch, or by the employers of the poor, to make up a stent Roll for maintenance of the Poor in their Paroch, who shall be employed, as said is, at the rate aforesaid, the one half thereof to be payed by the Heretors, either conform to the old extent of their Lands within the Paroch, or conform to the valuation by which they last payed assessment; or otherways, as the major part of the Heretors, so meeting, shall agree, Life-renters and Wod-setters always being lyable, during their Rights as Heretors; and the other half thereof to be laid upon the Tenments and possessors, according to their means and substance. And in case the said Heretors, being required by any person or Society, employing the poor as said is, shall failzie to make up and deliver a stent Roll in maner foresaid, with power to the persons, Society or others intrusted by them, to charge the Heretors of each Paroch for the sum of two shillings Scots *per diem*, for each one of their poor, whereof they shall be relieved in maner foresaid, conform to the old extent or valuation foresaid, at the option of the person or Society employing, or these intrusted by them; which stent Roll shall continue and stand for one year after the making up thereof, either by the Heretors, or in case of failzie, by the Persons or Societies employing the poor, as said is, and shall then be renewed from year to year, during the years above-written. Providing also, that the Heretors in case they failzie to make a stent Roll, as said is, and be charged conform

conform to the old extent or valuation of their Lands, that they shall have relief of the Tennents and possessors of their Lands, for the one half of what they shall be distressed for. And His Majesty, with consent of the saids, Ordains Letters of Horning to be directed hereupon, at the instance of the Persons or Societies of employers of the Poor, or persons intrusted by them, against the Heretors and others for payment of the said daily allowance for the Poor, or against the receptors of them, being so employed, for ten shillings *Scots* money *per diem*, upon fifteen dayes only: Providing alwayes, that after examination of the cause, the Lords of the Privy Council shall find cause for idrecting such Letters; And ordains all Sheriffs, Stewarts, Bailies of Regality, Principality, Magistrates of Burroughs, or Justices of Peace and their Conservec, after they shall be employed: And strictly Prohibits and Discharges all persons whatsoever, to oppose or hinder the taking or bringing back of them in maner foresaid *respective*, under the pain of deforcement. Likeas, it is hereby Declared, That the Poor so employed shall continue in the service of the employers, and under their direction and correction, in maner foresaid, not only during the space of the maintenance, and to be payed for them by their Paroches, in maner above-written; but also for the space of seven years thereafter for meat and cloath only; Declaring alwayes, likeas it is hereby expressly Declared, that the Burgh of *Air* nor their inhabitants shall no wayes be comprehended herein, but are excepted here-from in all points. And recommends to the Lords of the Privy Council, to see this Act and all former Acts of Parliament made against sturdy Beggars and Vagabonds, put to execution, with power to them to supply by their order what shall be deficient, as to the execution of the saids Acts.

XVII.

ACT anent the measure of Coal.

Our Sovereign Lord, considering, that severall questions and debates do arise, betwixt the buyars of Coal, and the Customers and Receivers of the Bullion, anent the measure of the Chalder, by which the Custom and Bullion imposed upon the Coal should be paid; Doth therefore, with advice and consent of His Estates of Parliament, Statute and Declare, That the rates of Custom and Bullion, imposed upon the Chalder of Coal, is and shall be understood of the *Cub* of chalder; and the saids rates exacted and paid according to that measure allanerly, notwithstanding of any former Custom to the contrary.

XVIII.

ACT anent the Foot-measure.

The Estates of Parliament considering, that notwithstanding by the ancient Laws of the Kingdom, the ell is designed to be thirty seven inches, yet many use inches by which the ell is divided into fourty two inches, & of these smal inches, make the Foot-measure of a smaller proportion then it ought to be, to the great prejudice of the Lieges; & that the occasion of this liberty hath been, because, that hitherto there hath no Standard been appointed for footmeasure, aswell as other measures. Thetefor His Majesty, with advice & consent of His Estates of Parliament, Statutes & Ordains That from and after the first day of *June* next, one thousand, six hundred, sixty four, no Work-man nor other person shall make use of any other Foot-measure, then such as consists of twelve of these inches whereof the ell contains thirty seven: And that this may be the better made practicable to the Lieges, Ordains an exact Standard-foot to be made by the Magistrates of *Edinburgh*, before the first of *January*, one thousand, six hundred, and sixty four, of Iron or Copper, and preserved by the City of *Edinburgh*, for all time coming. And that all Burghs shall have a measure made according to it, and hung at their Tolbooth doors or upon their Mercat-crosses, before the first of *March*, one thousand, six hundred and sixty four; And any Burgh that shall fail in this, shall be lyable to the penalty of one hundred pounds *Scots*. And Ordains, That all Wrights, Glasiers, Masons, and all other sorts of publick Work-men, shall work by this Foot-measure allanerly, that the Lieges may not be abused by variety of measures. Providing alwayes, that this do infer no further privilege to the Burgh of *Edinburgh*, in justing of the Standard to the Shires and Burghs within the Kingdom, then the keeping of the same; nor to any others that have Standatds of the like nature.

XIX.

ACT discharging Monday and Saturday Mercats in Royal Burghs.

OUR SOVERAIGN LORD considering, that there is much occasion given for profanation of the Lords-day in the Royal Burghs, by keeping their weekly Mercats on Monday and Saturday, and that the same may be as conveniently kept on other dayes of the week; Doth therefore, with advice and consent of His Estates in Parliament, Inhibit and Discharge all the Royal Burghs, from keeping any Mercats, in time coming, upon the Monday or Saturday, under the pain of one hundred Merks, to be payed by each of the Royal Burghs for every contravention *respective*: And allows them to change and keep their Mercats on other dayes of the week as they have done formerly, since the year, one thousand, six hundred, and fourty four, and that they make timeous intimation of the change to the next adjacent Burghs. It being alwayes Declared, that this Act is not to be extended against Flethers in Royal Burghs, who may keep Mercat of fleshes in their respective Burghs upon these dayes, this Act notwithstanding.

XX.

ACT anent Lint-seed, Hemp-seed and Steel.

THE Estates of Parliament, raking to consideration, the manifold mistakes and differences that do and may arise, betwixt the Farmers of Excise and Merchants, anent the exacting of Excise upon Lint-seed, Hemp-seed and Steel, which seemes to be occasioned because these Commodities are not particularly excepted, in the Act of the Annuity, from payment of Excise: and being certainly informed, that the present Farmers of Excise and their Collectors, do require and exact duty of Hemp-seed, Lint-seed and Steel, contrary to the meaning of the said Act of Annuity, and of the 4^o Act of this present Parliament, made for encouragement of Manufactures. Therefore, Our Sovereign Lord, with advice and consent of His Estates of Parliament, Doth Declare, all Hemp-seed, Lint-seed and Steel to be included in the generality of the proviso of the said Act of Annuity; as also of the said fourtieth Act, whereby all materials for Manufactures are exempted from Excise.

XXI.

ACT anent Manfes and Glebs, and poynding for Ministers Stipends.

OUR SOVERAIGN LORD, considering the great difficulties which often-times the Ministers of the Gospel do meet with, in the due payment of their Rents and Stipends; So that they are sometimes forced to use legal execution by poynding, and in so doing are necessitate to carry the Goods poynded, to be appressed at the Mercat-cross of the head Burgh of the Shire, Stewartry, Bailery or Regality, many miles distant from the place where the Goods are poynded, to the great prejudice of the party and of the Goods also. Therefore, His Majesty, with advice and consent of the Estates of Parliament, Declares, that it shall be sufficient to the Ministers foresaid, in poynding, apprising, destrenzying the Goods of the persons deficient in payment of their Rents and Stipends, to comprize the saids Goods, by honest sworn men, upon the ground of the Lands and place where the Goods are, which shall be as sufficient, as the same were done at the saids Mercat-crosses. And because, notwithstanding of divers Acts of Parliament made of before, divers Ministers are not yet sufficiently provided with Manfes and Glebs, and others do not get their Manfes free at their entry; Therefore, Our Sovereign Lord, with advice foresaid, Statutes and Ordains, That where competent Manfes are not already built, the Heritors of the paroch, at the sight of the Bishop of the Diocess, or such Ministers as he shall appoint, with two or three of the most knowing and discreet men of the paroch, build competent Manfes to their Ministers, the expences thereof not exceeding one thousand pounds, and not being beneath five hundred merks: And where competent Manfes are already built, Ordains the Heritors of the paroch to relieve the Minister and his Executors of all cost, charges and expences, for repairing of the foresaid Manfes; Declaring hereby, that the Manfes being once built and repaired, and the building or repairing satisfied and payed by the Heritors in maner foresaid, the saids Manfes shall thereafter be upholden by the incumbent Ministers during their possession, and by the Heritors in time of vacancy, out of the readiest of the vacand Stipend. In like-maner Ordains, that every Minister have Fewel, Foggage, Feal and Devots, according to the Act of Parliament, made in anno, one thousand, five hundred, and ninety three. As also, that every Minister (except such Ministers of Royal Burroughs, who have not right to Glebs) have Grafs for one horse and two kine, over and above their Gleb, to be designed out of Kirk-lands, and with relief according to the former

Acts of Parliament standing in force; And if there be no Kirk-lands lying near the Ministers Manse, out of which the grafs for one horse and two kine may be designed, or otherways, if the saids Kirk-lands be arable Land, in either of these cases, Ordains the Heritors to pay to the Minister and his Successors yearly, the sum of twenty pounds *Scots*, for the said grafs for one horse and two kine, the Heritors always being relieved according to the Law standing, of other Heritors of Kirk-lands in the said Paroch. And because severall Kirks have no Glebs as yet designed to them, it is hereby specially provided, that in all designations of Glebs, Incorporat-acres, in Village or Town where the Heritor hath houses and gardens, the same shall not be designed, he always giving other Lands nearest to the Kirk. And His Majesty, with advice foresaid, for special causes and considerations, Declares, that this present Act, as to the Manses, is to have force, as the same had been made and dated the fourteenth of *March*, one thousand, six hundred, and forty nine.

XXII.

ACT anent Comprisings.

OUR SOVERAIGN LORD, considering, that since the first day of *January*, one thousand, six hundred, and fifty two, before the making of the sixty two Act of the first Session of this Parliament, entituled, *Act for ordering the payment of debts betwixt Creditor and Debitor*, divers persons, having right by posterior Comprisings to the Legal reversion of the first Comprising deduced of their Debtors Estate, have according to the Law then in force, redeemed or satisfied the first Comprising, and acquired the right thereof for their own better security, lest the legal reversion of the first Comprising should have expired to their prejudice. And whereas, by an Clause of the foresaid Act of parliament, it is Ordained, That all Comprisings, led since the said first day of *January*, one thousand, six hundred, and fifty two, within year and day of the first effectual Comprising, shall come in *pari passu* together, in maner, and upon the provisions, mentioned in the said Act: Which Clause, as it is most just as to all Comprisings led, and standing un-redeemed and un-satisfied by the subsequent Comprisers having right to the legal reversion, So it were unjust to prejudge those, who for their own security, have redeemed or satisfied the first Comprising, as said is, according to the Law then standing. Therefore, His Majesty, with advice and consent of the Estates of Parliament, Declares, that albeit the foresaid Act was made *ad præterita*, to regulate the diligence used by Comprisings at the instance of the Creditors: Yet it was no wayes their meaning to prejudge posterior Comprisers, who, *bona fide*, for their own security, and for preventing the hazard of the expiration of the legal reversion of the first Comprising, did redeem or satisfy the same; And Therefore it is Statute and Ordained, That the saids second Comprisers shall no wayes be prejudged of the right of the foresaid first Comprising, redeemed and satisfied by them; Declaring nevertheless, that as to the second or posterior Comprising, standing in the parties person who satisfied the first, the same shall only come in with the rest of the Comprisers, *pari passu*, as it is provided by the foresaid Act. As likeways Declaring, that these presents be no wayes extended to any Comprisings satisfied by the second Comprisers, since the making of the foresaid Act of Parliament, or to be satisfied in time coming.

XXIII.

ACT anent Sentences of Excommunication.

OUR SOVERAIGN LORD considering, that the proviso in the twenty fifth Act of the first Session of Parliament, entituled, *Act for denouncing of excommunicat persons*, anent the exhibiting the Process and Sentence of Excommunication before the Lords of Session, to the end they might consider the legality of the Process, and grounds whereupon the Sentence proceeded, before any Letters of denunciation should pass against the excommunicat persons, was concluded before the restoration of the Bishops, and is prejudicial and derogatory to the jurisdiction of Ecclesiastical Authority as it is now established; Doth Therefore, with advice and consent of His Estates of Parliament, Retreat and Rescind the said proviso, and Declares the same to be void and null.

XXIV.

ACT for additional provision in favours of the Universities.

OUR SOVERAIGN LORD and the Estates of Parliament, taking into serious consideration, the condition of the severall Universities of this Kingdom; And finding, that the present mean and competent provision of the Masters and Professors thereof, is so prejudicial to the flourishing of these Seminaries of Church and State, that unless some considerable augmentation be setled upon them

them for their encouragement, the ablest and fittest persons of ingenious spirits and education, will shun and avoid the undertaking of Functions in Universities, for want of such ingenious means as should invite, entertain, encourage and oblige men sufficient for such laborious employments, to the great decay of Learning, and detriment of all ranks of Persons in the Kingdom: For preventing and remedying whereof, there being an expedient proposed, that the Archbishops and Bishops, and the rest of the inferior Clergy, may allow some part yearly of their Rents, Benefices and Maintenance, for the space of five years to come, as an exemplary testimony of their piety and zeal, for the advancement of Learning and Religion. Therefore, His Majesty, with advice and consent of the Estates of Parliament, Doth Statute and Ordain, That for the cropts and years, one thousand, six hundred, and sixty four, one thousand, six hundred, and sixty five, one thousand, six hundred, and sixty six, one thousand, six hundred, and sixty seven, and one thousand, six hundred, and sixty eight, there be raised yearly, out of the Rents of ilk Archbishop and Bishop, the sum of fifty pounds for every thousand merks of the saids Revenues; and the sum of forty pounds out of every thousand merks of the Stipends or Benefices of every Minister, and so proportionably six of the hundred, as the Benefice or Stipend shall be valued to be more or less by the Bishops of the Diocesses: And that the saids several proportions, payable by the Bishops, shall be yearly given in to the Archbishops of the respective Provinces, or such as shall have warrant from them; and that the saids several proportions, payable by Ministers, shall be yearly given in to the Bishops of the respective Dioceses, or such as shall have warrant from them, and for whom the saids Bishops shall be countable: Which sums so to be raised, shall be distributed to the several Universities, according to those proportions which shall be assigned by His Majesty, by a Committee to sit at *Edinburgh*, consisting of the Archbishops of *Sanct-Andrews* and *Glasgow*, and the Bishops of *Edinburgh* and *Aberdeen*, and four others, whereof one to be nominat by the Visitors of the University of *Sanct-Andrews*, and another by the Visitors of the University of *Glasgow*, the third by the Visitors of *Aberdeen*, the fourth by the Council of *Edinburgh*; Hereby authorizing the Archbishop of *Sanct-Andrews*, and in his absence the Archbishop of *Glasgow*, to preside in the said Committee, and to appoint their diets of meeting from time to time; and the Committee to take care, that the sums thus allotted, shall be put into a Stock and settled upon Land or otherways, by advice of the respective Bishops, who are Chancellors of the saids Universities; and Ordains the Annual-rent of the said Stock to be proportioned to the Masters and Professors of each University, as the Visitors thereof shall appoint. And further, His Majesty and Estates foresaid, do Ordain, that Stipends, and all Benefices of Kirks that shall vaik after the first day of February, in this following year of God, one thousand, six hundred, and sixty four, for the space of seven years next thereafter, shall be up-listed by

Collector thereof, and employed by him in the maner, and according to the proportions above-specified, for encreasing of the Stock of each University: Declaring, that the fifty two Act of the first Session of this Parliament, *Concerning the disposal of vacant Stipends*, shall be of no force during the space of the years foresaid; And Ordains Letters of Horning and Poinding, and all other execution necessary, to be directed at the instance of the saids Bishops, or any to be appointed by them; and at the instance of the said Collector, for the more speedily in-bringing of the sums *respective* above-mentioned. Further, His Majesty and the Estates of Parliament, do recommend to the Lords of the Privy Council, to entertain and promote any voluntary offer or contribution, for the ends aforesaid, to be made by Noble-men or Gentlemen, for a work to worthy of the publick wisdom, piety and honour of this Kingdom. It is alwayes Declared, that this Act shall be without prejudice of Acts past in this Parliament, for allowing the vacant Stipends of the Dioceses of *Mes* and *Argyl* for breeding of young Schollars, the sum being regulate by the Committee above-named; and that this Act shall be no preparative for laying on any burdens on the Clergy hereafter, without their own consent.

XXV.

ACT regulating the proportions of Excise in the several Shires and Burghs.

THE Estates of Parliament, taking to their consideration, the grievances represented to them by several Shires and Burghs, anent the excessive proportions of Excise laid upon them by the late Act of Parliament, and what great burthen the Land-rent of the saids Shires and Burghs lyes under, for making up the saids proportions, and the great ease which several other Shires have in their proportions; And it being just and reasonable, that all publick impositions of that nature, should be equally distributed upon those lyable in payment thereof. Therefore, the Kings Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, that the several Shires and Burghs of this Kingdom, shall, for the Months of November and December next, one thousand, six hundred, and sixty three, and January one thousand, six hundred and sixty four years, and in all time thereafter, be lyable in the monthly payment of the respective proportions under-written, *viz.* The Shire of *Edinburgh* principal, in the sum of two thousand, one hundred, and forty pounds Scots money;

The Town of *Edinburgh*, in the sum of two thousand, nine hundred, thirty two pounds; The Shire of *Haddington*, in the sum of one thousand, two hundred, fourscore and eleven pounds; The Shire of *Berwick*, in the sum of six hundred, and ten pounds, sixteen shillings; The Shire of *Roxburgh*, in the sum of seven hundred, threescore twelve pounds, sixteen shillings; The Shire of *Selkirk*, in the sum of one hundred, forty seven pounds, ten shillings; The Shire of *Peebles*, in the sum of one hundred, thirty seven pounds, ten shillings; The Shire of *Lanrick*, in the sum of nine hundred, threescore eight pounds, eight shillings; The Town of *Glasgow*, in the sum of one thousand, threescore, sixteen pounds, four shillings; The Shire of *Dumfriese*, in the sum of six hundred, fifty six pounds; The Shire of *Wigtown* and *Kirkcudburgh*, in the sum of seven hundred, thirty two pounds, twelve shillings, whereof the Stewartry of *Kirkcudburgh* is to pay the sum of four hundred, threescore, one pounds, and the Shire of *Wigtown*, the sum of two hundred, threescore, eleven pounds, twelve shillings; The Shire of *Air*, in the sum of one thousand, six hundred, thirty nine pounds, sixteen shillings; The Shire of *Dumbarton*, in the sum of two hundred, fifty four pounds; The Shire of *Bute*, in the sum of fifty seven pounds; The Shire of *Renfrew*, in the sum of four hundred, fifty seven pounds, four shillings; The Shire of *Stirling*, in the sum of nine hundred, and three score pounds, eight shillings; The Shire of *Linlithgow*, in the sum of seven hundred, fourscore nineteen pounds, four shillings; The Shire of *Pertb*, in the sum of two thousand, three hundred, threescore, fourteen pounds, sixteen shillings; The Shire of *Kincardin*, in the sum of three hundred, threescore, three pounds, twelve shillings; The Shire of *Aberdeen*, in the sum of two thousand, four hundred, and eighteen pounds, nineteen shillings; The Shire of *Banff*, in the sum of four hundred, forty seven pounds, three shillings; The Shire of *Inverness*, in the sum of seven hundred, fourscore, fourteen pounds, eight shillings; The Shires of *Elgin* and *Nairn*, in the sum of five hundred, fourscore sixteen pounds, four shillings; The Shire of *Cromarty*, in the sum of twenty four pounds; The Shire of *Argyl*, in the sum of four hundred, forty three pounds, sixteen shillings; The Shire of *Fife* and *Kinross*, in the sum of three thousand, six hundred, and eight pounds, eight shillings; The Shire of *Forfar*, in the sum of one thousand, twenty four pounds, four shillings; The Town of *Dundee*, in the sum of seven hundred, and eighteen pounds, four shillings; The Shire of *Sutherland*, in the sum of threescore twelve pounds, twelve shillings; The Shire of *Caithness*, in the sum of one hundred, fifty three pounds, four shillings; The Shire of *Orkney* and *Zetland*, in the sum of two hundred, forty three pounds, sixteen shillings; The Shire of *Clackmannan*, in the sum of two hundred, and six pounds, two shillings; And the Shire of *Ross*, in the sum of two hundred and four pounds, money foreaid; Any thing in the said Act of Parliament to the contrary notwithstanding, which is hereby, Declared to be of no force or effect, as to the proportions of the said Excise. after the said first day of *November* next.

XXVII.

An humble Tender to His Sacred Majesty, of the duty and loyalty of His ancient Kingdom of Scotland.

FOrasmuch, as the Estates of Parliament, upon consideration of the great blessings this Kingdom enjoyeth, under the protection of His Majesties Authority and the administrations of His Royal Government being thereby not only delivered from their former troubles, and all the evils which attend such usurpations; but being fully restored to, and possess of, all the liberties and privileges of a free people; Have, by their several addresses to His Sacred Majesty, made offer of their lives and fortunes, and all that is dearest to them, for the advancement of His Royal Honour, Authority and Greatness. And this Kingdom being still more and more sensible of this their happiness, by the often and renewed expressions of His Majesties grace & favour, and of His tenderness and care of their preservation, in the peaceable and secure enjoyment of their Religion, Laws, Liberties and Properties; Do find themselves the more obliged to renew the expressions of their duty and loyalty to His Majesty. And therefore, the Estates of Parliament, of this His Majesties ancient Kingdom of *Scotland*, do, in name and behalf of all His Majesties good Subjects within the same, by these presents, renew the dutiful tender of their lives and fortunes, for the promoting of His Majesties Service and the advancement of His Royal Authority. And as they do cheerfully recognise His Majesties Royal Prerogative and undoubted Right of the sole power of raising, arming and commanding of His Subjects; So, in a further acknowledgment of their duty, they do make humble and hearty offer to His Majesty, of twenty thousand Foot-men and two thousand Horse-men, sufficiently armed, and furnished with forty dayes provision, to be raised from the several Shires of the Kingdom, according to the Proportions following, *viz.* From the Shires of *Roxburgh* and *Selkirk*, one thousand, three hundred, thirty three Foot, and one hundred, forty, eight Horse. From the Shire of *Berwick*, eight hundred, Foot, and seventy, four Horse. From the Shire of *Edinburgh*, eight hundred Foot, and seventy four Horse. From the Shire of *Haddington*, eight hundred Foot, and seventy, four Horse. From the Shire of *Peebles*, two hundred, sixty six Foot, and twenty nine Horse. From the Shire of *Linlithgow*, three hundred, thirty three Foot, and forty two Horse. From the Burgh of *Edinburgh*, *Liebt* and *Canongate*, eight hundred Foot.

From

From the Shire of *Dumfries*, eight hundred Foot, and eighty eight Horfe. From the Shire of *Wigtoun*, eight hundred Foot, and eighty eight Horfe. From the Shires of *Air* and *Renfrew*, one thousand, three hundred, thirty three Foot, and one hundred, seventy, six Horfe. From the Shire of *Lanrick*, one thousand Foot, and one hundred, forty, eight Horfe. From the Shires of *Stirling* and *Clackmannan*, six hundred sixty six Foot, and eighty eight Horfe. From the Shires of *Fife* and *Kinross*, one thousand, six hundred Foot, and one hundred, seventy, six Horfe. From the Shire of *Perth*, one thousand, six hundred Foot, and one hundred, seventy, six Horfe. From the Shire of *Forfar*, one thousand Foot, and one hundred and seventy four Horfe. From the Shire of *Kincairdin* and *Marshals* part of *Aberdeen*, eight hundred Foot, and seventy four Horfe. From the rest of *Aberdeen* and Shire of *Banff*, one thousand, sixty six Foot, and one hundred seventy six Horfe. From the Shires of *Elgin*, *Nairn*, and this side of *Ness*, one thousand Foot, and eighty eight Horfe. From the Earl of *Seafort* and Lord *Lovat*, their division of *Inverness*, six hundred, sixty six Foot, and eighty eight Horfe. From the Shires of *Sutherland* and *Cairness*, and the rest of *Inverness*, one thousand, sixty six Foot, and eighty eight Horfe. From the Shires of *Argyl*, *Dumbartoun* and *Bute*, eight hundred Foot. From the Shire of *Orkney*, six hundred, sixty six Foot, which Forces are to be in readines, as they shall be called for by His Majesty, to march to any part of His Dominions of *Scotland*, *England* or *Ireland*, for suppressing of any foreign invasion, intestine trouble or insurrection, or for any other service wherein His Majesties Honour, Authority or Greatness may be concerned. And for the better prosecution hereof, the Estates of Parliament do humbly entreat, His Majesty may be graciously pleased to give Commissions to such persons to be general Officers, Colonels, Lieutenant-colonels, Majors and Rute-masters, as His Majesty, in His Royal judgment, shall think fit; And for other Officers, or any other thing fitting to be done for perfecting of the Levies and carrying on of this business, they do humbly recommend to His Majesty, to give His direction therein to His Privy Council, who are hereby impowered with Commission and Authority, for the ordering, disposing and sole managing of this Affair, in such a way, as this dutiful offer of the Parliament to His Majesty may be made most effectual, and according to the instructions and commands they shall receive from His Majesty. And the Estates of Parliament do Declare, that if His Majesty shall have further use of their service, this Kingdom will be ready, every man berwitz sixty and sixteen, to joyn and hazard their lives and fortunes, as they shall be called for by His Majesty, for the safety and preservation of His sacred Person, Authority and Government.

X X V I I.

ACT asserting His Majesties Prerogative in the ordering and disposal of Trade with forraigners.

THE Estates of Parliament considering, that during the late troubles, divers invasions were made upon the Royal Prerogatives of the Crown; And that in a just abhorrence thereof, and on all occasions to vindicate and assert the same, in the several branches thereof: And since the ordering and disposal of Trade with forraign Countries, and the laying of restraints and impositions upon forraign imported Marchandizes, is, by the Law of Nations, acknowledged to be proper to, and inherent in, the persons of all free Princes, as an undoubted Prerogative of the Crown. They therefore, in a dutiful and humble recognizance of His Majesties Prerogative-royal, do Declare, That the ordering and disposal of Trade with forraign Nations, and the laying of restraints and impositions upon forraign imported Commodities, doth belong to His Majesty and His Successors, as an undoubted Priviledge and Prerogative of the Crown; And that by vertue thereof, they may lay such impositions and restraints upon imported forraign Commodities, and so order and dispose upon the Trade of them, as they shall judge fit for the good of the Kingdom. Likewise, the King's Majesty, with advice and consent of His Estates in Parliament, doth hereby Revoke and Annul all Acts, Statutes, Constitutions and Customs to the contrary; And Declares the same void and null in all time coming.

XXVIII.

COMMISSION for plantation of Kirks and valuation of Teinds.

THE King's most Excellent Majesty, being desirous to prosecute the work of valuation of Teinds and plantation of Kirks, in reference to His own interest for the annuity, and the universal good of His people, especially for the encouragement of the Ministers of the Gospel; Doth with advice and consent of His Estates of Parliament, Ratific and Approve the nineteenth Act of the Parliament, holden at *Edinburgh* by His Royal Father of blessed memory, in *anno*, one thousand, six hundred

hundred and thirty three, (entituled, Commission for valuation of Teinds,) in the whole heads, clauses and condition thereof, except in so far as there hath been any alterations made therein, by Acts and Commissions made and granted by His Majesty since the date of the said Act, or granted by any pretended Parliaments since, and which are Ratified, Salvèd or Reservèd by this present Parliament; and which alterations are not destructive of, and contrary to, this present Act, or any clause thereof. And sickenlike, Ratifies and Approves the sixty one Act of the first Session of this present Parliament, entituled, Commission for plantation of Kirks, &c. in the whole Heads, Articles and Clauses thereof, except in so far as the same may be contrary to this present Act, as said is. And His Majesty, with advice and consent foresaid, gives full power and commission to *James* Archbishop of St. Andrews; *William* Earl of Glencairn, Chancellor; *John* Earl of Rothes, Thefaurer; *Alexander* Archbishop of Glasgow; *William* Earl Marshal, Privy-Seal; *Duke* of Hamilton; *Marques* of Montrose; Earl of *Lauderdaill*, Secretary; Earl of *Eglington*; Earl of *Linlithgow*; Earl of *Kelly*; Earl of *Haddington*; Earl of *Annandail*; Earl of *Leiven*; Earl of *Tweddail*; *George* Bishop of Edinburgh; *James* Bishop of Galloway; *George* Bishop of Dunkel; Bishop of Aberdeen; *John* Bishop of Ross; *Robert* Bishop of Dumblance; *William* Lord Bellenden, Thefaurer-dèputè; Sir *John* Gilmore, Prèfident of the Session; Sir *Archibald* Primrose, Clerke Register; His Majesties Advocat; Sir *John* Home of Renton, Justice Clerk; Sir *James* Lockhart of Lee; Sir *John* Scougal of whitekirk; *Charles* Maitland of Halton; Sir *Thomas* Hamilton of Preston; Sir *John* Wauchop of Nidrie; Sir *Robert* Fletcher of Salton; Sir *Henry* Wardlaw of Pitrevey; *William* Scot of Ardross; Sir *Alexander* Ramsay, Provost of Edinburgh; Sir *Robert* Murray there; Sir *Archibald* Sydsersf; Sir *Alexander* Wedderburn; Sir *William* Thomson; *John* Miln; *Robert* Leuton, Provost of St. Andrews; Mr. *John* Paterson, Provost of Perth; *William* Seatoun, Provost of Haddington; or any fifteen of them; whereof three of the Clergy, three of the Nobility, three Officers of State, three Commissioners of Shires, and three of Burghs; of which number, the Archbishop of St. Andrews, or the Chancellor, or the Thefaurer, or the Archbishop of Glasgow, or the Privy-Seal, or the Secretary, or the Duke of Hamilton, or the Earl of Haddington, or any of them, being always one, to meet and convene at *Edinburgh*, the day of one thousand, six hundred and sixty years; and at such other place or places, times and diets as they shall appoint, to value, and cause be valued, whatsoever Teinds, great or small, Parsonage or Vicarage, of whatsoever Lands within this Kingdom, lyable to the payment of Teinds, which are yet un-valued; Excepting always the Teithes of the Archbishops, Bishops and other beneficed persons, whereof they were in real and actual possession, by leading and collecting the same, in the year, one thousand, six hundred and twenty eight; And with provision, that they be not prejudged of the Fruits and Rents of their several Benefices, as the same was posselt by them, anno, one thousand, six hundred and thirty seven, conform to the Submission made by the Bishops to His Majesty in the said year, and Decreet arbitral following thereupon: With power to the saids Commissioners, or quorum foresaid, to appoint Sub-commissioners, conform to the former Acts and Commissions for valuation of Teinds, and receive reports from them. And with power to them, where Ministers are not already sufficiently provided, or have not Localities assigned to them for their Stipends, out of the Teinds within the Paroch where they serve the Cure, to modify, setle and appoint constant local Stipends to ilk Minister, out of the Teinds of the Paroch where they serve the Cure, in so far as the same will amount to, according to the quantities of victual or money mentioned in the saids Acts and Commissions, and to decide and proportion the saids Localities. And with power too dis-joyn to large and spacious Paroches, to cause erect and build new Churches, to dismember and annex Kirks, as they shall think just; and to take order, that every Heretor and Life-renter shall have the leading and buying of their own Teinds, if they be willing, according to the rates prescribed by former Commissions; Particularly, by the Commission granted by His Majesty, with consent of the Estates of parliament, in anno, one thousand, six hundred and thirty three; with power to them to determine all questions concerning the prices of Teinds, betwix Titulars and others having right thereto, and the Heretors; and to appoint such securities, in favours of the Titulars and others having right to the Teind, for the prices to be granted by Heretors, payers of the valued duties, or buyers of the said Teinds, and in favours of the Ministers, as to their maintenance, as the saids Commissioners shall think fitting, according to the rule set down in the saids former Acts, namely in the said Act, anno, one thousand, six hundred and thirty three. Declaring, That where the Vicarage of any Paroch is a several Benefice and Title from the Parsonage, the same shall be severally valued; to the effect, the Titulars or Ministers serving the Cure, having right to the said Vicarage, be not frustrat of the true worth thereof; And that Titulars, and others having right to Teinds, shall not be forced to dispose any Teinds, valued or to be valued, which shall be assigned, disposed and allocat to the Minister serving the Cure of the Paroch. As also, with power to the saids Commissioners or quorum foresaid, to rectifie whatsoever Valuations, led or to be led to the enorm prejudice of the Titulars, and to the hurt and detriment of the Kirk, and prejudice of the Ministers maintenance and provisions, or of His Majesties Annuity. Provided always, likewise it is hereby expressly provided, that where Valuations are lawfully led, against all parties having interest, and allowed by former Commissions, the same shall not be drawn in question, nor rectified upon the pretence of enorm lesion, at the instance of the Minister (not being Titular) or at the instance of His Majesties Advocat, in respect of His Majesties Annuity, except it be proven that collusion

was used betwixt the Titulars and Heretors, or betwixt the Proctor-fiscal and Heretors and Titulars; which collusion is declared to be, where the Valuations are led with the diminution of the third of the just Rent, which diminution shall be proven by the parties Oaths. And albeit all the Acts of the pretended Parliaments, in the years, one thousand, six hundred, and fourty, one thousand, six hundred, and fourty one and thereafter, are declared, by an Act of this Parliament, null and of no avail in all time coming: Yet, it is hereby Declared; That all and whatsoever Valuations, Acts, Sentences and Decrets, done and past by any Commissions granted by the saids pretended Parliaments, with all executions used or to be used thereupon, are and shall be as valide in all time coming, as if the saids Valuations, Acts, Sentences and Decrets, had been given and pronounced by persons legally empowered to that effect, any thing in the foresaid rescissory Act to the contrary notwithstanding; Excepting such Decrets of Valuation, modification of Stipends, or augmentations thereof, past and granted since the year, one thousand, six hundred, and thirty seven, whereby the saids Archbishops or Bishops are prejudged of any part of their Rents, whereof they were in possession in the said year thirty seven. And although, by a special Act of this present Parliament, the pretended Parliament, holden in *anno*, one thousand, six hundred, and fourty nine, and in the beginning of the year, one thousand, six hundred and fifty, is, from the beginning, Declared void and null, and all that had followed thereupon; Yet nevertheless, His Majesty doth, with advice foresaid, authorize all Valuations, Acts, Decrets and Sentences, led, deduced and pronounced by the Commissions, one or moe, appointed by the said pretended Parliament, for plantation of Kirks and Valuation of Teinds, and all execution competent thereupon; Excepting such Decrets and Sentences, given in favours of Ministers for their Stipends; or for dividing, uniting, annexing or building of Kirks, which shall be found to have been unjustly or exorbitantly decerned: The determination whereof is hereby referred by His Majesty, with consent foresaid, to the saids Commissioners, that they, after hearing of parties and consideration of particulars, may take such course, for altering, annulling, or allowing of the saids Acts, Decrets and Sentences, as they shall think fitting, conform to the Laws, practick and Custom observed preceeding the year, one thousand, six hundred, and fourty nine; And ordains Processes, upon supplications, to be summarily granted, parties always being cited, and that without any reduction. And it shall be lawful to the saids Commissioners, or *quorum* foresaid, to proceed in all Summons and Actions to be intended for that effect, within the space of two years after the first down-sitting of the Commission. And whereas it may fall out, that some of the saids Commissioners, may be un-able to attend the service, through death, sickness, or other known impediment; Therefore, His Majesty Declares, that He shall be careful to fill their places with other persons qualified, whose oaths for faithful discharge of the same shall be taken by the Lord Chancellor, or in his absence, by the President of the said Commission for the time; And Ordains this present Commission to endure ay and while the same be discharged by His Majesty; and the Acts, Decrets and Sentences thereof, to have the force, strength and effect of a Decree and Sentence of Parliament, and the Lords of Session to grant and direct Letters of Horning, Pounding and others requisite, in maner contained in the foresaid Commissions. And considering, that it was the will and pleasure of His Majesties Royal Father, that all Heretors, who should be willing to buy, should have their own Teinds, at reasonable rates; Therefore, His Majesty, with advice foresaid, Statutes and Ordains, That all Heretors, whose Teinds are not valued, (excepting as is formerly excepted in this Commission) shall have liberty to value and buy the same, at such rates as is contained in the Acts of Parliament, one thousand, six hundred, and thirty three. With power to the saids Commissioners, to augment the saids rates according to the burden of augmentation, and others sustained by the Titulars since the saids Acts; and the saids Heretors to have the liberty of buying, as said is, within the space of three years after the Valuation. With this Declaration alwayes; That in case the impediment, during the time foresaid, flow from the Titular, by reason of his minority or other in-ability; in that case, the Heretor who offers himself ready to buy his own Teind, within the space foresaid, shall have place, so soon as the impediment is removed, to buy his Teinds, notwithstanding of the expiring of the years and space above-exprest. And it is Declared, that if the Heretor be Minor, and his Tutors neglect the buying of his Teinds within the foresaid space, the Minor shall have action for two years after his minority, to compel the Titular for selling of his saids Teinds; And His Majesty, with consent foresaid, hereby discharges all former Commissions, Declaring the same to be expired.

XXIX.

ACT anent penal Statutes.

THe King's most Excellent Majesty, having, out of His grace and goodness to His Subjects, granted an full and free Act of Indemnity, Pardon and Oblivion, for all crimes and offences committed by them, relating to the late troubles, and more fully express'd in the tenth Act of the second Session of this Parliament. And considering, that besides these, there be divers arbitrary and pecunial pains, adjected to penal Statutes, which being strictly exacted, would prove an heavy burden to the Subjects who may be lyable thereto. And His Majesty being desirous, now at the close of this His first Parliament, that all His good Subjects may find the effects of His mercy, as to exceed all former presidents, so to be beyond their own expectation; Hath therefore thought fit, with the advice and consent of His Estates of Parliament, by these presents, to discharge, Pardon and remit all contraveners of any penal Statutes, for all deeds heretofore done by them, contrary to the tenour thereof; Excepting the Statutes concerning the unlawful taking of Usury, transporting of Silver and Gold, slaying of red and black Fish, and all Acts and Statutes past in this present Parliament, which are no ways discharged by this present Act.

XXX.

ACT Salvo Jure cujuslibet.

OUR SOVERAIGN LORD and Estates of Parliament, considering, that in this last Session of this present Parliament, many particular Acts and Ratifications have been past, wherein divers Clauses may be inserted, prejudicial to the rights and interests of several persons, albeit it hath alwayes been His Majesties purpose and meaning, and the purpose and meaning of the Estates of Parliament, in this, as in all preceding Parliaments, That all particular Acts and Ratifications, general or special, howsoever conceived (where persons concerned have not been heard, for their Interest before the passing thereof) should not prejudice private Rights of parties. Therefore, His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all particular Acts and Ratifications whatsoever, past in this last Session of this present Parliament, shall be interpreted *Salvo jure cujuslibet*; Excepting alwayes, an Act and Ratification past in this Session of Parliament, in favours of the Duke and Dutcheſs of *Buccleuch*, of their Contract of Marriage, which is Declared by His Majesty and Estates of Parliament, no ways to be comprehended herein.

Extracted from the Records of Parliament, by Sir Archibald Primeroſe of Cheſter Knight and Barronet, Clerk of His Majesties Council, Registers and Rolls.

A. PRIMEROSE,

Cl. Register.

F I N I S.

A T T A B L E

Of the Printed A C T S.

- 1 ACT anent the way and maner of Election of the Lords of the Articles.
- 2 Act against separation and disobedience to Ecclesiastical Authority.
- 3 Additional Act concerning the Declaration to be signed by all persons in publick Trust.
- 4 Act against Protections.
- 5 Act for the establishment and constitution of a National Synod.
- 6 Act anent ruinous houses in Royal Burghs.
- 7 Act discharging the importation of Strong-waters, &c.
- 8 Act discharging the mixing of Tin with Lead.
- 9 Act anent the discharging of Advocations for sums within two hundred merks.
- 10 Act in favour of Minors, anent the duties of the Lands comprised from them.
- 11 Act against exportation of money forth of the Kingdom.
- 12 Act for encouragement of Tillage and Pasturage.
- 13 Act for a new Imposition upon English Commodities.
- 14 Act imposing a Custom upon Corn imported from Ireland into this Kingdom.
- 15 Act for in-bringing of His Majesties Rents.
- 16 Act concerning Beggars and Vagabonds.
- 17 Act anent the measure of Coal.
- 18 Act anent the Foot-measure.
- 19 Act discharging Monday and Saturday Mercats in Royal Burghs.
- 20 Act anent Lint-seed, Hemp-seed and Steel.
- 21 Act anent Manjes and Glebs, and pouding for Ministers Stipend.
- 22 Act anent Comprisings.
- 23 Act anent Sentences of Excommunication.
- 24 Act for additional provision in favours of the Universities.
- 25 Act regulating the proportions of Excise in the severall Shires and Burghs.
- 26 An humble Tender to His Sacred Majesty, of the duty and loyalty of His ancient Kingdom of Scotland.
- 27 Act asserting His Majesties Prerogative, in the ordering and disposal of Traae with for-
rainers.
- 28 Commission for plantation of Kirks and valuation of Teinds.
- 29 Act anent penal Statutes.
- 30 Act Salvo jure cujuslibet.

F I N I S.

A T A B L E

Of the special *ACTS* and *RATIFICATIONS*, past in the several Sessions of this Parliament, which are not imprinted.

FIRST SESSION!

- Protestations by some Noble-men, Commissioners from Shires and Burghs, concerning their proceedings in the Rolls of Parliament.
- Act discharging Sir *Archibald Johnston* of all publick Trust.
- Act concerning the Burial of the Corps of the late Marquess of *Montrose* and Laird of *Dalgety*.
- Commissions for the Lords of the Articles and Bills.
- Exoneration to Mr. *John Young*, concerning the Registers.
- Record of the production of the Patents granted by His Majesty to His Officers of State; and their Admissions.
- Record of the production of some Parents of Honour.
- Decreet Earl of *Dalbousie* and others, against Mr. *Robert Hodge*.
- Act in favours of the Laird of *Mackclean*.
- Precognition in favours of the Master of *Bamff*.
- Commission to Mr. *John Wilkie*, to collect the vacand Stipends.
- Act rescinding the pretended forfeiture of the Marquess of *Montrose*.
- Act allowing Messengers to execute Summons of Treason.
- Exoneration in favours of the Earl of *Crawford* and *Lindsay*.
- Act concerning the Magistrates of *Kirkcubright*.
- Act for an Imposition at the Bridge of *Musleburgh*.
- Commission for visiting the University of *Aberdeen*.
- Act anent the election of the Magistrates of *Montrose*.
- Decreet *Archibald Lamont* contra *Campbell*.
- Act for an Imposition at the Calcees of *Cowie-mouth*.
- Reference *Mackenzie* contra *Mackpey*.
- Decreet Earl of *Perth* contra Sir *George Monat*.
- Acts in favours of some Ministers for their Stipend.
- Act in favours of Col. *Weymes*, Col. *Lesly* and *James Scot*.
- Letter and Act in favours of the Laird of *Renton*.
- Act for a Bridge at *Ramal-wel-craig* on *Chyd*.
- Act in favours of the Town of *Wigtoun* concerning a Bridge.
- Decreet *Lockhart* contra *Bonar*.
- Decreet *Mackenzie* of *Redcastle*, contra *Gilbert Ker* and others.
- Decreet *Elizabeth Dutchy*, contra *Henry Dennistoun*.
- Act anent the Custom and Price of imported Tobacco-pipes.
- Decreet *Carnaigie* contra *Carnaigie*.
- Ratification to the Earl *Marshall* of the Sheriff-ship of *Aberdeen*.
- Protestation by the Earl of *Roxburgh*, in name of the Marquess of *Huntly*, against the same.
- Ratification in favours of Master *Adam Cunningham* of *Wood-hall*, of the Commissariat of *Dumfries*.
- Ratification in favours of the new Colledge of *Aberdeen*.
- Protestation by the Town of *Aberdeen* against it.
- Ratification in favours of Sir *John Urquhart* of *Cromarty*.
- Ratification to Master *Hary Hay*, of the Commissar-clerkship of *Edinburgh*.
- Ratification to *John Ramsay* of his Office from the Lord Register.
- Ratification in favours of the Burgh of *Elgin*.
- Ratification in favours of *Thomas Manson*.
- Ratification of the erection of the Kirk of *Kinlossie*.
- Ratification to Master *Thomas Young*, of the Commissar-clerkship of *Lauder*.
- Ratification of the crection of the Town of *Findorn* in a Burgh of Barony.
- Protestation Town of *Forres* against it.
- Ratification in favours of *Wat*.
- Ratification to Master *James Nicholson* of the Commissariat of *Briben*.
- Ratification to *John Newel*.
- Ratification in favours of *Hary Blackwood*.

- Ratification to *Alexander Monro* of the Commissariat of *Sterling*.
 Act concerning the Town of *Kirkcubal*.
 Ratification to the Town of *Edinburgh* of the regality of the *Cannongate*.
 Ratification to the Town of *Edinburgh* of the mark upon the Tun.
 Ratification Town of *Edinburgh* of the Land called *The Kings work* in *Leith*.
 Ratification Town of *Edinburgh* of the Customs at the Houfe in the *Mure*.
 Ratification of the Town of *Edinburghs* new Charter of Confirmation.
 Act in favours of *Mr. James Daes*.
 Commission for tryal of the burning the Gates of *Drumlawrig*.
 Act concerning the Earl of *Pertb* and Lord *Drummonds* losses.
 Act concerning *Sir Thomas Hamilton* of *Prestoun* his Writes.
 Act rescinding the pretended forfeiture of the Marquess of *Huntly*.
 Act rescinding the pretended forfeiture of *Mackdonald* of *Largy*.
 Act rescinding the pretended forfeiture of *Sir John Gordon* of *Haddo*.
 Act for a contribution for repairing the Harbour of *Peterhead*.
 Act in favours of the Town of *Dunee*.
 Act in favours of *George Campbell*.
 Modifications to suffering Ministers out of the vacant Stipends.
 Ratification in favours of the Earl of *Mar*.
 Ratification in favours of the Town of *Nairn*, and Protestation by the Laird of *Caddel* against it.
 Ratification in favours of the Earl of *Pannure*, and Protestation by the Burgh of *Arbroth* against it.
 Ratification in favours of the Burgh of *Inverness*, and Protestation for *Redcastle Dunee* and the Burghs of *Forteross*, *Cromarty* and *Dingwall* against it.
 Ratification in favours of the Earl of *Linlithgow*.
 Ratification to the Earl of *Callander*.
 Ratification to the Town of *Muskeburgh*.
 Ratification in favours of *Robert Thomson*, and Protestation by the Earl of *Atbol* against it.
 Ratification in favours of Master *Thomas Murray*.
 Ratification in favours of Master *John Finlay*.
 Ratification in favours of the Burgh of *Wigtown*.
 Act for a weekly Mercat and two Fairs yearly in *Bouden*.
 Ratification in favours of the Royal Burroughs.
 Ratification in favours of the Earl of *Weymes*.
 Ratification in favours of the Burgh of *Kirkcaldy*.
 Commissions for trying some persons suspected of witch-craft.
 His Majesties nomination of the Lords of Session and their Admission.
 Act for the sitting and diets of the Session.
 The Lord Registers nomination of the Clerks to the Session, to the registration of Seafings and admission of Notars, and their admission, conform to their Gifts from the Lord Register.
 Act establishing the Sheriffdom of *Ross* and the bounds of it.
 Commissions for the Fishings on the waters of *Ugie* and *Itbam*.
 Act to *James Weymes* for a new invention of Milnes, &c.
 Act in favours of the Earl of *Lauderdaile*, anent the Lordship and Regality of *Muskeburgh* and Superiority thereof.
 Protestation by the Lord *Colintoun*, that the said Act should not prejudice him of his Right to the Teind of the Paroch of *Hales*.
 Act in favours of the Earl of *Lauderdaile*.
 Act in favours of the Earl of *Lauderdaile*, concerning the Writes and Securities of his Lands.
 Act concerning the Earl of *Cassils*.
 Act anent the Lights on the *May*.
 Act rescinding the pretended forfeiture of the Laird of *Glencairy*.
 Act rescinding the pretended forfeiture of *Macklean* of *Lochbony*.
 Act rescinding the pretended forfeiture of *Macklean* of *Kingerloch*.
 Decreet Earl *Southesk* and Lord *Burghly*, against the Shire of *Fife*.
 Decreet Marquess of *Montrose* against the Marquess of *Argyl*.
 Decreet Laird of *Dury*, contra Duke of *Hamilton*.
 Act in favours of the Burgh of *Aberdeen*.
 Act for two Fairs and a weekly Mercat in *Strathaven*.
 Act in favours of *Patrick Dumbar*.
 Act in favours of the Laird of *Edgerstoun*.
 Act for three Fairs to the Town of *Lesly*.
 Act for a weekly Mercat and two Fairs in the Town of *Tullith*.

- Act for a yearly Fair in *Aldeir*.
 Decreet *Phycarden*, contra *Mackpherson* and others.
 Act in favours of the Clan-*Gregor*.
 Decreet Earl *Roxburgh*, contra Earl *Lothian*, anent the Title of Lord *Ker*.
 Decreet Earl of *Airly*, against *Mackenzie* and others.
 Act for repairing the Bridge of *Sanchar*.
 Act for two fairs and a weekly Mercat in *Hamilton*.
 Act rescinding the pretended forfeiture of *David Graham of Gortby*.
 Act in favours of Doctor *Gleg*.
 Record of the losses of some Noble-men for their loyalty.
 Act for ordering the precedency of the Officers of State.
 Decreet of forfeiture against Sir *Archibald Johnston*.
 Act rescinding the pretended forfeiture of the Lord *Heries*.
 Ratification in favours of the Earl of *Roxburgh*.
 Ratification in favours of the University of Sanct-*Andrews*.
 Ratification in favours of the Burgh of *Lauder*.
 Ratification in favours of Major *Ramsay*.
 Ratification in favours of the Laird of *Hayning*.
 Ratification in favours of *John Sterling* of *Ober-field*.
 Ratification in favours of the Earl of *Leiven*.
 Ratification in favours of *John Campbel* of *Ardbattan*.
 Ratification in favours of the Burgh of *Linlithgow*.
 Ratification in favours of the old Town of *Aberdeen*.
 Ratification of the mortification of a Hospital in the Paroch of *Largo*.
 Ratification in favours of the Laird of *Monymusk*.
 Protestation by the Earl of *Aboyn*, in name of the Marquess of *Huntly*, against it.
 Ratification in favours of the Burgh of *Dumbartoun*.
 Protestation of the Town of *Glasgow*, against it.
 Ratification in favours of the Town of *Glasgow*.
 Protestation by the Dukes of *Lennox* and *Hamilton*, and the Burghs of *Dumbartoun* & *Renfrew*, against it.
 Ratification in favours of the Burgh of *Forterose*, and Protestation by the Town of *Inverness* against it.
 Ratification in favours of the Officers of the Mint.
 Protestation for the Burgh of *Edinburgh* against it.
 Act for coyning of Copper-money.
 Act for providing a Stock to the Mint house.
 Decrets of forfeiture against *William Dundas* of *Magdallans*, and *John Home* of *Kello*.
 Act anent the redemption of Infeftments of Fee granted under reversion.
 Act rescinding the pretended forfeiture of Sir *Robert Spotswood*.
 Act rescinding all Decrets of Forfeiture against *Archibald* and *Mackgilespik Mackdonal* of *Colinsay*.
 Act rescinding the Forfeiture of *Archibald Mackdonal* of *Sands*.
 Protestations by the Creditors of the Marquess of *Argyl*, that they be not prejudged by any sentence to be given against him.
 Decreet and Sentence of Forfeiture against the Marquess of *Argyl*.
 Decreet and Sentence of Forfeiture against Mr. *James Guthrie*.
 Decreet and Sentence of Forfeiture against *William Gowan*.
 Decreet *L. Cochran*, against the Executors of the Earl of *Buccleuch*.
 Act for two Fairs to the Burgh of *Rutbglen*.
 Act for Imposition for upholding a Bridge on the Water of *Fleet*.
 Acts concerning the Town of *Edinburgh* and their Annuity out of the House-mails, and the Imposition granted to them of two pence upon the pint of Ale, &c.
 Decreet Duke of *Hamilton* contra *Ardrinklafs*.
 Commission for a Council of Trade.
 Decreet in favours of the Earle of *Callander* against the Earle of *Leiven*.
 Act for changing an High-way at *Abbotshal*.
 Act in favours of *William Purves*.
 Decreet Sir *William Baile* of *Lamintoun*, contra Mrs. *Whaley*.
 Act for the ordinar allowance of the Clerk Registers Subscription.
 Ratification in favours of the Marquess of *Montrose*.
 Act ratifying the union of the Paroches of *Logy-montrose* and *Perth*.
 Act anent slaying of Fish in forbidden time.
 Act in favours of the Earl *Cassils*, Earl *Lothian*, *Brody*, &c.
 Commission concerning the Annual-rents due by persons forfeited by the Usurpers.

- Decreet in favours of *Mackintosh* against *Lochyel*.
 Decreet *Murdoch Mackelean* against *John Mackallester*, &c.
 Protestations by the Earl of *Arrol*, Earl *Craufurd* and *Lindsay*, the General of the Mint, and the Provost of *Edinburgh* in name of the Royal Burroughs, against the power of the Justices of Peace.
 Act in favours of the Commissars of *Edinburgh*.
 Act in favours of the Earl of *Middleton* and Sir *John Smith*.
 Act in favours of the Earl of *Middletoun* and Sir *John Weymes*.
 Act for two Fairs to the Burgh of *Cuthros*.
 Act for raising a Months maintenance, imposed in the year, one thousand, six hundred, and fifty one, for the Kings use, and eighty thousand merks due by the Burroughs.
 Act in favours of the Earl of *Dundee*.
 Act in favours of the Hat-makers in *Edinburgh*, and Protestation by the Town of *Edinburgh* against it.
 Decreet *John Makdowgal* contra *Campbel*.
 Decreet of Forfeiture against *John Swintoun*.
 Act rescinding the pretended Forfeiture of the Earl of *Bransford*.
 Ratification in favours of the Earl of *Pannure*.
 Commission for the Fishings of *North* and *South-esk*.
 Ratification in favours of the Lord *Rolls*.
 Ratification in favours of the Earl of *Murray*.
 Ratification of the Rights and Liberties of the Burgh of *Dundee*.
 Ratification in favours of the Burgh of *Kintor*.
 Ratification in favours of the Earl of *Tweeddale*.
 Ratification in favours of *Alexander Tomson*.
 Ratification in favours of the Earl of *Atbol*.
 Ratification to Sir *John Gilmor*, President of the Session, of his Right to the Barony of *Craigmillie*.
 Ratification in favours of the Burgh of *Dunkel*, and Protestation by the Town of *Perth* against it.
 Two Ratifications to the Earl of *Craufurd* and *Lindsay*.
 Ratification to the Earl of *Lauderdale* of the Regality of *Thiristane* and Lordship of *Musleburgh*.
 Ratification to the Earl of *Lauderdale* of the gift of *Swintouns* Forfeiture.
 Ratification in favours of Mr. *James Douglass*.
 Ratification to Sir *John Gilmor* of his gift of Pension.
 Ratification to Sir *James Hope* of his right to the Mines.
 Ratification in favours of the Laird of *Calder*.
 Ratification in favours of the Burgh of *Aberdeen*.
 Ratification in favours of Mr. *John Herbertson*.
 Ratification in favours of the Earl of *Home*.
 Ratification in favours of Sir *Alexander Home*.
 Ratification in favours of Mr. *John Cunningham*.
 Ratification in favours of Sir *James Cunningham*.
 Ratification in favours of *James Innes*.
 Ratification in favours of Sir *Robert Murray of Camron*.
 Ratification in favours of the Earl *Marshall*.

SECOND SESSION:

- Act for calling in the Bishops to the Parliament.
 Act for setting the Orders in the Parliament-house.
 Act concerning Members of Parliament who do not attend.
 Recommendation for the Creditors of the late Marquess of *Argyll*.
 Commission for tryal of the burning the Gates of *Drumlanrig*.
 Modification and Recommendations for some suffering Ministers.
 Proclamation for the Anniversary Thanks giving.
 Act concerning the Earl of *Mortoun* and Town of *Kirkcubright*.
 Act for yearly Fairs in *Corstorphin*.
 Act in favours of the Lord *Frazer*, for his Title of Lord *Frazer*.
 Act berwixt the Lord *Burghly* and Shire of *Fife*.
 Act in favours of *Alexander Bruce*, Brother to the Earl of *Kincarden*.
 Act anent the Chapter of *Argyll*, and *Glenorchies* Protestation against it.
 Act in favours of the Inhabitants of *Orkney*.

- Act for reliefe of those who were overburdened in their Levies, in Anno, 1649. for their concurrence in the Engagement, in Anno, 1648.
- Act concerning the Ministers of *Edinburgh*.
- Act rescinding the pretended Forfeiture against *Harthil*.
- Act in favours of the Earl of *Perth* and others, for some monies due to them by the Shire of *Perth*.
- Commission for the Creditors of Forfeited persons.
- Act for keeping the Registers of Session in the Parliament-house.
- Decreet Marquess of *Huntly*, contra *Innes Cromarty*, *Robert Foulis*, &c.
- Decreet Laird of *Haddo*, contra *Lefly*.
- Act of dissolution of the Earldom of *Orkney*.
- Decreet *Macklaud*, contra Mr. *David Drummond*, &c.
- Decreet Sir *James Mackdonald*, contra *Mackonachie Inera*.
- Act for changing the Way betwixt the south *Ferry* and *Cramond*.
- Act in favours of the Town of *Edinburgh*.
- Decreet against *Archibald Campbel*.
- Decreet of Forfeiture against *Arkinlaß* and *Ormsay*.
- Act in favours of the Lord *Lyon*.
- Act for an Arch-deanry in the *Isles*.
- Act in favours of Sir *Robert Fletcher*.
- Decreet Mrs. *Whaley*, contra *Lamintoun*.
- Act for changing the Mercat-day in *Aberdeen*.
- Act in favours of the Town of *St. Andrews*.
- Act for yearly Fairs to the Earl of *Kinghorn*, the Lord *Tarbet*, the Lairds of *Glenorchie* and *Haddo*.
- Act for two Fairs yearly, and a weckly Mercat in *Dalmeny*.
- Act in favours of the Earles of *Queensberry* and *Annandail*.
- Decreet in favours of Mr. *Thomas Mackenzie*.
- Act for building a Meal-mercat in *Dumfries*.
- Act concerning the Declaration.
- Act containing exceptions from the Act of Indempnity, for *Finess*.
- Act anent the Children and Posterity of Forfeited Persons.
- Act in favours of the Countess of *Bransford* and Lady *Forrester*.
- Act in favours of the Lord *Mackdonald*.
- Act in favours of *Lamont*.
- Act freeing Bishops Vassals from the charges of Commissioners to the Parliament.
- Commission for rectifying the Valuations of *Aberdeen* Shire.
- Recommendation in favours of *John Mein*.
- Decreet *Dunolich* against *Campbel*.
- Suspension of publick Debts, with References in favours of the Lord *Burghly* and Lord *Carden*.
- Ratification in favours of the Archbishop of *St. Andrews*.
- Ratification in favours of the Bishop of *Edinburgh*.
- Ratification in favours of the Bishop of *Galloway*.
- Ratification in favours of the Bishop of *Brichen*.
- Ratification in favours of the Bishop of *Argyl*.
- Ratification in favours of the Earl of *Crausurd* and *Lindsay*.
- Two Ratifications in favours of the Duke of *Lenox*.
- Two Ratifications in favours of the Earl of *Atbol*.
- Ratification in favours of the Earl of *Tullibarden*.
- Ratification to Sir *John Gilmor* of his Lands of *Craiglockhart*.
- Ratification to the Laird of *Morphie*.
- Ratification to the Laird of *Allardice*.
- Ratification to the Laird of *Glenorchie*.
- Two Ratifications to the Laird of *Cromarty*.
- Ratification to *John Beaton*.
- Ratification to the Burgh of *Linlithgow*.
- Ratification to Sir *John Strachan*.
- Ratification to *Paul Symer*.
- Ratification to the Earl of *Annandail*.
- Ratification to the Earl of *Newburgh*.
- Ratification to Sir *Robert Innes* of *Muretoun*.

THIRD SESSION.

- Act concerning the constitution and election of the Lords of the Articles.
 Warrants for personal Protections against Captions, for some time, to the Lord *Sinclair* and others.
 Commission for trying of the contrivance and carrying on of the Act of Billeting.
 Decree and Sentence of Forfeiture against *Archibald Johnston*, sometime of *Wariston*.
 Act ratifying the Remission granted to *George Campbell*.
 Act for annexing some Kirks to the Deanry of *Sanct-Andrews*.
 Record of the production of the Duke of *Monmouth's* Patent to be Duke of *Buccleuch*.
 Act allowing to the Ministers who served before and in the year, one thousand, six hundred and sixty two, the half of the Stipend due for that year.
 Ratification in favours of Sir *Peter Wedderburn*.
 Act rescinding a former Act past in the last Session of Parliament, anent some Fees acclaimed as due to the *Lyons Office*.
 Act concerning the matter of Billeting, and a Letter directed to His Majesty thereupon.
 Act for repairing the High-ways at the Town of *Preston*.
 Warrant for three Fairs to the Town of *Newburgh*.
 Act concerning the pardoning and restoring the Children of Forfeited persons, *August* and *Donald Macklands* declared Fugitives.
 An imposition for repairing and upholding a Bridge in *Clidfaal*.
 Warrant for changing the Fair-day of the Town of *Clackmannan*.
 Reference to His Majesty concerning the Process against *Affint*.
 Act concerning the Imposition laid on English Commodities.
 Act past in favours of *Printers, Stationers, Silk-weavers, &c.*
 Act for changing of the name of *Souter*, of late used by some of the name of *Johnston*.
 Act for an Imposition for repairing the High-way betwixt *Corstorphin* and the *Cow-bridge*.
 Warrant for changing the Fair-day of the Town of *Nairn*.
 Commision concerning the Annual-rents due by persons Forfeited by the Usurpers.
 Act Rescinding, Annulling, and for Razing out of the Records, two Acts past in the second Session of this Parliament, one for excepting persons from publick Trust, and the other for the manner of voting it by Billets.
 Act in favours of Doctor *Cotvil*.
 Act concerning the riding of the Parliament, and the Penalties of such as shall be absent from it.
 Decree betwixt Sir *Arthur Forbes* and the Lord *Cochran*.
 Act in favours of Mr. *John Wilkie*.
 Act anent the vacand Stipends in *Argyl* and *Islis*.
 Act for repairing the Bridge of *Tullibody*.
 Act for the disposal of some vacand Stipends.
 Act for the Bridge of *Dalkeith*.
 Act for upholding the Bridge of *Kippon*, and for two Fairs at the Kirk of *Kippon*.
 Act for a yearly Fair in the Barony of *Caskibon*.
 Act for changing the weekly Mercat of *Pettenweym*.
 Act in favours of *John Halybrinton*, concerning his Writes.
 Act appointing the Fines to be paid in to any person His Majesty shall appoint.
 Act in favours of the Captain of *Dunstaffnage* and others.
 Two Fairs yearly to be kept in the Barony of *Preston*.
 The Fairs granted to the Town of *Whitehorn* changed in the dayes and dyets thereof.
 Decree the Earl of *Roxburgh* contra Sir *John Weymes*.
 Act for two Fairs and a weekly Mercat in *Stanlyve*.
 Act concerning the making of Cards.
 Recommendation in favours of the Marquess of *Montrose*.
 Warrant for two Fairs and weekly Mercat to the Laird of *Drum*.
 Warrant for paying of some debt due by the Shire of *Dumfries*.
 An Act and Ratification of the Contract of Marriage betwixt the Duke and Dutches of *Buccleuch*, and Warrant for registrating the Contract.
 Act concerning the Stipend of the Ministers of the *Cannongate*.
 Remit the Duke of *Hamilton* contra Lady *Forrester*.
 Warrant for two Fairs, and for changing the Mercat-day of the Barony of *Skirling*.
 Warrant for a yearly Fair on the Brae of *Atbol*.
 Act for a Fair and weekly Mercat on the Lands of *Kimudy*.
 Act concerning *Broomhals* Writes.

- Act for an Imposition, for repairing and keeping up the Bridges of *Sauchtobal* and *Clegorn*.
 Remit to the Session concerning the eighty thousand merks claimed from the Burroughs.
Lamonts Process against *George Campbell* remitted to the Session.
 Recommendation in favours of some suffering persons.
 Commission for ordering the prices of Offices, Writes and Seals.
 Act suspending execution for publick debts until the next Parliament.
 Act concerning the *Zetland* Company of White-fishing, remitted to the Council.
 Act for a yearly Fair in *Paisly*.
 Act for a yearly Fair in the Barony of *Caskibon*.
 Remit to the Council anent the Act for Trade.
 Warrant for changing a Way near *Leidinton*.
 Act for renewing the Justices of Peace.
 Ratification in favours of *Sir Andrew Aiton*.
 Ratification in favours of the Lords of the Session.
 Ratification in favours of *David Souter*.
 Ratification in favours of *Mr. Alexander Foulis of Ratho*.
 Ratification in favours of the Bishop of *Aberdeen*.
 Ratification in favours of *Sir Robert Sinclair of Steinstoun*.
 Ratification in favours of *Mr. Robert Sinclair of Longformacus*.
 Ratification in favours of *Thomas Hamilton of Bathgate*.
 Ratification in favours of *William Prestoun of Valified*.
 Ratification in favours of *Mr. Robert Prestoun* of that ilk.
 Ratification in favours of *Michael Balfour of Pitmedden*.
 Ratification in favours of *James Campbell* and his Son.
 Ratification in favours of *John Malcolm*.
 Ratification of a mortification in *Perth*.
 Ratification in favours of *George Home of Kames*.
 Ratification in favours of the Earls of *Craufurd* and *Lauderdaile*, the Lord *Parbroth*, the Lairds of *Hutton*
 and *Ardross*, Colonel *Lefly* and *James Scot*, of their Gifts of Mines and Minerals.
 Ratification in favours of *James Dickson*.
 Ratification in favours of the Burgh of *Whiteborn*.
 Ratification in favours of *Sir John* and *Mr. Alexander Gibson*.
 Ratification in favours of the Earl of *Rothes*.
 Ratification in favours of the Earl of *Dumfermline*.
 Ratification in favours of *Sir John Home of Renton*, Lord Justice Clerk, and Protestation for *Sir Alexander Home* and *Wedderburne* against it.
 Ratification in favours of *Charles Maitland of Haltoun*.
 Ratification in favours of *William Scot of Ardross*.
 Ratification to the Town of *Edinburgh* of their right to the Citadel.
 Ratification in favours of *Captain Lockhart*.

F I N I S.

L E T T E R;

To his PARLIAMENT of SCOTLAND, in the year 1663.

Concerning the Act of Billetting.

CHARLES R.

My Lords and Gentlemen.



S WEE have just cause to account it one of the great blessings of Almighty God, upon Our Person, and Government, that You the Members of Our Parliament of that Our Ancient Kingdom of *Scotland*, Have so unanimooslie Joined in rescinding all pretended Parliaments, and Acts derogatory to Our Authority, and in making so many laudable Laws, whereby the Church and State are now again settled, upon their proper, and solide foundations; Peace and Order established; Laws restored to their former lustre, and vigour, Our Authority and the Royall Prerogatives of Our Crown, transmitted to Us from so many Ancestours, now fully asserted, and clearly vindicated, and the seeds of Rebellion rooted out. By all which, Truth, and Righteousness, Peace, and Plenty, are by Gods blessing, like to be the lasting fruits of your labours: So Wee have thought it fit at the beginning of this Session of Our Parliament, again to signifie unto you, Our just esteem of that eminent Piety, Loyalty, Prudence, and Affection, to Our Person, Crown, and Dignity, which you have by these excellent publick Acts, manifested to the World. And Therefore Wee doe again return Our most hearty thanks, which Wee doe desire may be recorded to Posterity. Wee shall not enumeat at the particulars, for that were to recite all the Laws of general concern enacted in the first Session of this present Parliament, and some in the last Session. Only Wee shall let you know, that Wee have observed all along in the framing of these Laws, a most obsequious compliance with whatsoever hath been represented to you by Our last Commissioner to be Our intention, or what might be acceptable to Us, and that to a degree, that could not but proceed from an unparalleled affection to Our Person, and Service, and an intire deferency to Our Judgment in every point. In so much that although some few things hath been carried on, and even past, and Our consent given to them, without Our knowledge, and very farre from Our intention, which upon deliberat consideration, Wee find to be of quite another strain, then these other excellent Laws, which Wee so deservedly applaud: Yet Wee cannot attribute your concurrence therein to any thing, but that affection and deferency Wee have mentioned, though in the contrivance, and promoting of them, some sinistrous and giddie courses hath been taken, whereby the Loyal intentions of well meaning Persons have been led into absurdities, which if not redressed, may prove a pernicious example of dangerous consequence, as tending to the dishonour of Our Parliament, and to the subversion of all Justice, and good Government of this nature. And indeed the thing Wee mainly insist on, was that strange Act for incapacitating *Twelve* transmitted to Us sealed, (And which Wee have so ordered that it shall never more come to light,) and the yet stranger way of voting it, even by *Billets*: A way never before practised under Monarchy, nor ever heard of under any Government, as to punishments of such a nature as this was, where the Persons concerned, were so farre from being accused, heard, or upon evidence condemned, that their names were never made known to your selves who so sentenced them. But because the consent Wee gave to the incapacitating some few, seems to have been made use of as the ground of this, with which Wee are with so much reason most unsatisfied: We shall let you know clearly how both Wee and you were abused in this particular. Before the last Session of Parliament, Wee did by Our Instructions to Our last Commissioner declare Our pleasure concerning fines to be imposed by Our Parliament, both as to the crimes for which Wee did allow fining, and as to the proportions: And this moderat way of raising fines (which Wee intended to employ only for the relief of Our good Subjects who had been great Sufferers) was the only punishment Wee gave warrant for. Wee also commanded the Act of Pardon, and Oblivion to be transmitted to Us, before Our Royall assent was given to the same, because Wee were desirous Our self to see Our grace extended as large as Wee intended it: In obedience to which command Our Commissioner dispatched to Us last Summer, A *Gentleman*, with a letter of Credit, He brought to Us two draughts of an Act of Pardon and Oblivion: The One excepted only as to fines, the other excepted also as to incapacity from publick trust. And this last he owned to be the desire of Our Parliament, (though Wee are since sufficiently informed that incapacitating was never so much as heard of in Our Parliament till his return.) He likewise prest in name of Our Parliament, Our consent to the incapacitating some few of the most guilty, not exceeding

exceeding *Twelve*. To the last Wee consented; And meerly upon the acompt of gratifying the desire of so faithfull and so Loyall a Parliament. NOW You can best Judge whether you gave warrant for such a desire as was made in your name, whether Our consent so obtained, was represented as a command from Us, and whether it was made use of as the rise and ground of this pernicious way of incapacitating by *Billets*; Which as it hath no colour of warrant from Us, (being farre from Our knowledge, and yet farther from Our intentions) So Wee cannot but declare, that Wee esteem it contrary to Our Honour, Freedom, and Gravity of Parliament, to all former practises, to Common Justice, and highly derogatory to Our Authority, and Dignity, as tending to the universal dissatisfaction of all Our good Subjects: For it voting by *Billets*, and punishing in that way be allowed, no man is secure of his Honour, his Estate, his Liberty, nor his Life, Persons of greatest merit may be this way destroyed; And even Our Officers of State and those of nearest Relation to Us, may by colour of Our Authority, without Our knowledge, be torn from Us, and exposed to intamy and ruine. And because Wee are most confident, such things were, and are as farre from Your meaning and intentions, as they are from Ours, and that Wee have great reason to suspect, that Our Name hath been abused, and many well meaning Persons have been made to believe, that what was done would be acceptable to Us: *Therefore* for vindicating of Our Honour and Yours, Wee doe in the first place, earnestly recommend to you to rake speedy and exact trial, of the contrivance, and carrying on of this pretended Act of incapacitating by *Billets*, and report the same to Us; That Wee may make known to you Our farther pleasure, And Wee are so confident of your Justice, that Wee are certainly perswaded, you will joine in passing a new Act for rescinding all that relates to *Billeting*, with the clauses referring to it in the Act of Pardon, and Oblivion, and in the Act of fines, expressing in the narrative, such grounds and reasons as you shall find just, and necessary, rasing all memory of it out of Our records, and discharging all voting by *Billets* for the future. There be some other Acts in which Wee doubt not you will concur with Our opinion, that they have also need to be mended: But as to these Wee referre you to Our Commissioner, who will assure you, that Wee believe your consent to these things, with which Wee are no wayes satisfied, did proceed (as Wee have said) from your intire deferency to Our Judgment, and the belief of most among you, that they would be acceptable to Us. So expecting the continuance of that Zeal, and Affection to Our service, and the good of that Our Kingdom, of which Wee have had so many, and large testimonies, Wee bid you very heartly farewell.

Given at Our Court at Whythall, the fourth day of June, 1663, and of Our Reign, the 15th year.

By his Majestie's Command,

L A U D E R D A L E.

Commission for trying of the Contrivance, and carrying on of the

ACT OF BILLETING.

Edinburgh 26. of June. 1663.

FOR AS MUCH as it hath pleased his Sacred *Majesty*. by his Letter of the *fourth* of this instant, to signify His just esteem of that eminent Piety, Loyalty, Prudence, and affection, to His Royal Person, Crown, and Dignity, which His Parliament of this Kingdom hath by many excellent Acts manifested to the World: And that His *Majesty* hath observed in the framing of these Laws, such an obsequious compliance, with whatsoever was by his Commissioner represented to have been His Royal intention, or acceptable to him: Which could not but proceed from an unparalell'd affection to His Person, and Service, and intire deferency to His Judgment in every point: In so much as although some few things have been in the last Session of Parliament, carried on, and even past, and the Royall assent interponed thereto, without His knowledge, and very farre from his intention: Yet His *Majesty* dealeth, he cannot attribut the concurrence of His Parliament therein to any thing, but to their affection, and deferency aforesaid, though in contrivance and promoting of them, some sinistrous, and giddie courses have been taken, whereby the Loyall affections of well meaning Persons, have been led into absurdities: Which if not redressed may prove a pernicious example, and dangerous consequence, as tending to the dishonour of the Parliament, and the subversion of all Justice, and good Government. OF THIS NATURE was that strange Act for incapacitating TWELVE, Transmitted to His *Majesty* sealed, (and which His *Majesty* hath so ordered that it shall never more come to light) and the way of voting it by *Billets*, a way never before practised under Monarchy, nor ever heard of under any Government, as to punishments in such a nature as this, where the

Persons

Persons concerned, were so far from being accused, heard, or upon evidence condemned, that their names were never made known to the Parliament who sentenced them. But because the consent His Majesty gave to the incapacitating some few, seems to have been made use of as the ground to this, with which His Majesty hath by the said Letter made known, how much both His Majesty himself, and the Parliament were abused in that particular, *To wit*, That before the last Session of Parliament, His Majesty did by His Instructions to His Commissioner, declare his pleasure concerning fines to be imposed by the Parliament, both as to the crimes for which His Majesty did allow fining, and as to the proportion; And this moderate way of fining which His Majesty intended to employ for the relief of His good Subjects, who had been great sufferers, was the only punishment He gave warrant for. His Majesty also commanded the Act of Pardon and Oblivion to be transmitted to Him, before His Royal assent was given to the same, because His Majesty was desirous to see His Grace extended as large as he intended it. And that in obedience to this command, His Commissioner dispatched A Gentleman, with a letter of Credit, who brought to His Majesty two draughts of an Act of Pardon, and Oblivion; The One excepted only as to fines, and the Other excepted also as to incapacity from publick Trust, and this last he publickly owned to be the desire of the Parliament, (though His Majesty is since sufficiently informed that incapacitating was never so much as heard of till his return) and that he likewise prest in the name of the Parliament His Majesty's consent to the incapacitating of some few of the most guilty, not exceeding *twelve*, to which His Majesty at last consented, merely upon the account of gratifying so Faithful and Loyall a Parliament. By all which the Parliament can best Judge, whether they gave warrant for such a desire, as was made in their name, whether his consent so obtained, was represented as a Command from His Majesty, and whether it was made use of as a rise and ground of this pernicious way of incapacitating by *Billets*: Which as it had no colour of warrant from His Majesty, (being far from His Royal knowledge, and yet farther from His intentions) so that His Majesty cannot but citem it contrary to His Honour, to the Honour, Freedom, and Gravity of Parliaments, to all former Practises, to Common Justice, and highly derogatory to His Authority, and Dignity, as tending to the Univerfall dissatisfaction of all His good Subjects, for if voting and punishing by *Billets* be allowed no man is secure of his Honour, his Estate, Liberty, nor Life, Persons of greatest merit may be this way destroyed, and His Majesty's Officers of State, and those of nearest Relation to His Majesty may by colour of His Authority, without His knowledge be torn from Him. And His Majesty being most confident that such things were, and are as far from the meaning and intention of the Parliament, as from His Own; And that His Majesty hath great reason to suspect, that His Royall name hath been abused, and many well meaning persons hath been made believe, that what was done would be acceptable to His Majesty.

T H E R E F O R E, And for vindicating of his Majesties Honour, and the Honour of his Parliament, His Majesty hath earnestly recommended, that a speedy and exact tryall be taken of the contrivance, and carrying on of this pretended Act of Incapacitating by *Billets*; That the same being reported to his Majesty, he may make his farther pleasure therein known. IN ORDER WHEREUNTO, & in a due compliance with, & obedience to his Majesties pleasure expressed in the said Letter, T H E E S T A T E S in P A R L I A M E N T Gives full Power and Commission to *John* Earl of *Lauderdale*, His Majesties Secretary, *John* Earl of *Haddington*, *Sir John* Gilmour President of the Session, *Sir James* Lockhart of *Lee*, *Sir Robert* Murray Provost of *Edinburgh*, And *Alexander* Wedderburn Provost of *Dundee*, or any four of these, to meet and to take speedy and exact trial of the contrivance, and carrying on of that pretended Act of Incapacitating by *Billets*: As also to try whether the Parliament gave Warrant to desire his Majesties consent to the incapacitating of some not exceeding *twelve*: Whether his Majesties consent so obtained, was represented as a Command from his Majesty; And whether it was made use of as the rise and ground of this way of Incapacitating by *Billets*; And if his Majesties name hath been abused by any, to make others believe that such a procedure would be acceptable to his Majesty. And generally with power to them to take trial of the matter of fact, in the affairs above expressed. And for that effect, that they call before them, and examine upon Oath, all such Persons, as they shall think fit, for giving information to them therein, and that their Depositions be written and subscribed by the Deponents: With power to them also to call for all such Acts, Letters, Instructions, or other Papers, which may give clearness in this matter, and if any Person who shall be called before them, shall refuse, or delay to depon, or to exhibit, and give in such Acts, Letters, Instructions, or other Papers which are in their power, relating to this business, and shall be called for from them; That then the Commissioners aforesaid, make report thereof to his Majesty's Commissioner, the Parliament, or Lords of the Articles, that such farther course may be taken therein as effects. And that the saids Commissioners be ready from time to time to make an account of their proceeding to his Majesty's Commissioner, and Lords of the Articles, That being from them transmitted to the Parliament, a speedy report thereof may be made to his Majesty, conform to the prescript of his Royal Letter aforesaid.

THE PARLIAMENTS
ANSWER,

To His Majesty's Gracious LETTER, of the 4th of June, 1663.

Most Sacred Sovereign,



WE DESIRE Wee have had to return to your Majesty a satisfactory account, of what by your most Gracious Letter, of the *fourth* of June, was entrusted to Us for trying of the contrivance, and carrying on of that design of *Billeting*, (with which Your Majesty with so much reason declared Your self most unsatisfied) Hath occasioned that Wee have not sooner made these humble, and thankfull acknowledgments, which the gracious expressions in the former part of Your Letter call for; Being desirous that the account of Our dutifull, and hearty obedience, to these Your Majesties just commands, might accompany Our due acknowledgments of your Majestie's grace and goodness, and that Our return might not divide what your Majesty by your Royall Letter Joined.

Wee doe with all humble duty, and thankfulness acknowledge the great blessings which this Your Ancient Kingdom doth now enjoy, under your Royall Authoritie. The Church being restored to its right Government; The Kingdom to its former peace; The Laws to their free course; And the Subjects to their just Liberties; And all these flowing to Us, as the happy fruits and effects of your Majestie's blessed restitution. Wee conceive our selves oblig'd in a due resentment thereof, and of the often, and renewed expressions of your Majestie's Royall care and tenderness of this Kingdom, To return the humble offer of our Lives, and Fortunes, and all that is dearest to Us, for the advancement of your Majestie's Honour, Authority, and Greatness: And that it shall be Our care, that the expressions of Our obedience to your Majestie's commands, shall be suitable to these unparallel'd Acts of grace, and favour your Majesty hath vouchsafed upon Us.

By your Majesty's Letter, it appears that by a *Gentleman* employed last year, with a letter of Credit from the Earle of *Middletoun*, it was represented to your Majesty, that it was the desire of Your Parliament here, That the Act of Indemnity should carry an exception of incapacitating from Publick trust; And that he earnestly press in name of Your Parliament your Majestie's consent to the incapacitating some few of the most Guilty, not exceeding *twelve*, And your Majesty desiring to know the truth thereof from Us. IN OBEDIENCE to your Majesty's commands, this being taken into the consideration of Your Parliament, and every member of Parliament particularly asked thereupon: *Wee Find* by the unanimous opinions, and votes of the House, That the Parliament gave no warrant to desire of your Majesty, that the Act of Indemnity should carry an exception of incapacitating from Publick Trust, And that the Parliament gave no warrant at all to desire in their names your Majestie's consent to the incapacitating a few: Yet Wee have seen the enclosed double of an instruction given by the Earle of *Middletoun* in the contrary to Sir *George McKenzie* signed, and owned by him, in presence of your Parliament, to be a just double, bearing that it was much desired by Your Parliament, that some should be excepted from Publick Trust.

Wee also find no other ground in the Act of Parliament concerning *Billeting*, neither doe Wee remember of any other ground made use of before the Articles, or in the Parliament, for incapacitating; But that it was your Majestie's pleasure to have it so; And that this was the rise of bringing in the Act of *Billeting*, as the most expedient way of voting the Act for incapacity.

And in obedience to your Majesty's commands, for the farther trial of the manner of contrivance, and carrying on of this design of *Billeting*; And your Majesties suspicion that your Name was abused therein; Some Commissioners authorized by your Majesties Parliament, having taken the Depositions of diverse Members of Parliament, and two Knights thereupon; And having delivered the principal depositions to your Majesties Commissioner, to be by his Grace, communicated to your Majesty; Have offered to Us this particular account thereof under their hand-writings, which Wee (without presuming at all to give any Judgment thereupon) offer hereby to your Majesties Royall consideration. And when your Majesty shall be pleased to make Your farther pleasure therein known to Us, Wee shall give such obedience thereto. And to the other particulars in your Royall Letter, as shall witness to the World, that your Majesties Royall Judgment is the rule of Our actions; And that your Majesties commands shall always receive that obedience from Us, which suites with the Duty of good Subjects, and the relation wee now serve your Majesty in; As your Majesties most Loyal and Faithful Parliament. In whose Name, and by whose Command, these are signed by

Edinburgh
28. July, 1663.

*Your Majesty's most Humble, most Dutifull, most
Obedient, Subject, and Servant.*

GLENCAIRNE Cancellarius. J. P. D. Par.

ACT

A C T Rescinding two A C T S

Past in the last S E S S I O N of

P A R L I A M E N T :

The one for excepting of persons from publick Trust; and the other for voting the same by Billets.

Edinburgh, the ninth of September, 1663.



OUR SOVERAIGN LORD, out of his innate goodness and love to this His ancient Kingdom, being desirous, that now, after so long troubles, a perfect peace be settled within the same, and that all His good Subjects might enjoy the happiness and blessings of His Government in a full and free Act of Indemnity, Pardon and Oblivion; Did, by His Instructions to the Earl of *Middleton*, His last Commissioner, before the second Session of this Parliament, Declare His Royal Pleasure concerning Fines to be imposed, both as to the crimes, for which fining was allowed, and as to the proportions; and this moderate way of fining (which His Majesty intended to impley for the reliefe of His good Subjects who had been sufferers) being the only punishment His Majesty gave warrant for; And His Majesty being careful to see His Royal Grace and Favour to His people extended as large as he intended it: He commanded the Act of pardon and Indemnity to be transmitted to His own consideration, before His Royal consent were given to the same. In obedience whereunto, the Earl of *Middleton*, in summer, one thousand, six hundred, and sixty-two, dispatched Sir *George McKenzie* of *Tarbet* to His Majesty, with a Letter of credit: He carried two draughts of an Act of Indemnity, the one excepted only as to fines, the other excepted also as to incapacity from publick Trust; the last he publicly owned to be the desire of the Parliament, and earnestly prest, in name of the Parliament, the incapacitating of some few of the most guilty, not exceeding twelve; to which His Majesty at last consented, meely to gratifie that which was represented to be the desire of so faithfull and loyal a Parliament. And having desired to know the truth hereof from His Parliament, they, by their unanimous opinions and votes, upon the twenty two of *July* last, Declared, that they gave no warrant to desire of His Majesty, that the Act of Indemnity should carry an exception of incapacitating from publick Trust, nor any warrant at all to desire in their names, His Majesties consent to the incapacitating a few; and that notwithstanding thereof, they had seen the double of an Instruction given in the contrary by the Earl of *Middleton* to Sir *George McKenzie*, signed, and in presence of the Parliament, owned by him to be a just double; bearing, that it was much desired by the Parliament, that some should be excepted from publick Trust: And it was also declared by the Parliament, that there was no other ground for incapacitating, but that it was His Majesties pleasure to have it so, and that this was the rise of bringing in the Act of billeting, as the most expedient way of voting the Act of Incapacitating: by which it appears, both His Majesty and His Parliament were abused, as to that exception from publick Trust. And Our Sovereign Lord considering, that this way of Billeting had no colour of warrant from His Majesty, and that His Royal consent was given to it without His knowledge, and very far from His intention; and that in the contrivance and carrying on of the same, sinistrous courses were taken, and designs laid, for incapacitating the Earls of *Craford* and *Lauderdail*, and Sir *Robert Murray*; persons who for their eminent loyalty to, and great and long sufferings for His Majesty, are deservedly in His high esteem, and who, for the time, had the special approbation of this present Parliament for these great employments they had from His Majesty, as His Officers of State and otherways; and that Therefore He hath, with much reason, declared Himself most unsatisfied therewith: Yet, He doth not attribute the concurrence of His Parliament in Billeting to any thing, but to their unparallel'd affection to His person and Service, and their obsequious compliance to every thing was represented to them to be His Majesties intention, or which might be acceptable to His Majesty. And considering the way of Billeting to be most pernicious in it self, and of a most dangerous consequence, as tending to the dishonour of His Majesty and his Parliament, and to the subversion of all Justice and Government; it being a way never before that time practised in this Kingdom, or in any other place, under Monarchical Government; being so derogatory to his Majesties Authority and Royal Dignity, and so contrary to

the honour, freedom and gravity of Parliaments, to all former practices, and to the rules of common Justice; every man, even these of the greatest merit, being thereby rendered unsecure of their honour, estates, liberties and lives; his Majesties Officers of State and those of nearest relation to him, being exposed to infamy and ruine, to be, by colour of his Authority without His knowledge, torn from Him; and his Royal Prerogative, in the choice of his Chancellors and servants, asserted in this present Parliament, violated and made contemptible, and all his Majesties good Subjects made lyable to censures, without being accused, heard, or legally condemned. In regard of all which, Our Sovereign Lord, with consent, and by special advice of his Estates in Parliament, Doth hereby Rescind and Annull two Acts past in the last Session of this Parliament on the ninth of September, one thousand, six hundred, and sixty two; the one Entituled, *Act appointing the manner of voting by Billets*, and the other Entituled, *Act concerning persons to be excepted from publick Trust, together with the Clauses relating thereto in the Act of Indempnity and in the Act of Fines*; and Declares the saids two Acts, with the Clauses aforesaid relating thereto, to have been from the beginning, to be now, and in all time coming, void and null; and Ordains the same to be expunged and razed out of the Records. Likeas accordingly, the saids principal Acts being called for and presented in Parliament, were publickly torn and destroyed; and the Act of Indempnity and Act for Fines, with the Records of the minutes of Parliament being also called for, the Clauses contained therein, relating to the excepting of persons from publick Trust, and the voting of it by Billets, were expunged out of the same; And the Clerk-Register is hereby Ordained to take care, that from henceforth the Act of Indempnity and Act for Fines be extracted and recorded according to these amendments, and that any extracts already given out, be void and null, as to the Clauses thus amended. Likeas Our Sovereign Lord, to evidence His just dislike of so pernicious a course, Doth with advice and consent foresaid, Discharge all voting by Billets for the future.

And forasmuch, as the Parliament, in obedience to His Majesties Commands, did transmit to His Majesty, the originall Depositions of those who were examined, concerning this whole business, to the end he might declare his further pleasure; his Majesty Declares, that having taken all that relates to the business of Billeting into serious consideration, He will, in convenient time, make known His pleasure therein.

F I N I S

THE
L A W S A N D A C T S
Of the S E C O N D
P A R L I A M E N T,
Of Our Most High and Dread Sovereign,
C H A R L E S
T H E S E C O N D.

By the Grace of GOD, King of Scotland, England, France and Ireland,
Defender of the Faith.

Begun at *Edinburgh*. the 19. of *October*, 1669.

By a Noble Lord, John Earl of Lauderdale, Viscount Maidland, Lord Thirlestane and Bolton, &c. His MAJESTIES Commissioner for holding the same, by vertue of a Commission under His MAJESTIES Great Seal of this Kingdom:

With the special Advice and Consent of the Estates of Parliament.

Extracted from the Records of PARLIAMENT, be Sir *Archibald Primrose* of *Chester*, Knight and Baronet, Clerk to His MAJESTIES Council, Registers and Rolls.

I.

ACT asserting His Majesties Supremacy over all Persons and in all Causes Ecclesiastical.

November 16. 1669.



THE Estates of Parliament having seriously considered, how necessary it is, for the good and Peace of the Church and State, That His Majesties Power and Authority, in relation to Matters and Persons Ecclesiastical, be more clearly asserted by an Act of Parliament; Have therefore thought fit it be enacted, Assented and Declared, Likeas, His Majesty, with advice and Consent of His Estates of Parliament, doth hereby Enact, Assent and Declare, That His Majesty hath the Supreme Authority and Supremacy over all Persons and in all Causes Ecclesiastical within this His Kingdom; and that by vertue thereof, the Ordering and Disposal of the External Government and Policy of the Church doth properly belong to His Majesty and His Successors, as an inherent Right to the Crown: And that His Majesty and His Successors may Settle, Enact and Emit such Constitutions, Acts and Orders, concerning the Administration of the External Government of the Church, and the Persons employed in the same, and concerning all Ecclesiastical Meetings, and Matters to be proposed and determined therein, as they in their Royal Wisdom shall think fit. Which Acts, Orders

Orders and Constitutions, being recorded in the Books of Council and duly published, are to be observed and obeyed by all his Majesties Subjects, any Law, Act or Custom to the contrary notwithstanding. Likeas, his Majesty, with Advice and Consent foresaid, doth Rescind and Annul all Laws, Acts and Clauses thereof, and all Customs and Constitutions Civil or Ecclesiastick, which are contrary to, or inconsistent with his Majesties Supremacy as it is hereby asserted, And declares the same void and null in all time coming.

Y I.

ACT concerning the Militia.

November 16. 1669.

FORasmuch as by divers ancient Laws and Acts of Parliament, made in the Reigns of His Majesties Royal Ancestors, it is Statute and Ordained, That Weapon-showings be holden in ilk Shire severall times in the year, at which the Lieges are appointed to be harnished and armed, according to their qualities and degrees; as at length is specified in these Acts. And it being declared by the fifth Act of the first Session of His Majesties late Parliament, That it is His Majesties Prerogative-Royal and undoubted Right, to have the power of raising in Armes the Subjects of this Kingdom, and of the commanding, ordering and disbanding, or otherwayes disposing thereof as He shall think fit. As also, the Estates of Parliament of this Kingdom, in recognizance of His Majesties Royal Prerogative foresaid, and in a further acknowledgment of their duty, Having, by the twenty fifth Act of the last Session of the foresaid Parliament, made offer to His Majesty of twenty thousand Footmen, and two thousand Horsemen, sufficiently armed and furnished with forty dayes provision, to be raised from the severall Shires of the Kingdom, according to the proportions exprest in that Act, to be in readines as they shall be called for by His Majesty, to march to any part of His Dominions of *Scotland, England or Ireland*, for any service wherein His Majesties Honour, Authority or Greatness may be concerned. And His Majesty, finding it expedient that the foresaid number of Foot and Horse should be modelled and trained in military discipline, to the effect they might be in greater readines and fitness for His Majesties Service when they should be called for, Having, by advice of His Privy Council, constituted and settled a Militia of horse and Foot in many Shires of the Kingdom, according to the proportions mentioned in the foresaid Act; And in some other Shires a Militia of horse only; having thought fit in this exigent, for important reasons, to change their Foot into a proportion of horse, suteable to the charge of their proportion of Foot: And having nominated and appointed the Collonels and Lieutenant-Collonels of Foot, and Captains of horse; And the Lords of Privy Council having, by his Majesties Order and warrant, appointed Commissioners of the Militia in the severall Shires, ordered the election of the inferiour Officers, appointed particular dayes of Rendezvous, the way of listing of Foot-souldiers, ordered fit allowances to be given to the Foot and horsemen every day of the Rendezvous; That Collours, Standarts, Drums and Trumpets be provided at the charge of the Shire; And having given severall other Orders and Instructions concerning the ordering and disposing of the Militia, The Estates of Parliament do in all duty acknowledge his Majesties singular Wisdom, and tender Care of this his ancient Kingdom, in constituting and settling the foresaid Militia. Likeas, his Majesty, with advice and consent of his Estates of Parliament, doth Ratifie and Approve the constitution and model of the Militia, as the same is established by his Majesty, with advice of his Privy Council: And particularly, their appointing dayes for Rendezvous, ordering fit allowances to be given to the Foot, and horsemen the saids dayes of their Rendezvous; And all Acts, Commissiones, Orders and Instructions past and emitted by the Council concerning the Militia, and their whole proceedings relating thereto. And Statutes and Ordaines, that in all time coming there be allowed to each Footman six shillings *Scots*, and to each horseman eighteen shillings *Scots*, every day of the Rendezvous, to be payed by the heritors; And that the said six shillings to be payed to the Footmen, be refunded to the heritors by the men-tenents and servants for whom the Footmen are put out, and who are not listed in the Militia. And also Statutes and Ordaines, that the Rendezvous be punctually kepted, that horse and Foot be duely outreiked and sufficiently armed, that Fractions with their propotions of the price of the Collours, Drums, Standarts, and Trumpets be timeously payed. Likeas, His Majesty, with advice foresaid, doth give power and warrant to the Commissioners of the Militia in the respective Shires, to fine parties for the Souldiers absence from the Rendezvous, not exceeding six pounds *Scots* for the horseman, and two pounds *Scots* for the Footman absent ilke day of the Rendezvous; And likewise, such as shall be deficient in the outreik of horse or Foot, or in payment of the fractions thereof, or of the proportions of Collours, Drums, Standarts and Trumpets, or of the pay allowed by this present Act to the horsemen or Footmen, the men-tenents and servants for whom the Footmen are put out, being always lyable to relieve the respective heritors of the payment of the fines aforesaid, in so far as concerns the deficiency in outreik of Foot, or payment of the fractions thereof, or absents of the Footmen from the dayes of Rendezvous. And to the effect, more ready obedience may be given to this present Act and Ordinance, his Majesty, with advice foresaid (without derogation

derogation from any power already given by the Instructions or Acts of council) doth authorize and empower the Commissioners of the Militia in the respective Shires, or any three of them (two of the *quorum* not being Officers) after tryal taken that parties have been absent from the Rendezvous, or deficient in the outricks and payments foresaid; to give order and warrant to any one of the Serjants of Foot of the respective Companies, or Corporals of Horse to be named by the saids Commissioners, to poind and destreinzie the readiest Goods and Geer of these absent or deficient, wherever the same may be found, apprise and make sale thereof toward the payment of the sums specified in the said Warrant, and of the charges and expenses of the poinding and apprising; these charges always not exceeding als much more as the sums for which the poinding shall be used. Likeas, His Majesty, with advice foresaid, constitutes the said person, to whom the foresaid Order shall be directed, Sheriff in that part; with power to him, by virtue of that Order, to poind the Goods without necessity of carrying the same to the Paroch-church or Mercat-crofs of the head Burgh of the Shire to be apprifed; and to do and act in the execution of the said Order, sicken as a Messenger at Armes may do by the Law, in execution of Letters of poinding and apprising given under his Majesties Signet: providing always, that the goods poinded be valued and apprifed by two honest sworn men, whose oaths the said Sheriff in that part is authorized to take to that effect; And declares, that it shall be leifome to the party from whom the Goods shall be poinded, to redeem the same within six dayes after the poinding, by payment of the sums, for which the poinding shall be used, expenses of the poinding foresaid, and twelve shillings *Scots* each day during the nor redemption. And in case the party do not redeem the goods poinded within the space foresaid, Declares that it shall be lawful to the said Sheriff in that part, to retain the goods or sel the same, with deduction of the thrid of the sume to which they were apprifed, He allwayes being countable for the price thereof to the Commissioners of the Militia, who are to see the party, from whom the Goods were poinded, satisfied of the *superplus* of the price (if any be) of the Goods for which the poinding was used, expenses foresaid of the poinding, third part of the value to which the Goods were apprifed, with twelve shillings *Scots* ilk day during the space that the party had power to redeem, being always deduced; and declares the said Warrant, being signed by three of the saids Commissioners (one of them only being ane Officer) to have the force and strength of ane Decreet; and that there is no necessity of any Precept or Charge to follow thereon: And that the poinding and apprifing so used, by vertue of the said Warrant, is and shall be als lawful and valid, as if all the solemnities requisite in and usual poindings were observed; whereanent His Majesty, with advice foresaid, doth dispense in this case of the Militia. And it is declared, that these who are not sufficiently armed or mounred at the Rendezvous shall be holden as absent therefrom, and shall be fined and poinded accordingly in manner foresaid. And for preventing debates that may arise the time of mustering, It is Declared, that Lieutenants and Cornets of Horse shall be reckoned of the number of Horse-men, appointed to be put out in the respective Shires; But prejudice always to any of the saids Officers, to claim and sure payment of Fractions, if they be Leads of Horse. As also, His Majesty, with advice foresaid, doth authorize and empower the Lords of his Privy Council from time to time, to appoint dayes of Rendezvous, and to give such further orders as shall be requisite for the full establishment of the Militia in every particular thereof; and to call for an account from the several Shires of their procedure and diligence in settling the same. And commands and requires all his Majesties Subjects of whatsoever degree or quality, to give due and ready obedience to all such orders and directions as they shall receive from His Majesties Privy Council, relating to the Militia, under the pains and certifications contained in any Acts made, or to be made by them thereanent.

III.

ACT for registration of Instruments of Resignation ad remanentiam.

November 16. 1669.

OUR SOVERAIGN LORD, with the advice of the Estates of Parliament, Staturs, & Ordains, That all Instruments of Resignation that shall be made in the Superiour hands, *ad remanentiam*, (fourty dayes after the publication hereof) be registrate within threescore dayes after the date thereof, in the same manner and way, and at the same rates as Renounciations, Seifings or Reversions: To the effect, the Lieges may the better know, that the Infesment which was granted to the Resigners is thereby void and extinct, and that they may be put *in mala fide* to contract with the Resigner thereanent, or to comprise the same from him, otherwayes the said Resignation to be null. It is always hereby Declared, That the Instruments of Resignation of Tenements, Lands and Fishings holden in free Burgage, being registrate in the Town Couert Books of the Burgh, shall not fall within the certification of this present Act.

I V.

ACT concerning pointing before the dayes of the Charge expire.

November 16. 1669.

OUR SOVERAIGN LORD, with advice and consent of the Estates of Parliament, Statutes and Ordains, that hereafter it shall not be lawful to poind moveables upon registrate Bonds, or Decrees for personal Debts, while the Parties be first charged, and the dayes of the Charge be expired: With certification, that pointing otherwayes used shall be null, and the pointers shall be punished and proceeded against as spouillers; But prejudice alwayes of any Decrees recovered at the instance of Heretors against their Tennents in their own Courts; whereupon it shall be lawful to them to use pointing as formerly; And but prejudice to Superiours to use pointing against their Vassals for their Few-duties, as they might lawfully have done of before.

V.

ACT for the security of the Persons of Ministers.

November 30. 1669.

FOrasmuch as the Kings Majesty, considering how just and necessar it was, that the Orthodox Clergy should be protected from the violence of disaffected and disloyal persons; Did therefore, with advice of His Privy Council, by His Royal Proclamations of the fifteenth of March and thirteenth of June, one thousand, six hundred, and sixty seven, command and charge all Heretors, Life-renters and others, having any real Interest or Rent within the severall Paroches of the Kingdom, to protect, defend and secure the Persons, Families and Goods of their Ministers, not only in the exercise of their Ministerial Function, but in their dwelling Houses, or being elsewhere within the Paroch, from all injuries, affronts and prejudices which they might incur in their Persons or Goods; from the violence and invasion of any disaffected, disloyal or other wicked person: With certification, if the actors of such outrages should not be apprehended and brought to tryal, by the means and diligence of the Parochiners, the Parochioners should be decreed to pay to suffering Ministers for reparation, damage and interest, such a sum and fine as His Majesties Council should determine; as is more fully exprest in the saids proclamations. And the Estates of Parliament, having taken to their consideration the proceedings of His Majesties Council herein; and finding that the protection of the Orthodox Clergy, and the restraining of the insolency of disaffected, disloyal and wicked persons at this time, did require more nor ordinary means and care from His Majesties Council; Have therefore thought fit, Likeas, His Majesty, with advice and consent of His Estates, doth hereby Ratife and Approve the two Proclamations aforesaid, and the proceedings of His Majesties Council in prosecution thereof; and authorizeth them still to prosecute the same as occasion shall offer, until His Majesty in his next Parliament give farther Orders therein. And it is Declared, That this Act is and shall be but prejudice of any former Laws and Acts of Parliament made against the invaders of Ministers, and of the pains therein contained; And particularly the twenty seventh Act of the eleventh Parliament of King James the sixth, and seventh Act of King Charles the first His Parliament in Anno, 1633. Which Acts, His Majesty, with advice aforesaid, doth hereby Ratife and Approve, and Declares the same to stand in full force, strength and effect intime coming.

V I.

A C T for the ordering of Suspensions of the Benefices and Stipends of the Clergy.

November 30. 1669.

THe Kings Majesty being careful that the maintainance of the Clergy be duely secured unto them, and that they be not withdrawn by unecessar Law-sures, for recovery thereof: Doth therefore, with advice and consent of His Estates of Parliament, Statute and Ordain, that no suspension shall be past in time coming against any Arch-bishop, Bishope, Minister of the Gospel or Universties and Colledges, of any Charges to be given at their instances for payment of the Rents of their Benefices, Stipends or Colledge-rents, where they have special Decrees against the Heretors or possessors due and lyable in payment thereof to them, except upon production of Discharges, or consignment of the sums charged for, if the Rent of the Benefice or Stipend consist in money; or of one hundred merks Scots for ilk Chalder of Victual where the same consists in Victual, and proportionally if the Victual charged for be less then a Chalder, without prejudice to the Lords of Session to modifie a greater or less sum for the Chalder of Victual, as they shall find cause at the discussing of the Suspension. And if any Bill of Suspension of a general Charge shall be presented in time of Session, That the ordinary Lord upon the Bills, before the passing thereof, call for the Chargers

at the Bar. that they may instruct the ground of the Charge: And in case it shall be found by the Lords of the Session, at the discussing of the suspension, that either the Charge hath been maliciously given or maliciously suspended, That the Lords modify a fifth part of the sum charged for, of expenses of Plea to be payed by the malicious Charger or Suspender.

VII.

ACT for Naturalization of Strangers.

December 8. 1669.

OUR SOVERAIGN LORD, out of his Innate Bounty and Royal Inclination to favour and protect Strangers, and for the encrease and promoting of Trade and Manufactories, being graciously pleased and willing to give encouragement to Strangers to repair to, and dwell and reside within this Kingdom; Hath therefore thought fit, Likeas, his Majesty, with advice and consent of his Estates of Parliament, doth hereby Statute, Ordain and Declare, That all Strangers, being of the Protestant Religion, either such who having Estates shall think fit to bring the same to this Kingdom, to dwell and inhabit within the same; or who shall come to set up new Works and Manufactories therein, and shall repair to, and settle their abode, dwelling and residence within this Kingdom; shall be, and are hereby Naturalized as native born Subjects of the Kingdom of Scotland, and are to enjoy his Majesties Royal Protection, the benefit of the Law, and all other Priviledges which a Native doth enjoy, als freely in all respects, as if they themselves had been born within the same; and that they shall have liberty and freedom of Trade, and freedom to buy and purchase Lands, Heretages, and other Goods moveable and immoveable, and to enjoy the same by succession, purchase or donation, or any other way; and to dispose thereof and transmit them to their Heirs and Successors, who are to succeed thereunto: And to enjoy all other Liberties, Priviledges and Capacities which do belong to, and are competent, or may and shall belong to any native Subject born within this Kingdom. And further his Majesty doth Declare, that upon applications to be made unto him by these Strangers, He will grant unto them the free and publick exercise of their Religion in their own Languages, and the liberty of having Churches within this his Kingdom. It is always hereby provided, that no person or persons shall have the benefit of this Act, untill first by Petition to the Lords of his Majesties Privy Council, containing an exact designation of their names, places of their birth and former residence, and that they are of the Protestant Religion, it be found by the Council, that they are qualified according to this Act, and ought to have the benefit thereof. And it is hereby Declared, that these presents, with an Extract of the Act of Council, in favours of the said persons to the effect aforesaid, shall be unto them a sufficient Naturalization to all intents and purposes. Which Extract shall be given to them freely, without payment of any money or composition; save only the Fee of nine pounds *Scot.* money to the Clerks of Council and their Servants.

VIII.

ACT concerning the Bullion.

December 8. 1669.

OUR SOVERAIGN LORD considering, that by divers former Acts of Parliament made by the Kings Majesty and His Royal Ancestors, and specially by the thirty seventh Act of the first Session of his Majesties first Parliament, it is Statute and Ordained, that all and whatsoever Commodities yearly exported forth of this Kingdom, should be lyable to the payment of Bullion, twelve denier fine, according to the quantities contained in the Alphabet of Bullion thereto adjoyned, and that for the yearly support of a stock of Coinage within the Kingdom, and for supplying of his Majesties Mint, being a part of His Prerogative Royal. And his Majesty and Estates of Parliament, being still willing to support and encourage the same, and to provide for all necessary wayes and remedies for increasing the stock of Coinage within the Kingdom, and especially those that may be of most advantage, and may most encourage the Manufactories and the natural growth and native Commodities of the Kingdom; And finding, that the removing of the Bullion from the whole native Commodities and others exported forth of this Kingdom, and that the imposing of the said Bullion upon the Commodities imported, or some considerable part thereof may very much contribute thereto; And being resolved, that His Majesties Mint should be hereby encouraged, and that no hurt or derogation should thereto occur by this change. Therefore his Majesty, with advice and consent of his Estates of Parliament, Declares, That all and whatsoever native Commodities of this Kingdom, and others that shall be exported forth thereof, contained in the aforesaid Alphabet of Bullion, after the second day of *February* next to come, one thousand, six hundred, & seventy years, shall be free, and are hereby discharged of the payment of all quantities of Bullion therein contained: & the Customers and their deputies are hereby prohibited & discharged to

ed to take surety or pledges, or to use any other exaction upon the Merchants therefore, under all highest pain. And his Majesty, with advice foresaid, Rescinds and Annuls any Clauses contained in the foresaid thirty seventh Act of the first Session of his Majesties first Parliament, or in any other Acts of Parliament, in so far allanner as the same imposes Bullion upon the native Commodities of this Kingdom, and others to be exported forth thereof, and no further: And in lieu and place thereof, Statutes and Ordains; That the imported Goods and Commodities under-written be lyable in payment of the severall quantities of Bullion aftermentioned, *viz.* Spanish, Rhenish and Brandy-wines of all sorts, each Tun twenty four ounces twelve denier fine; French-wines of all sortes, every Tun twelve ounces; Loaf-suggar the hundred weight, six ounces; Playing-cards, one ounce the grofs; Paper for Printing and Writing of all sorts, one ounce every six rimms; Gray-paper, every twelve rimms one ounce; Deals, every thousand five ounces; Single trees, every thousand five ounces; Double-trees, every thousand ten ounces; Double-double-trees, and all other greater Fir-timber, every thousand twenty ounces; Steel, every hundred weight one ounce; Iron and Iron-work beaten of all sorts, every Tun two ounces; Onions and Apples, every two Barrels one ounce; Mum-beer, every Barrel four ounces; Prunes, every Tun four ounces; Raisins, Currants and Figs, every Tun ten ounces; Iron-pots of all sorts, every dozen one ounce; Sop, every Barrel two ounces; Suggar-candy, every hundred weight ten ounces; Copper-kettles, Bras-pans, and all other made work in Bras or Copper, Yetline or beaten, every hundred weight four ounces; Mader, every thousand weight five ounces; Hats of all sorts, every three dozen two ounces; Window-glas of all sorts, every Chest one ounce; Limons and Oranges, each thousand one ounce; Hopes of all sorts, every hundred weight one ounce; Spanish-leather, Marikin, Tanned-leather, Wild-leather, and all other sorts of Leather, except *Muscovia*-leather, every hundred weight one ounce; Gloves of all sorts, each dozen one ounce; Whale-bone or Baline, ilk two hundred weight one ounce. And Statutes and Ordains, That the Merchant or other importers of the abovementioned Commodities or any of them, make ready payment of the foresaid quantities of Bullion hereby imposed, to the Officers of His Majesties Mint for the time, being of the fineness of twelve Deniers, and being safer to be considered by weight and reckoning, and that immediately upon the entry of the saids Goods; And in case the said importer shall fail to pay in the saids Bullion at his entry, he shall be holden and asstricted, to make payment of the sum of twelve Shillings *Scots* for ilk ounce thereof to the Collectors, at the Port or Precinct where he enters the saids Goods; And which money so payed by him at his entry, shall be redeemable from the saids Collectors, upon the payment of the foresaid quantities of Bullion in to the Officers of his Majesties Mint: Provided alwayes, such payment of Bullion be made within forty dayes, after the date of the entry of the Goods, and not thereafter. And it is hereby Declared, that it shall not be lawfull to the said Tackf-men, Collectors or their Deputies, to permit the saids importers to break Bulk, or to give them Transire's or other warrant thereanent, till first the saids Importers report or produce the Mint-masters receipt of the due quantity of Bullion payed *in specie*, or else, that the Tackf-men, Collectors or their Deputies, receive payment or twelve Shillings *Scots* for ilk ounce of Bullion not delivered in to the Mint; And for ilke ounce of Bullion of twelve Denier fine, so payed in to the Mint *in specie* by the Importer, he is to have delivered back to him in his Majesties Coin three pounds, ten pennies *Scots*, and for ilk ounce of eleven Deniers fine, he is to have delivered back to him fifty five shillings, nine pennies *Scots*, and so proportionably conform to the fineness of the Bullion given in, and that in satisfaction of all Dues whatsoever that can be acclaimed by the Officers of the Mint, for his Majesty or otherwise. And whereas, by the former Acts of Parliament made anent Bullion, the general Tackf-men and collectors of the customs and their Deputies, were bound and obliged to take sickle Surety or Pledges, such as they would be answerable for, for the Bullion to be brought in, and which then lay upon export, and that what rested not delivered to the Mint, the saids Tackf-men, collectors and their Deputies, were to be answerable therefore; And that by the constant practice of his Majesties Exchequer, the saids Tackf-men and collectors by their Tacks and commissions given to them, and Obligations granted by them, are bound to make count, reckoning and payment of the whole Bullion then arising upon the export of this Kingdom. And lest his Majesty or his said Mint should sustain any hurt or prejudice, or be at any uncertainty by loosing of these bonds, or by this change; Therefore it is hereby Statute and Ordained, that all general Tackf-men of his Majesties customs of this Kingdom, general collectors of the same and their Deputies present and to come, shall be, and are hereby bound and obliged, *virtute Officii*, and by the acceptation of their Tacke or Office, to make count, reckoning and payment to the Officers of his Majesties Mint, of all and whatsoever quantities of Bullion that shall yearly arise upon the imported commodities aforementioned, and which shall be delivered by the Merchant *in specie*; and also to make payment of all such sums of money, as shall be payed by the Merchant to them, in place of Bullion, at the foresaid rate of twelve shillings *per ounce*, to the General and Master of the Mint for the time being, and that quarterly; beginning the first quarters payment at the terme of *Whitsunday* next, one thousand, six hundred and seventy, and so forth yearly and quarterly thereafter. And whereas the saids Tackf-men, collectors or their Deputies, were formerly holden and asstricted to give in exact accounts of the whole commodities exported yearly forth of this Kingdom upon Oath, whereby the full charge of the Bullion was yearly known; And to the effect, that the full charge of the Bullion now imposed upon the foresaid commodities imported, may be als fully known: It is hereby Statute and Ordained, That the saids Tackf-men, collectors or their Deputies

at all the Ports or Precincts within this Kingdom, shall give in yearly in Exchequer the exact account of the several quantities of the Commodities, whereupon Bullion is hereby imposed, and that upon Oath, at the feast and term of *Martmas* yearly: As also to exhibit and produce the subscribed Entries by the Merchants of the foresaid Goods imported; And for that effect, that Letters of Horning be directed against the said general Collectors, Tack-men and their Deputies, by the Lords of His Majesties Exchequer, upon a charge of six dayes: And it is hereby Declared, That the saids Tack-men, Collectors or their Deputies shall be holden and astricted to deliver to the importer, Certificates of the foresaid Bullion *in specie*, or of the Money payed therefor at the rate foresaid, *gratis*. And whereas; by the meaning of this Act, it is left in the option of the importer, either to pay Bullion *in specie* or to pay Money for the same, at the rate of twelve Shillings *per ounce*, and that the Money so payed is to be delivered to the General and Master of the Mint, by the saids Tack-men, Collectors and their Deputies, and thereby the said General and Master are obliged to import the stock of the Bullion themselves: Therefore it is hereby Statute and Ordained, that the saids Officers shall be obliged to Coin the said Bullion so imported by them, and to make the same pass His Majesties Irons, and that the saids Officers be controled by their Letters of receipt of the saids sums of money granted by them, to the saids Tack-men, Collectors and their Deputies. And it is hereby Declared, That the foresaid whole Commodities imported after the foresaid day, shall be lyable to the several proportions of Bullion above specified, notwithstanding of any Act or Acts of Parliament formerly made, or to be made in this present Parliament, in favours of any Manufactories, Companies of Fishing, or Trade, or other Acts whatsoever, which are hereby Declared not to impede the payment of Bullion imposed upon the imported Goods foresaid, in manner abovementioned.

I X.

ACT concerning Prescriptions.

December 8. 1669.

OUR Sovereign Lord, with advice & consent of the Estates of Parliament, Statutes and Ordains, That all Arrestments to be used hereafter upon Decrees, register Bonds, Dispositions or Contracts, not pursued and insisted on within five years after the laying on thereof, shall after that time prescribe; And that all Arrestments already used upon the ground aforesaid, shall prescribe within five years after the date hereof. And that all Arrestments, used or to be used upon dependance of Actions, shall likewise prescribe within five years after Sentence is obtained in the saids Actions, if the saids Arrestments be not pursued or insisted on within that time. And likewise, His Majesty, with advice foresaid, Statutes and Ordains, That Ministers Stipends and Multars not pursued for within five years after the same are due. And likewise Mails and Duties of Tennents, not being pursued within five years after the Tennents shall remove from the Lands for which the Mails and Duties are craved, shall prescribe in all time coming; Except the saids Ministers Stipends, Multars, Mails and Duties shall be offered to be proven to be due and resting owing, by the defenders their Oaths; or by a special Writ under their hands, acknowledging what is resting owing; And that all Bargains concerning moveables or sums of money, probable by Witnesses, shall only be probable by Writ or Oath of Party, if the same be not pursued for within five years after the making of the Bargain. And further, His Majesty with advice and consent foresaid, Statutes and Ordains, That all actions proceeding upon warnings, Spuilzies, Ejections, arreastments, or for ministers Stipends and others foresaid, shall prescribe within ten years, except the said actions be wakened every five years: But prejudice alwayes of any of the saids actions, which by former acts of Parliament are appointed to prescribe in a shorter time. And also Statutes and Ordains, That Holograph missive Letters, and Holograph Bonds, and Subscriptions in Compt-books without Witnesses, not being pursued for within twenty years, shall prescribe in all time thereafter; Except the pursuer offer to prove, by the defenders Oath, the verity of the saids Holograph Bonds and Letters, and Subscriptions in the Compt-books. It is alwayes hereby Declared, That prescriptions shall not run in any of the Cases foresaid, against minors during the years of their *Minority*.

X.

ACT concerning Interruptions.

December 8. 1669.

OUR SOVERAIGN LORD, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all Interruptions, as to the Rights of Lands be citations, shall in time hereafter be execut by Messengers at arms, and against the defenders personally or at their dwelling place and at the Paroch Churches in the time of Divine Service, or immediately after; And in case the parties be forth of the Kingdom, at the mercatecross of *Edinburgh*, and Peer and Shore

of *Leih*, upon threescore dayes. And that all Citations that shall be made use of for Interruptions, whether in real or personal Rights, be renewed every seven years, otherways to preferve; Except the parties be Minors: in which case this Act is not to be extended against them; during the years of their Minority.

X I.

A C T concerning the forfeiture of persons in the late Rebellion.

December 15. 1669.

OUR SOVERAIGN LORD and his Estates of Parliament, having considered the Process of Treason, pursued and deduced at the instance of Sir *John Nisbet of Dirleton*, His Majesties Advocate, By Warrant and Order of his Majesties Privy Council before the Justice, against the persons after-mentioned, for their treasonable rising in Armes, and being in, and having accession to, the late Rebellion in the Western-Shires, in the year of our Lord, one thousand, six hundred, and sixty six; with the Libels, Interloquiturs, Probations, Depositions of Witnesses, and the verdicts of Inquests and dooms of Forfeitures proceeding thereupon: Do find, that the Justice and their Assessors appointed by the Council in the said Process, in finding the said Libels to be relevant, and admitting the same to the knowledge of Inquests; and the foresaid Inquests in finding the same to be verified and proven, and in giving their verdicts and dooms of Forfeiture thereupon respective; Have proceeded justly and warrantably upon relevant Libels, and clear evidences and probation; And therefore, do Ratifie and Approve their proceedings, Interloquiturs, verdicts and respective Dooms and Sentences of Forfeiture given and pronounced by them in the said Process, viz. The Sentence and Doom of Forfeiture pronounced against Colonel *James Wallace*, *Joseph Lermouth*, *Mcklellan of Barcobe*, *Mr John Welsh*, *Mr James Smith*, *Patrick Listoun in Calder*, *William Listoun his Son*, *William Porterfield of Quarreltoun*, pronounced upon the fiftenth day of *August*, in the year of God, one thousand, six hundred, and sixty seven years; And the other Sentence and Doom of forfeiture pronounced against *William Muir of Caldwell*, *Caldwell*, eldest Sone to the Good-man of *Caldwel*, *Robert Ker of Kerland*, *Mr John Cuminghame of Bedland*, *Alexander Portefield*, brother to *Quarreltoun*, *John Maxwell of Monreith younger*, *Mcklellan of Belmagaban*, *Mr Gabriel Semple*, *Mr John Guthery*, *Mr Alexander Pedan*, *Mr William Veitch*, *Mr John Crookshanks*, *Patrick Mcknaght* in *Cummock*, upon the sixteenth day of *August*, in the said year of God, one thousand, six hundred, and sixty seven years: And Decerns and Ordains the saids Process and Dooms and Sentences of Forfeiture foresaid, to be valid and effectual to all intents and purposes, notwithstanding that the saids persons found guilty and convicted of the crimes foresaid, did not compear in the saids Process; And Declares, that the said Sentence and Dooms of Forfeiture shall be of als great force and strength, as if the saids persons had compeared, or the same had been pronounced in Parliament. And his Majesty, with consent foresaid, doth Approve His said Advocats service in the said affair. And in respect it were against reason and justice, that when any person or persons are accused of high Treason, for rising in Armes against his Majesty or His Authority, when they are cited to underly the Law before the Justice, if they do not appear, that their absence and contumacy, which ought to be an aggravation, if any can be, of so high and horrid a crime, should be of any advantage to them: Therefore, his Majesty, with consent foresaid, doth Statute and Ordain, that in time coming in all such cases of treasonable rising in Armes, and open and manifest Rebellion against His Majesty or his Successors and their Authority, his Majesties Advocate for the time, may and ought to insist against, and prosecute such persons as he shall be ordered by his Majesty or his Privy Council to pursue: And if they be cited and do not appear, the Justice notwithstanding of their absence, may and ought to proceed to consider, and give their Interloquiturs upon the Libel; and if it be found relevant, to admit the same to the knowledge of an Assize, and upon the verdict of the Inquest, finding the same to be proven, the Doom and Sentence of Forfeiture ought to proceed, and be given and pronounced in the same manner, as if the persons accused had compeared and were present. And his Majesty, with consent foresaid, doth remit to the Justice-General, Justice-Clerk or Justice-Deputes, the Summons and Process of Treason, intended at the instance of his Majesties Advocate, against certain persons therein mentioned, for their accession to the said Rebellion, and depending before his Majesty and the Estates: With power to them to proceed, notwithstanding of the absence of the saids persons; And if the saids Summons be found relevant and proven by the verdict of the Inquest, to pronounce the Sentence and Doom of Forfeiture thereupon.

X II.

A C T concerning the Excise and Customs.

December 15. 1669.

FOrasmuch as many debates, questions and inextricable difficulties do and may arise, in levying and
 bringing of the Excise, imposed by the fourteenth act of the first Session of His Majesties first Parli-
 ament, to the great prejudice of His Majesty, and of the Trade of this Kingdom: Therefore, and for
 preventing and clearing of the same, and to the effect, the said Excise may be more orderly and easily levied
 and collected, His Majesty with advice and consent of His Estates of Parliament, Statutes and ordains,
 That notwithstanding the said Excise is due and payable by the Retailers, yet the Importers shall be lyable
 for the same in time coming, at the rates contained in the said Act, for Wines of all sorts, Vinegar and
 Salt, as they are particularly exprest therein, and that under the provisions after-specified: To wit, that
 what shall not be payed by the Retailers, shall be compleatly made up by the Importers, within twelve
 moneths after the importation thereof, for which they are to give sufficient security to the Farmers or Col-
 lectors of his Majesties Excise, at the entry of the saids Wines, which are to be according as they shall be
 loaded at the port from whence they came; And for the said Importers, their greater ease and encourage-
 ment, his Majesty, with consent foresaid, doth Statute and ordain, That the collectors or Farm-
 ers of his Majesties Excise in all time coming, shall grant abatement to the said Importers of the
 fourth part of the said Excise duties of all Wines and Vinegar imported and entred by them, in consider-
 ation and upon the account of leakage and decayed Wines, and other hazards and inconveniencies.
 And further, It is Statute and Ordained, for the encouragement and greater ease and advantage of trade
 and Merchants, that the Importers of all other Goods and commodities, except what is excepted from
 the duties of Excise by the foresaid act of Parliament, shall pay the Excise thereof, according
 to the Books of Rates for His Majesties customs, and as the said commodities are and shall be valued
 and rated in the same; And if any of the saids commodities be not contained in the Books of Rates, the Excise
 of the same is declared to be five *per cent.* according to the value of the said Goods; And the Excise
 of the said Commodities is to be payed at the entring of the same in the Excise-office, unless the said Excise-
 duty exceed the sum of one hundred Merks *Scots*; in which case, the said Importers shall be obliged to
 give sufficient security for payment of the said Excise-duty, within six Moneths after the entring of the
 same; they making it alwayes evident, that no Merchant shall make entry of any Goods, but what pro-
 perly belongs to himself. And for further encouragement of Trade and Traffick, It is Statute and Ordain-
 ed, that all Goods and Merchandise whatsoever imported, and which shall be instructed to be really ex-
 ported, within twelve Moneths after the entring thereof, shall be free of Excise; and in case of payment there-
 of, the same shall be repayed at the exportation of the said Commodities, the Importers alwayes making faith,
 that the Commodities exported, are the same which were imported and entred; and in case bond of securi-
 ty hath been given for the excise of the said Commodities, the same shall be returned unregisstrat, or discharged
 if the same be regisstrat. And for the regulating of the Excise of Salt, and the better levying and bringing of
 the same, his Majesty, with consent foresaid, Statutes and Ordains, that the Importers of forraign Salt
 of all sorts, at their entring of the same at the Excise-office, shall give sufficient security for payment of the
 Excise thereof, conform to the Rates contained in the foresaid fourteenth Act, and that the Importers shall
 be obliged by the said security, to pay the saids respective Excise-duties, for such parcels of the said Salt as
 shall be retailed, when and as the same shall happen to be retailed, and to pay compleatly the whole Excise
 of the said Salt, within twelve Moneths after the entring thereof, and that whether the said Salt hath been
 expended and employed upon the cureing of Fishes or not; providing alwayes, there be abated and allowed
 to them, the Excise of all Salt that shall happen to be cast away at Sea; And likewise, the Excise of Salt
 expended upon Fishes, that may happen to be cast away betwixt one Port and another, before the same be
 entred, to be exported out of this Kingdom, the wrack and quantities of the Salt or Fishes lost there-
 by, being alwayes sufficiently instructed. And further, It is Ordained that all In-land Salt consumed
 within this Kingdom, whether the same be expended upon Fishes or employed otherwife, shall be lyable
 to the duty of Excise, exprest in the said Act, which shall be payed by the first buyer thereof, and that
 before it be carried from the Salt-pans where it is bought; And albeit it be provided in manner foresaid,
 that the Excise-duties *respective* above-mentioned, should be payed for Forraign and In-land Salt, whether
 the same be employed upon Fishes or otherwife, and that in respect of the great difficulties, to clear
 and make appear what Salt is employed upon Fishes or not, and that his Majesty may be prejudged of
 the Excise of Salt, upon groundless pretences, that the same hath been, or is to be employed upon
 Fishes; Yet, neverthelesse, his Majesty being most willing to give all due encouragement to the Trade of
 Fishing, and that whatsoever Salt shall be employed and expended in order to the said Trade, and
 upon the cureing of Fishes to be exported, shall in effect be free of excise; and upon, and after mature
 and exact consideration of the quantity of Salt, necessary and sufficient for each Last of Herring and
 White-

White-fish of any kind, and of each Laft of Salmond, and what the Excife of the same Salt *refpective* will amount to, finding that the Excife of the Salt of the Laft of Herring and White-fish, will amount to the sum of ten pounds, four shillings *Scots*, and that the Excife of the Salt of each Laft of Salmond, will amount to the sum of twelve pounds, money foresaid. His Majesty, with consent foresaid, Statutes and Ordains, that there shall be no Custom exacted at the exportation of the saids Herring and White-fish, and that whatever the foresaid ten pounds, four shillings of Excife, shall exceed the Custom payable for the saids Herring and White-fish; at the exportation thereof, shall be duly and timely paid to the Merchant-exporters, without any delay, reward or abatement for each Laft of Herring and White-fish of any kind whatsoever that shall be exported out of this Kingdom: And that the foresaid sum of twelve pounds, for the Excife of the Salt of each Laft of Salmond, at the entry and exportation shall be payed to the Heretors, Life-renters and others, from whom the Merchant-exporters bought these Salmond, they alwayes producing Certificates from the respective Heretors and others, making up the just quantities contained in their Entries; upon which Certificate, the foresaid sum of twelve pounds is to be payed, to the Heretors and others from whom these Salmond were bought, or to any having their warrant to receive the same; which sums *refpective* above-written, for the Herring, White-fish and Salmond, are to be payed in manner above-specified, by the Collectors at the respective Ports where the same shall be entered, for whom, the Farmers and principal Collectors of the Excife are to be answerable and careful that the same shall be punctually payed; and in case of not punctual payment, they shall be lyable for the parties damage; providing alwayes, that the said Herring, White-fishes and Salmond, be duly entered in the Excife-office, and the exportation thereof sufficiently instructed to the Collectors, so as they may certifie the same under their hands. Likeas, His Majesty, with advice foresaid, doth inhibit and discharge the Collectors or Farmers of Excife upon any pretext, to give any ease or abatement of the fourty shillings *Scots* imposed by the foresaid fourteenth Act, upon ilk Boole of forraign Bay-salt, *Linlithgow*-measure, imported into this Kingdom: Certifying them, if they contraven, the saids Collectors shall suffer deprivation of their Office, and the saids Farmers shall loose the benefit of their Tack of the Excife, and shall be further lyable to the payment of such fines and penalties, as the Lords of Exchequer shall think fit to inflict. And for the better bringing of the Excife of the said In-land Salt, it is Ordained, that all Owners of Salt-pans and their Greeves, shall be obliged to exhibite and produce to the Collectors or Farmers of Excife or their Deputies, when they shall be required, their Compt-book of all Salt sold, to be perused by them, and returned within the space of twenty four hours, to the effect, it may be known what Salt is consumed, and that the Excife of the same is duly payed, whereupon they are to make faith, if they be required, and that they have sold nor disposed upon no more nor is contained in the said Books; And sikklike, the Salters of every Salt-pan shall be obliged to give an account to the Collectors of the said Excife of the Salt appertaining to them any manner of way, and what they have sold of the same, and to instruct, that the same hath been duly entered in the Excife-office, and that the Excife-duty of the same hath been payed, whereupon, and that they have sold no more but what hath been duly entered, they are ordained to make faith if they be required; It is alwayes provided, that where Excife-offices are in the Town or place where the Salt is made, the Salt-masters, their Greeves or Salters, shall be holden to repair to the Excife-office, to the effect foresaid, if they be required; but if there be no Excife-office in these places, the Collectors or Farmers of Excife or their Deputies are appointed to convene them at the respective Salt-Girnals, or Salt-pans where the Salt is made, and the saids persons shall not be obliged to go any further. And in like manner, His Majesty considering, that divers questions and debates may arise, anent the interpretation of several Acts and Priviledges made and granted in favours of Manufactories, for immunity and exemption from the Excife or Custom of certain Goods, which are the Materials of the saids Manufactories; Doth hereby, with consent foresaid, Statute, Ordain and Declare, That no Manufactory shall have the benefit thereof, excepting such as shall be, or hath been lawfully erected since the first day of January, one thousand, six hundred, sixty one years, and shall be found by the Lords of His Majesties Exchequer to have been, or to be erected conform to the Acts of Parliament, and to have the qualifications required by the same. And further, His Majesty understanding, that if after so large expressions of His Majesties Royal care and tenderness for the advancement of Trade and ease of Merchants, any shall be so unfaithful as to presume to conceal and abstract the Goods imported by them, thereby evading the payment of the Custom and Excife due and payable to His Majesty; nor only His Majesty will be prejudged of His Custom and Excife, but also the Trade of Merchandise will be much endamaged by the saids Merchants their underselling others, who do honestly make true entries of their Goods, and pay the duties of Custom and Excife. Therefore, for preventing of the said prejudice and abuse, His Majesty, with consent foresaid, doth give power and warrant to the Collectors of Custom and Excife, or to their Deputies, to call and pursue such persons who shall wilfully and wickedly conceal and abstract their Goods, or any part thereof, and not duly enter the same, or who shall be accessory, or any wayes aiding and assisting to the concealing or abstracting thereof; and that before the Lords of His Majesties Exchequer, if the saids persons dwell and reside within twelve miles of the place where the saids Lords shall happen to sit for the time, or in their option, before any other competent Judge: And in case the saids persons live at farther distance, it shall be lawful to the saids Collectors or Farmers, or their Deputies, to pursue them before the Sheriffs, Stewarts of Stewartries, or

Bailiffs of Regalities, Magiftrats of Burghs, or any other competent Judges; who are hereby required to take due and speedy tryal of the premiffes, and to admit probation thereof by writ, witness, Oath of party or otherwise according to Law, any Act or Acts of Parliament, or Clauses therein contained to the contrary thereof notwithstanding. And to the end, that his Majesties Lieges and Merchants, upon the occasion and pretence foresaid, be not unjustly molested and troubled, It is Ordained, that the faids Procefs and Pursutes shall be intended within three Moneths after the fraudful abstracting and imbezleing foresaid; and that these at whose instance they shall be pursued, shall be obliged to give their Oaths *de calumnia*, if thereto required, that the faids pursutes are not intended of malice, but upon credible information, and that they have just reason to pursue, as they conceive. And in case any Merchant, Skipper, Mate or Marriner, or other person shall be found guilty of, or accessory to, the said imbezleing, in concealing or abstracting any Goods which ought and should have been entered; It is Statute and Ordained, that the said delinquents shall be imprisoned for the space of twenty four hours, and until they make payment of the full price and value of the Goods which shall be found to have been abstracted by them, and shall be further fined by the Lords of his Majesties Exchequer, as they shall see cause. And in case any Goods shall be found and seised, upon account that they were concealed and not duly entered, they shall not only be detained and confiscat without redemption, but also the Owners of the faids Goods, and all others who shall be found to be accessory or aiding to the concealing or abstracting of the same, shall be imprisoned for the space of twenty four hours, and such fines and other punishment shall be imposed and inflicted upon them, as the Lords of Exchequer shall appoint. And that the Collectors of his Majesties Customs and Excise and their Deputies, at the making their accounts of their intromission with the Custom and Excise duties, shall be holden and obliged to give their Oaths upon the truth of these accounts to be given in by them. And it is Provided and Declared by His Majesty, with consent foresaid, that the foresaid Act of his Majesties first Parliament, whereby the Excise is imposed, shall stand, and is and shall be of full force; except in so far as the same is altered, innovat, qualified and taken away in manner above-mentioned.

XIII.

ACT for annexation of Orkney and Zetland to the Crown.

December 17. 1669.

As much as the Isles of *Orkney* and *Zetland* are a great and so considerable a part of this His Majesties ancient Kingdom, that for divers ages they were the occasion of much trouble and expence of blood and money, for maintaining thereof against the invasion of Forraigners, and recovering the same out of their hands by Armes and Treaties; And the faids Isles being of a great and large extent of bounds, and so remote and at such a distance from the ordinary seat of Justice and Judicatories, that the Inhabitants within the same are not able to travel in the winter season; and at other times cannot, without great trouble and expences, repair to the said Judicatories to complean when they are oppressed and grieved. It is not only fit in order to His Majesties Interest, but will be the great advantage of His Majesties Subjects dwelling there, that without interposing any other Lord or Superior betwixt his Majesty and them, they should have an immediat dependance upon his Majesty and His Officers, being their great security against Forraign attempts and oppression at home. And seeing it is most expedient and necessar, that a publick Patrimony and certain Revenue in Lands, Lordships and others, should be seised upon, and annexed unto his Majesties Crown, for supporting of His Royal Estate and Government, and the great and necessar charges of the same, which if not defrayed out of His Majesties own Property and Revenue, would unavoidably ly, and be a heavy burden upon his Majesties Lieges: And to that purpose, divers Acts of Annexation have been made from time to time, and in special the Earldom of *Orkney* and Lordship of *Zetland*, with the pertinents of the same, were annexed to the Crown in the years, one thousand, five hundred, and forty, and one thousand, six hundred, and twelve, *respectivus*. And yet importunity prevailing with his Majesty and his Royal Father, their goodness and inclination to gratifie their Subjects, they have been induced to give away and part with so great a Jewel of their Crown, and to dispose and grant Rights of the said Earldom and Lordship; which being found to be to the great prejudice of His Majesty, His Crown and Subjects, and contrary to the Laws and Acts of Parliament of this Kingdom, by a Decree of the Lords of Session, obtained upon the twenty fifth day of *February* last by-past, at the instance of Sir *John Nisbet* of *Dirletoun* Knight, His Majesties Advocate, for His Majesties interest, against *William* Earl of *Mortoun*, *Charles* Lord of *Dalkeith* his Son, *George* Viscount of *Grandistoun*, and certain other persons therein mentioned; the faids Lords by their Decree foresaid, have reduced the Contracts, Dispositions, Infeftments, Acts of dissolution, and other Rights therein mentioned, made and granted by His Majesty and His Royal Father, to, and in favours of the deceased *William* Earl of *Mortoun*, Grand-father to *William* now Earl of *Mortoun*, and the said *George* Viscount of *Grandistoun*, of the said Earldom of *Orkney* and Lordship of *Zetland*, with the Rights also therein mentioned depending thereupon: and the said Lords have found and declared, that His Majesty hath good and undoubted Right to the said Earldom and Lordship, as His annexed Property, for the

reasons therein contained; as the said Decreet at length proports. Therefore, His Majesty, with advice and consent of the Estates of Parliament, doth Ratifie and Confirm the said Decreet, and Ordains the same to be of full force, strength and effect in all time coming; holding and willing this their Ratification to be as sufficient and effectual, as if the said Decreet and whole tenor of the same were insert herein. And his Majesty, following the laudable example and practice of his Royal Predecessors, doth, with consent foresaid, Ratifie again unite, annex and incorporat to His Crown of this His ancient Kingdom, to remain inseparably with the same in all time coming, the said Earldom of *Orkney* and Lordship of *Zetland*, withall and sundry Isles, Holms, Udal-lands and other Lands whatsoever, of what name and by what designation foever the same are or may be known, lying within the Sheriffdom of *Orkney* and pertaining to the said Earldom and Lordship, and belonging to his Majesty in manner foresaid, in Property or Superiority, or by any other Right or Title, together with all Castles, Towers, Fortalices, Milns, Multars, Fishings, Annual-rents, Reversions, Patronages of Kirks, and Teinds, Parsonage and Vicarage pertaining to his Majesty within the bounds foresaid; And all and whatsoever Mines of Gold, Silver, Copper and other Minerals within the bounds foresaid, with the heretab Office of Justiciary, Sheriffship and Foudrie and Admitaly within the foresaid Isles, and belonging to the said Earldom and Lordship, with all other Parts, Pendickles and Pertinents, Casualties, Priviledges, Jurisdickions, Offices and others whatsoever pertaining to the same; all which, his Majesty, with consent foresaid, doth unite and annex to His Crown, Declaring the generality foresaid to be sufficient to the said Earldom and Lordship were herein exprest. And it is Statute and Declared, That the said Earldom and Lordship, Lands, Teinds, and others above-mentioned, annexed to the Crown in manner foresaid, shall remain therewith in all time coming; and that the same or any part thereof shall not, nor may be given away in Fee and Heretage, nor in Frank-tenement, Life-rent, Pension or Tack, except for the full duty which may be gotten from, and payed by the Tennents, nor by any other manner of Alienation, Right or Disposition whatsoever, to any person or persons of whatsoever estate, degree or quality they be, without Advice, Decreet and Deliberation of the whole Parliament; and for great, weighty and reasonable causes concerning the good, welfare and publick Interest of the whole Kingdom, first to be proposed and to be advised, and maturely pondered and considered by the Estates, *re integra*, before any previous Grant, Right or Deed be given, made or done by his Majesty or his Successors, concerning the disposition of the said Earldom and Lordship or any part thereof, which may any wayes predetermine them or the Estates of Parliament, and prejudice the freedom of their Deliberation and Consent. And if at any time hereafter it shall be thought fit to dispose or grant any Right of any part of the said Earldom and Lordship, if it is Declared, that the general narrative of good services, weighty causes and considerations shall not be sufficient; but the particular causes and considerations, whereupon His Majesty and His Successors may be induced to grant, and the Estates to consent to such Rights, are to be exprest; that it may appear, that the same is not granted through importunity, or upon private suggestions or pretences, but for true, just and reasonable causes and considerations of publick concernment. And farther, It is Declared, that if any general Act of Dissolution of His Majesties Property shall be made at any time hereafter; the said Earldom and Lordship, and others above-mentioned and annexed, shall not be understood to fall or be comprehended under the same; And if the said Earldom and Lordship, or any part thereof, shall be annallied or disposed, or any Right of the same shall be granted otherwaies then is appointed and ordained in manner above-mentioned; His Majesty, with consent foresaid, doth statute and Declare, That all Dispositions, Insements and other Rights of the said Earldom and Lordship, or any part thereof which shall be granted contrary to this present Act, with all Acts of Dissolution and Ratification and other Acts of Parliament concerning the same, shall be from the beginning and in all time coming void and null, and of no effect; And notwithstanding thereof, that it shall be lawful to our Sovereign Lord and His Successors for the time, to take back and receive at their pleasure for their own use, without any Procefs of Law, the Lands and others above-annexed, or any part thereof which shall be annallied or disposed; and these in whose favours any such Rights and Alienations shall be made, shall be countable for, and liable to refund and pay all profits, intromission or benefit taken, uplifted or enjoyed by them in the mean time: And it is Declared, that all other Clauses, Articles and Provisions contained in any former Act or Acts of Annexation to the advantage of His Majesty and His Crown, are and shall be holden as repeated and insert herein. And farther, His Majesty, with advice and consent of the Estates foresaid, hath suppressed the said Office of Sheriffship, and hath erected and hereby erects a Stewartry within the bounds foresaid of the said Earldom and Lordship, and Isles of *Orkney* and *Zetland*, to be called in all time coming, *The Stewartry of Orkney and Zetland*; Ordaining the Tennants, Possessors and Inhabitants within the bounds foresaid, and other persons who were formerly answerable and liable to the jurisdiction of Sheriffship, and Foudrie above-mentioned, to be answerable to His Majesties Stewart of the said Stewartry, with all Priviledges competent to any Stewartry of His Majesties Property within this Realm. Likeas, it is Declared and Statute, that the foresaid Office of Stewartry shall not be given heretab to any person or persons and their heirs, without advice and consent of Parliament in manner above-mentioned; and all Rights of the same which shall be granted otherwaies at any time hereafter, shall be from the beginning and in all time coming null and void.

It is always Declared, that this Act and Annexation foresaid shall not prejudice the Bishop of *Orkney* of His Patrimony and Priviledges belonging to him, or of any part thereof; and that he and his Successors shall be in the same case as they were before the making hereof. And likewise it is Declared, that the Annexation foresaid and the suppressing of the said Office of Sheriff, and the erecting of the said Stewartry shall be without prejudice to His Majesties Vassals within the said Isles, of their Liberty and Priviledge to have and send Commissioners to Parliament, to represent them in the same manner as they did or might have done formerly.

XIV.

ACT concerning the exportation of Corns.

December 17. 1669.

OUR SOVERAIGN LORD considering, that by the eleventh Act of the third Session of His Majesties late Parliament, liberty is granted to export Corns of all sorts, when they are under the prices following, *viz.* Ilk Boll of Wheat under twelve pounds the Boll, Beer and Barley under eight pounds the Boll, Oats and Pease under eight merks the Boll. And seeing, by reason of several Duties formerly imposed upon Corns, the exportation thereof hath been hitherto obstructed; And His Majesty being desirous for the good of this His ancient Kingdom, to give all due encouragement to the export of Corns, and to remove every thing which may impede the same: Hath therefore thought fit, Like-as, His Majesty, with advice and consent of His Estates of Parliament, doth Statute and Declare, That all Corns which shall be exported in time coming by His Majesties Subjects forth of this Kingdom, shall be free, and are hereby discharged of the payment of Custom, Bullion, and all other Duties whatsoever, except one Merk Scots allanerly for ilk Chaldier. And lest any considerable prejudice should thereby ensue to His Majesties Customs, it is Statute and Ordained, that the Duties after-mentioned are and shall be imposed upon the Commodities following, *viz.* Ten shillings Scots upon ilk Barrel of Tar, and twenty shillings Scots upon ilk Tun of Iron imported into this Kingdom, and that over and above all former Impositions put thereon; and the Customers, Collectors and their Deputies are hereby appointed and impowered to put the same accordingly. And for preventing any debates that may arise ament the respective prices of the Victual, when the same are under or above the rates exprest in the said Act; His Majesty, with advice foresaid, doth recommend to, and authorizeth the Lords of Privy Council to determine the same; And Declares, that it shall be lawful to His Majesties Subjects to export Corns of all sorts, unless by a Proclamation or publick Intimation from the saids Lords of Council, they be prohibited and discharged to do the same. And Ordains this Act to begin and take effect upon the second day of February next to come.

X V.

ACT for regulating the prices of Ale and Drinking-beer, and Malt-men.

December 23. 1669.

OUR Sovereign Lord considering that it is most agreeable to reason and equity, and of universal concernment to all His Majesties Subjects, and specially to those of the meaner sort, that a due proportion be observed betwixt the price of the Boll of Beer, and the Pint and other measures of Ale and Drinking-Beer vended and sold within this Kingdom, that thereby the liberty taken by Brewars and Vintners, to exact exorbitant prices for Ale and Drinking-Beer at their pleasure, may be restrained. Therefore, His Majesty, with advice and consent of His Estates of Parliament; doth recommend to, and authorize the Lords of His Majesties Privy Council from time to time, after consideration had of the ordinary rates of Rough-Beer and Barley for the time, to regulate and set down the prices of all Ale and Drinking-Beer, vended and sold in the several Shires and Burghs of the Kingdom, as they shall think just and reasonable; And likewise to set down a Table of proportion betwixt the weight and price of all Bread made of Wheat, and the price of the Boll of Wheat, in like manner as betwixt the price of the Ale and the Boll of Beer: With power to the saids Lords of Council to make and emit such Acts, Orders and Directions, in relation to the prices of Ale and Drinking-Beer, and weight and prices of Wheat-bread, and to inflict such censures, pains and penalties upon the contraveners of these Acts and Orders as they shall think fit; and to do all other things requisite for execution of the same. And in case, after settling of the saids prices by the Lords of Council, any Brewer shall cease from, and give over their Brewing or vending of Ale or Beer, His Majesty, with advice foresaid, Declares, that they shall not be permitted or allowed to brew or vent any Ale or Beer for the space of one year thereafter, and shall be further lyable to such pains and punishments, as the Lords of Council shall think fit. And further, His Majesty taking to consideration, that by the twenty ninth Act of the first Parliament of King *James* the sixth, Malt-men are declared to be no Craft, & discharged to have a Deacon; which Act of Parliament, His Majesty, with advice foresaid Ratifies and Approves, and Ordains the same to stand in full force and effect in all time coming,

and that notwithstanding of the said Act, and expressly contrair thereto, the Provost and Council of *Edinburgh* have, by their Act dated the eleventh of *March*, one thousand, six hundred, and forty six, ranked Malt-men amongst one of their Trades and Callings, discharged any to be admitted thereto within their Barrony of *Leith*, but by their Licence, with consent of the Calling; and have constitute a Box-master amongst their Barrony of and granted liberty to them to meet and keep correspondence, providing the Water-Bailiff be present with them: Therefore, his Majesty and Estates of Parliament not only Declares the said pretended Act of the Council of *Edinburgh* to have been null and void from the beginning, and Ordains the said pretended Act of the Council of their Registers; but discharges the said Town, or any other Burgh within the Kingdom, ever to presume to do the like again; And Ordains the said Box to be broken, and the Office of Deacon, Visitor, Box-master, or any other pretending to the like power, and the pretended Calling or Incorporation and Society of Brewars or Malt-men, to cease at *Leith*, and in all other Burghs, Towns and places in the Kingdom; With certification, that if they shall be found hereafter to meet and keep correspondence amongst themselves, upon whatsoever pretence, either at *Leith*, *Edinburgh*, or in any other Burgh, Town or Place, ilk person so meeting shall be lyable in the penalty of five hundred Merks *toties quoties*, whereof the one half to be payed to the informer, he proving the same before the Council; and this by and attour such personal punishment, as the Lords of Privy Council shall think fit to inflict.

XVI.

A C T for repairing High-ways and Bridges.

December 23. 1669.

OUR SOVERAIGN LORD considering how necessary it is for the good of the people, that High-ways be made and maintained for ready and easie Passage, Travel and Traffick through the Kingdom; and that the care thereof which hath been laid upon the Justices of Peace, hath yet for the most part proven ineffectual, in regard the saids Justices have not had special Orders and Warrants for that effect. For remedie whereof, his Majesty, with advice and consent of the Estates of Parliament, Doth Appoint and Ordain the Sheriff of the Shire, and one of his Deputes, being alwayes an Heretor therein, and the Justices of Peace in each Shire, to convene at the head Burgh of the Shire upon the first Tuesday of *May* yearly, for ordering of High-ways, Bridges and Ferries; with power to them, or major part of them that shall happen to convene, to set down a particular List of the High-ways, Bridges and Ferries within their bounds, and to divide the Paroches of the saids bounds as they lye most to the severall High-ways to be repaired, and as they may have the most equal burden, and to appoint such of their number or others Overseers of such parts and portions of the saids High-ways, as are most convenient and nearest to their ordinary residence, and to nominate such of their number as they see fit, to survey and give an account of the High-ways, Bridges and Ferries unto the rest; with power to them to appoint Meetings from time to time, till the said Survey, List and Division of the saids High-ways be closed: which persons, or any one of them to whom the particular portions of the saids Highways shall be committed, are hereby authorized and strictly required, to call and convene all Tennants and Cottars, and their Servants, within the bounds appointed for their parts of the High-ways, by publick intimation at the Paroch-Kirk upon the Sabbath day, immediately after the first Setmon, or any other way that they shall think fit, to have in readinesse Horses, Carts, Sleds, Spades, Shovels, Picks, Mattocks, and such other instruments as shall be required, for repairing of the saids High-ways, and to convene at such places thereof as they shall be required, and in such proportion and with such furniture as the saids Justices or Overseers shall appoint, and that in the most equal and proportionable way, as the saids Justices and Overseers will be answerable. With power to them to design such of the saids persons as they find to be most skilful, to attend and direct the rest, and to appoint them fit wages for their attendance; providing that the dayes they are required to work do not exceed the number of six dayes for Man and Horse yearly for the first three years, and four dayes yearly thereafter, and that they be only betwixt the Bear-seed yearly, and Hay-time or Harvest thereafter: With power to the saids Justices or Overseers to poind the readiest Goods of the absents, for twenty shillings *Scots* money for the absence of ilk Man daily, and thirty shillings for the Man and Horse, without further solemnity but apprising the same upon the ground of the Land, and therewith to hire others in place of the absents; and in case the saids absents shall have no poindable Goods, to punish them in their persons as they shall see cause. Which High-ways shall be twenty foot of measure broad at least, or broader, if the same have been so of before, and shall be so repaired, that Horses and Carts may travel Summer and Winter thereupon: and if any part of the saids High-ways cannot well be continued as now they are, but require to be changed, the saids Justices shall appoint three of their number to visit the places where the High-ways need to be changed, and to set down Meiths for the new way in place thereof, and upon Oath to estimate the damage of the parties prejudged thereby, and to deliver the same to them in writing under their hands, to the effect the same may be satisfied by the whole Shire, in manner aforesaid. Which Justices are Ordained again to convene at the head Burgh of the Shire the first Tuesday of *June* yearly, and thence every Tuesday from founthnight to founthnight, at such places as shall be by them appointed

appointed during the Moneths of *June* and *July*, for three years next ensuing, for taking account of the said several Justices and Overseers of the respective proportions of High-ways committed to them, & to fine those Justices and Overseers who shall failzie; still increasing the said fines till they give obedience and perform their part, and to poind therefore upon the ground of the Lands where their Goods shall be found, without further solemnity. With power also to the saids Justices to visit the Ferries in their Shire, and where the Ferries ly betwixt two Shires, that they correspond with the Justices of the other Shire, to the end they may appoint fit and sufficient Boats, and convenient Landing places; and so to regulate all things concerning the Ferries, as His Majesties Lieges may be readily and conveniently served, and at reasonable rates, and to punish all such as shall neglect or transgress the Rules set down be them for the effect foresaid.

And because the work of the inhabitants within the several bounds, will not be able sufficiently to repair the High-ways and others foresaid; Therefore, His Majesty, with advice and consent of the said Estates, doth hereby authorize and require the whole Free-holders and Heretors of the several Shires, to convene at the respective head Burghs the said first Tuesday of June yearly, and to call for an account from the Justices of Peace of what is needful for reparation of the High-ways and others foresaid, and what charges and expenses is requisite for promoting thereof; and for making or repairing Bridges and Ferries where they shall be found needful, and accordingly to stent the Heretors of the said Shire, comprehending the Heretors of the Burtough-lands therein, in what shall be found necessary for the effect foresaid, nor exceeding ten shillings Scots upon each hundred pound of valued Rent in one year, which is to be uplifted by the saids Justices or whom they shall appoint, be poinding as said is, and employed for the use foresaid; and of which they shall be obliged to give an account to the saids Heretors at the next Michaelmas head Court yearly. Likeas, His Majesty, with consent foresaid, prohibits and discharges all persons whatsoever to break or abuse the saids High-ways by plowing up any part thereof, laying stones, rubbish or dung thereon, or any way breaking or pooling the same, or turning in, or damming water thereupon; and Ordains the Conveener of the saids Justices at their meeting the said first Tuesday of May yearly, to take an Oath of the remanent Justices and of the Constables, of what damage they know done to the High-ways, Bridges or Ferries since the year preceeding, in any of the foresaid particulars prohibited, or any other, and by whom. Upon which the saids Justices shall convene the transgressors, and in case of conviction by Oath or Witnes, shall fine them as they shall see just, and shall poind therefore in manner foresaid, and apply the same for the use of the saids High-ways. with power also to the saids Justices, to call for an account of all Destinations and Mortifications to Bridges, Cause's, Ferries or High-ways, and to cause the intrometers therewith, that have not applied the same to these proper ends, to make payment thereof to such persons as they shall appoint, to be employed to the uses for which the same were destinat. Likeas his Majesty Ordains the Conveener of the saids Justices to give a particular account under his hand, of what progress is made in the reparation of the saids High-ways, Ferries and Bridges, upon the third Tuesday of *July* next to come, and so forth yearly to the Lords of his Majesties Privy Council, who are hereby impowred to grant Letters of Horning and Poinding for the effects foresaid, if need be.

And further, His Majesty, with consent foresaid, gives power to the said Lords of his Majesties Privy Council, to Ordain the levying of moderat Customs at Bridges, Cause's or Ferries, for the building, repairing and upholding thereof, in case the said Stent shall not be able to accomplish the same, and to appoint the endurance thereof as they shall see cause. With power also to them, that in case the saids Justices and Heretors failzie in the performance of the things by this Act committed to them, so that the High-ways shall not be sufficiently repaired, nor Bridges and Ferries sufficiently provided for, to take such course for making the same effectual as they shall judge expedient, and to punish the saids Heretors and Justices, as their neglect shall deserve: With power likewise to the saids Lords of privy Council, to appoint and commission Overseers for putting the premisses in execution where they shall see cause; which Overseers so appointed, shall have the same power as is by this present Act committed to the Justices of Peace foresaid. And farther, his Majesty Ordains, that where laboured Land lyes upon the sides of High-ways, the said laboured Land shall be fenced with Dike and Ditch or Hedge; yet so as neither Dike, nor Ditch, nor Hedge, nor any part thereof, be within the forementioned breadth appointed for the High-way: And in case any laboured Land so lying shall not be fenced betwixt the first day of *August*, one thousand, six hundred, and seventy one, then and in that case, the saids Justices are hereby authorized and required to cause poind in manner foresaid, the Labourers of the said Land, for four shillings Scots for each eln which shall not be fenced after the said time, and to apply the said fines for the fencing thereof in manner foresaid. Likeas, it is hereby Declared, that whatsoever stones, rubbish, dung or other impediments beis thrown or found lying upon the saids High-ways, or water turned in or dammed thereupon, shall be esteemed and held as done by the Labourers of the Land next adjacent to the High-ways where the damage is done, who shall be fined therefore by the said Justices and Overseers; Reserving right to the saids Labourers to call before the saids Justices any other for their relief, who have been the real actors of the skaith.

XVII.

ACT anent inclosing of Ground.

December 23. 1669.

WHEREAS by the fourty one Act of the first Session of His Majesties first Parliament, entituled, *An Act for planting and inclosing of Ground*, It is provided, that where Inclosers fall to be upon the borders of any mans Inheritance, the next adjacent Heretor shall be at equal pains and charges in building, ditching and planting that Dike which divides their Inheritance. And the Estates of Parliament considering the inconveniency and difficulty the execution of that part of the said Act may meet with, in Lands marching together where the Marches are crooked and unequal, or where any part of the bordering Ground is unfit or incapable of bearing a Dike or receiving a Ditch, or hinders the compleating of the Inclosure in ane equal line. For remeid whereof, His Majesty, with advice and consent of the said Estates, doth Statute and Ordain, That whensoever any person intends to inclose by a Dike or Ditch upon the March betwixt his Lands & the Lands belonging to other Heretors contiguous thereunto; it shall be leifom to him to require the next Sheriffs or Bailiffs of Regalities, Stewarts of Stewartries, Justices of Peace or other Judges Ordinar, to visit the Marches alongst which the said Dike or Ditch is to be drawn, who are hereby authorized, when the said Marches are uneven or otherways incapable of Ditch or Dike, to adjudge such parts of the one or the other Heretors Ground, as occasion the inconveniency betwixt them; from the one Heretor in favours of the other, so as may be leaft to the prejudice of either party, and the Dike or Ditch to be made, to be in all time thereafter the common March betwixt them; and the parties so adjudged *respective* from the one to the other, being estimat to the just avail and compensated *pro tanto*, to decern what remains uncompensated of the price, to the party to whom the same is wanting: And it is hereby Declared, that the parts thus adjudged *hinc inde*, shall remain and abide with the Lands or Tennandries to which they are *respective* adjudged, as parts and pendicles thereof in all time coming.

XVIII.

ACT anent adjudications.

December 23. 1669.

OUR SOVERAIGN LORD taking to consideration, that by severall Acts of Parliament and constant Practick of the Kingdom, there is one years Rent of all Lands, Annual-rents or others apprifed, due and payable to the Superior of the saids Lands and others, before he be holden to enter and inleif the Compriser; and that there is the same reason in cases of Adjudications as Apprifings. Therefore his Majesty, with advice and consent of the Estates of Parliament, Statutes, Ordains and Declares, that the Superiors of Lands, Annual-rents and others adjudged, shall not be holden to grant any Charter for Inleifing the Adjudger, till such time as he be payed and satisfied of the years Rent of the Lands and others adjudged, in the same manner as in Comprisings; And Declares, that in all cases, Adjudications shall be in the like condition with Comprisings, as to Superiors.

XIX.

ACT concerning the Confirmation and Quots of Testaments

December 23. 1669.

OUR SOVERAIGN LORD, with advice and consent of the Estates of Parliament, Statutes and Ordains, That it shall be lawful to Executors, at the confirmation of the defuncts Testament, to give up the debts owing be the defunct, and that the Quot be only payed for the free Geer (the Debts being alwayes instructed) With power to the saids Executors, for instructing of the saids Debts before the Commisar the time of confirmation, to cite the Creditors for production of the Bonds and Instructions of their saids Debts; and if the saids Creditors shall not produce the same, and yet shall happen thereafter to seek payment from the Executors, that then and in that case, the Creditors shall be obliged to relieve the Executors of a proportion of the Quot payed by them, esseiring to the said Debt, or otherways to allow the same to them; And preventing of all fraud, both the Executors and the Creditors shall be holden to make faith, if requited, anent the truth and reality of the saids Debts, that they were truly resting unsatisfied the time of the defuncts decease. And likeways, Statutes and Ordains, That in all time coming, Executors Creditors be free of paying of Quot, in so far as they confirm only for Debts resting to them be the Defunct

the

the time of his decease, and thereupon the saids Exccutors shall be holden to make faith, if required, notwithstanding of any Instruction produced by them. As also, the Relict confirming her self Executrix Creditrix, and for satisfying of the obligement of her Contract of Marriage, or other Provision made to her by her Husband where there was no Contract of Marriage, be also free of Quot, in so far as the Inventer extends to five years purchase of the Annual-rent or Life-rent provided to her; and that she shall be lyable and pay Quot for the *superplus* of the free Goods or Debts confirmed; And that this be extended to all other Life-renters, confirming themselves Executors Creditors. As likeways, that poor people, not worth in heretable or moveable Estate fourty pounds *Scots* money, have their Confirmation past and registrat free from payment of any Quot; and for Fees of Court, that they pay only two pounds eighteen shillings *Scots*. And farther, it is Statute and Ordained, That heretable Debts resting by the Defunct, be Inseftment, Bonds or Contracts bearing obligement to inseft, be not allowed be the Commissars at the Confirmation, to default off the Inventer in prejudice of the Quot, where there is an heretable Estate belonging to the Defunct to satisfie the heretable Debts, even though the saids Debts be given up by the Defunct himself or his Executor. And likeways, it is Statute and Ordained, that Commissars admit of no division in Testaments, in favours and upon account of the Relict, where by her Contract of Marriage or otherways, she is seclud from all part of her Husbonds moveables; And if a bipartit or tripartit division be craved be the Executor at the confirmation upon her accept, in that case the Procurator Fiscal shall have power to cite the Relict, for production of her Contract of Marriage, or to give Oath upon her having thereof, or that by the same or any other Writ, she is seclud; And if it appear, either be the said Contract or be any other Writ, or be the Relicts Oath, that she is seclud from the third or half of the moveables, That then the Testament shall be confirmed without division upon her accept, and the Quot payed accordingly; And in case there be any exception in the Relicts favours, of the Inseft and Houshold-plemishing, or any part thereof, In that case deduction is only to be granted of the Quot, effecting to the proportion excepted and reserved in her favours. And lastly, His Majesty, with advice foresaid, Statutes and Ordains, that in time coming, no Charges of Horning be given to any person, at the Procurator Fiscals instance, for giving up of Inventer, but upon a Roll of the persons names to be charged subscribed be the Commissar, and that within the space of three years after the Defuncts decease, after which time it shall not be lestone to give any such Charges of Horning for giving up of Inventer; And for the years preceeding, that they shall only charge for giving up Inventer of the Goods of such Defuncts who have deceast since the year, one thousand, six hundred and sixty. And Ordains, That Letters of Caption shall not be used against any of His Majesties Lieges for not confirming of Testaments but where the Letters of Horning have been executé against the parties personally, or at their Dwelling-houses and Paroch Kirk-doors, on a Sabbath-day after Divine Service. And Ordains the Commissars of the respective Diocesses, to keep Circuit Courts the time of the Spring and Harvest Vacance, for Confirmation of Testaments at such convenient places in ilk Presbytery, as may be most conducing to the good and ease of the Lieges; and whereunto they are to be cited personally, or at their Dwelling-places and Paroch-Kirks as saids, to the end and effect foresaid: With certification, that if the Commissar, Commissar-clerk, Procurator Fiscal, or any other Member of Court, contravein this Act, the contraveiner shall suffer deprivation of his Office, and never be re-admitted thereto again, beside satisfaction to the party grieved, of any damage sustained by him there-through.

X X.

ACT for in-bringing of publick Dues from the Northern Shires.

December 23. 1669.

OUR Sovereign Lord considering, that divers persons within the Shires of *Ross, Sutherland, Caithness, Argyl, Inverness* and Burghs within the same, ate in arrear, and deficient in payment of a considerable part of the Annuity of Excise, granted to His Majesty in the year, one thousand, six hundred and sixty one, the Taxation and Assessment imposed by the Conventions of Estates in the years, one thousand, six hundred and sixty five, and, one thousand, six hundred and sixty six, notwithstanding of all legal diligence used for in-bringing thereof. For obtaining payment of which Arrears, and for the more effectual and better payment of the said Annuity of Excise in time coming, His Majesty, with advice and consent of the Estates of Parliament, doth Statute, Ordain and Declare, That the persons deficient and in arrear of the foresaid Annuity of Excise, Taxation and Assessment in the said Shires, and Burghs within the same, preceeding the Month of *November* last, and who shall not pay in the same according to their respective proportions, to the Receivers and Collectors thereof, berwixt and the first day of *June* next to come, shall be lyable in double payment of all such deficiency and arrear, without any manner of defaultation. And farther Declares, that if for the future, three quarters payment of the said Annuity of Excise in the said Shires, shall happen to run in the fourth unpaid (the feast and terme of *Candlemas* next ensuing being the first terme) Then

Then and in that case, such Shires, Burghs and Persons therein so deficient, shall be lyable in payment of the double of the whole years Annuity of Excise, *toties quoties*, and all execution personal and real shall be used against them therefore. And His Majesty and Estates of Parliament doth hereby Declare, That this present Act or any thing therein contained, shall no wise liberate the Commissioners of Excise for the said respective Shires and Burghs, from being lyable in the single payment allanerly of the said Annuity of Excise; but that they shall still stand obliged therefore as formerly, in manner contained in the Act of Parliament made thereanent.

XXI.

ACT Salvo jure cujuslibet.

December 23. 1669.

OUR Sovereign Lord taking to consideration, that there be many Acts of Ratifications and others, past and made in this Session of Parliament, in favours of particular persons, without calling or hearing of such as may be thereby concerned and prejudged: Therefore, His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all such particular Acts and Acts of Ratification past in manner foresaid, shall not prejudice any third party of their lawful Rights, nor of their Actions and Defences competent thereupon, before the making of the said particular Acts and Acts of Ratifications; And that the Lords of Session and all other Judges within this Kingdom, shall be obliged to judge betwixt Parties, according to their severall Rights standing in their persons before the making of the saids Acts: All which are hereby exponed, and Declared to have been made, *Salvo jure cujuslibet*.

XXII.

ACT of Adjournment.

December 23. 1669.

THE King's Majesty Declares this Parliament current, and Adjourns the same to the eight of June next to come; Ordaining all the Members of Parliament to attend that day, And that there be no new Election of Commissioners from Shires or Burroughs, except upon the death of some of the present Commissioners.

F I N I S.

A L I S T

Of the Printed *ACTS* pass'd in the *Parliament*, kepted at *Edinburgh* in
October, 1669.

1. *ACT* asserting His *Majesties* *Supremacy* over all persons and in all *Causēs Ecclesiastical*.
2. *Act* concerning the *Militia*.
3. *Act* for registration of *Instruments of Resignation ad remanentiam*.
4. *Act* concerning pointing before the dayes of the *Charge* expire.
5. *Act* for the security of the persons of *Ministers*.
6. *Act* for the ordering of *Suspensions of the Benefices and Stipends of the Clergy*.
7. *Act* for *Naturalization of Strangers*.
8. *Act* concerning the *Bullion*.
9. *Act* concerning *Prescriptions*.
10. *Act* concerning *Interruptions*.
11. *Act* concerning the forfeiture of persons in the late *Rebellion*.
12. *Act* concerning the *Excise and Customs*.
13. *Act* for annexation of *Orknay and Zeland to the Crown*.
14. *Act* concerning the exportation of *Corns*.
15. *Act* for regulating the prices of *Ale & Drinking-beer, & Malt-men*.
16. *Act* for repairing *High-ways and Bridges*.
17. *Act* anent inclosing of *Ground*.
18. *Act* concerning *Adjudications*.
19. *Act* concerning the *Confirmation and Quots of Testaments*.
20. *Act* for in-bringing of *publick Dues from the Northern Shires*.
21. *Act Salvo jure cujlibet*.
22. *Act of Adjournment*.

F I N I S

A L I S T

Of the ACTS and RATIFICATIONS past in this first Session
of His MAJESTIES second Parliament, and which are
not here printed.

- Protestations by some Noblemen, and others Commissioners from Shires and Burghs, concerning their
precedency in the Rolls of Parliament.
- His Majesties Letters to the Parliament, concerning the Union of the Kingdoms of *Scotland* and *England*,
with the Parliaments Answers.
- Act anent the clection of Commissioners from Shires.
- Act for continuing the Imposition for upholding the Causa of *Cowie-month*.
- Acts for yearly Fairs and weekly Mercats to some Noblemen and others.
- Protestation by the Earl of *Nithisdale*, that the Forfeiture of *Mackelland of Belmagachan* should
not prejudice him.
- Protestation by the Vassals of *Orknay*, that they be not prejudged be the present annexation thereof
to the Crown.
- Protestation in name of the Duke of *Lenox*, that this annexation do not prejudice his right of Admi-
ralty in *Orknay*.
- Protestation be the Lord Advocat *contra* these two Protestations.
- Commission anent the regulation of the Commissar and Sheriff-Courts, and other inferiour Courts
of Justice.
- Act suspending the payment of publick Debts.
- Protection to *William Dick*.
- Ratification in favours of the Duke and Dutcheffs of *Hamilton*.
- Protestation be the Town of *Linlithgow* against the same.
- Protestation be the Duke of *Hamilton* in the contrair.
- Two Ratifications in favours of the Earl of *Argyl*.
- Protestations be the Earl of *Errol* and others against the same.
- Protestation be the Earl of *Argyl* in the contrair,
- Ratification in favours of the Lord *Newbyth*.
- Ratification in favours of Mr. *John Young of Leny*.
- Ratification in favours of *Thomas Moncrief* of that ilk.
- Ratification in favours of the Earl of *Kellie*.
- Ratification in favours of the Lord *Stair*.
- Ratification in favours of Sir *Andrew Fletcher of Aberlady*.
- Ratification in favours of Mr. *Andrew Oswald* and his Son.
- Two Ratifications in favours of Sir *John Nicolson* of that ilk.
- Ratification in favours of *Mungo Graham of Gorthie*.
- Ratification in favours of the Archbishop of *St. Andrews*.
- Ratification in favours of the Earl of *Perth*.
- Ratification in favours of the Earl of *Roxburgh*.
- Ratification in favours of Sir *Alexander Frazer of Dorrs*.
- Ratification in favours of Sir *Robert Cunninghame of Ausbinbarvy*.
- Ratification in favours of *William Murray of Ochertyre*.
- Ratification in favours of Sir *James Drummond*.
- Ratification in favours of Sir *John Forbes of Wattertown*.
- Protestation in name of the Town of *Aberdeen* against the same.
- Ratification in favours of the Earl of *Tweeddale*.
- Ratification in favours of Sir *Hary Bruce of Clackmannan*.
- Ratification in favours of Sir *Alexander Don of Newtown*.
- Ratification in favours of Sir *Patrick Home of Polwart*.
- Ratification in favours of Sir *Charles Erskin of Cambo*.
- Ratification to him of his Office of *Lyon King at Arms*.
- Ratification in favours of Sir *Philip Anstruther*.
- Ratification in favours of *David Fortbringhame of Pourie*.
- Ratification in favours of the Earl of *Middleton*.
- Ratification in favours of the Earl of *Dundonmald*.

- Ratification in favours of the Lord Lee.
 Ratification in favours of Sir John Keith of Caskieben.
 Ratification in favours of the Master of Ross.
 Ratification in favours of John Forbes of Cullodin and his Son.
 Ratification in favours of David Blair of Adamtoun.
 Ratification in favours of William Hamilton of Wisbar.
 Ratification in favours of George Dundas of that ilk.
 Ratification in favours of Sir William Ker of Hadden.
 Ratification in favours of Thomas Boyd of Pinkil.
 Ratification in favours of the Minister of North-Lietb.
 Ratification in favours of Hugh Wat.
 Ratification in favours of the Town of Bervie.
 Ratification in favours of Sir Adam Blair of Carberry.
 Ratification in favours of George Fullertoun.
 Ratification in favours of David Philp of Overcarnbie.
 Ratification in favours of Mr. Robert Deens of Longberdismistoun.
 Ratification in favours of the Earl of Annandale.
 Protestation in name of the Viscount of Stormont against it.
 Protestation be the Earl of Annandale in the contrair.
 Ratification in favours of Sir John and Sir Robert Dalryels.
 Ratification in favours of Mr. John Wisbart.
 Ratification in favours of the Earl of Linlithgow.
 Ratification in favours of Sir John Nisbet, Lord Advocar.
 Ratification in favours of Alexander Brodie of Letham, &c.
 Ratification in favours of Sir William Purves of Woodhouselee.
 Ratification in favours of the Girdle-makers of Culross.
 Ratification in favours of James Stewart of Torrence.
 Ratification in favours of the Lord Drumlanrig.
 Ratification in favours of the Viscount of Stormont.
 Ratification in favours of Lieutenant-General Drummond.
 Ratification in favours of Sir William Bruce of Balcaskie.
 Ratification in favours of the City of Glasgow.
 Protestation be the Town of Ruglin against it.
 Ratification in favours of the Town of Forfar.
 Ratification in favours of Mr. Andrew Burnet of Warristoun.
 Ratification in favours of Sir John Aitoun of that ilk.
 Remit for the Viscountess of Stormont, Lord Drumlanrig and Laird of Ednam.
 Act for an Imposition to be uplifted at the North-water Bridge.
 Prorogation of the Imposition for the Bridge of Sauchtonhal.
 Act for changing the Way at Walter Chislies House at Dalry.
 Recommendation for the Heritors of the Sheriffdom of Berwick, concerning their fishing on Tweed.
 Commissions for the Fishings in the Waters of Spey and Divurn.
 Act anent the Fishings on Spey, &c.
 Commission for improving of Trade.
 Act discharging the Custom of Books.
 Act anent the Kirks of Kinneil and Burroughstonefs.
 Act concerning the Losses of the Town of Dundee.
 Recommendation in favours of the Masters of the Scots Incorporation at London.
 Continuation of the Lady Bramfords busines.

F I N I S.

THE
LAW S AND ACT S
Pass in the SECON D
SE S S I O N
Of the SECON D
PARLIAMENT,
Of Our Most High and Dread Sovereign,
CHARLES
THE SECON D.

By the Grace of GOD, King of Scotland, England, France and Ireland,
Defender of the Faith.

Begun at Edinburgh, from the 28. of July, to the 22. of August, 1670.

By a Noble Earl, John Earl of Lauderdale, Viscount Maitland, Lord Thirlestane and
Bolton, &c. His MAJESTIES Commissioner, &c.

I.

*ACT, Authorizing certain Commissioners of the Kingdom of Scotland, to treat with
Commissioners of England, for the weell of both Kingdoms.*

Edinburgh, the 30. day of July, 1670.



Orasmuch as the Kings most Excellent Majesty, from His Princely Zeal and Fatherly Care of the weelfare and happines of his Subjects (persisting in the same pious and prudent Resolution of His Royal Grand-father, King James of ever blessed memory, to endeavour a nearer and more compleat Union between His two Kingdoms of Scotland and England) Hath recommended it to the Parliaments of both Kingdoms, that Commissioners might be nominat to Treat and Consult concerning this Union, to the end, that His Majesties Royal and Gracious Purposes therein may be accomplished, and such a further Union may be treated and agreed upon, as may compleat and confirm for ever, a constant, mutual love and friendship betwixt His Subjects of both Realms.

Therefore, His Majesty, with advice and consent of His Estates of Parliament, doth hereby Statute, Ordain and Enact, That such Persons, or *Quorum* thereof, as shall be nominated by His Majesty under His Great Seal of Scotland, are by vertue and authority of this Act, Authorized, Commissionare and Impowred, to meet and assemble at such times and in such places, as His Majesty shall appoint; And there to Treat and Consult, according to the tenor of their Commission and Authority in that behalf under the Great Seal, with the Commissioners authorized by Authority of the Parliament of England, of, and concerning such an Union of the Realms of Scotland and England, and of and concerning such other matters,

causes and things whatsoever, as upon mature deliberation, the greatest part of the saids Commissioners assembled, as said is, and the Commissioners authorized by the Parliament of *England*, according to the tenor and purport of the Commission in that behalf, shall in their wisdoms think convenient and necessary for the Honour of His Majesty, and the Well and Common-good of both Kingdoms during His Majesties Life, (which Almighty God make long and prosperous) and of His Heirs and lawful Successors for ever. Which Commissioners of both Kingdoms shall, according to the tenor and purport of the Commissions in that behalf, reduce their Doings and Proceedings therein into Writings or Instruments tripartite, every part to be subscribed and sealed by them; To the end, that one part thereof may in all humbleness be presented to the Kings most Excellent Majesty, another part thereof offered to the consideration of the Parliament of *Scotland*; and another part to be offered to the consideration of the Parliament of *England*, at their next Sessions to be held in either Kingdoms *respective*, after such Writings or Instruments shall be subscribed and sealed by the saids Commissioners, that thereupon such further proceedings may be had, as by his Majesty and both the saids Parliaments, shall be thought fit and necessary for the Well and Common-good of both the said Kingdoms; To whom the entire consideration of the whole, and the allowing or dis-allowing thereof, or any part thereof as they shall think fit, is wholly reserved. Likeas, his Majesty, with advice and consent foresaid, doth hereby Statute and Declare, that no matter or thing to be proposed, treated of, or agreed by the saids Commissioners, by vertue of this Act, shall have any force or effect, or be put in execution, until it be confirmed and established by Act of the Parliament of *Scotland*.

I. I.

ACT against such who shall refuse to depone against Delinquents.

Edinburgh, 3. of August. 1670.

FOrasmuch as it is the duty of all good Subjects, to give their best concurrence and assistance as they shall be thereunto required by publick Authority, for discovery and punishment of all crimes against the publick Laws, or which may tend to the breach or disturbance of the publick Peace of the Kingdom; And that it is an high contempt of Authority, and a signal evidence of disloyalty and inclination to rebellion, to refuse or shift the same when required thereunto. Therefore, His Majesty, with advice and consent of his Estates in Parliament, doth hereby Statute and Ordain, That all and every Subject of this Kingdom, of what degree, sex or quality soever, who hereafter shall be called by His Majesties Privy Council, or any others having Authority from His Majesty, to declare and depone upon Oath, their knowlege of any crimes against the publick Laws and Peace of the Kingdom; and particularly, of any Conventicles or other unlawful Meetings, and of the severall circumstances of the persons present, and things done therein, or of the resetting and intercommuning with persons who are, or hereafter shall be declared Fugitives or Rebels: Are obliged in conscience, duty, and by the alledgiance of Subjects, to declare and depone their knowlege thereof, and of all the particulars relating thereunto. And if any shall happen to be so perversly wicked and disloyal, to refuse or delay to declare or depone, being thereunto required, as said is; His Majesty, with advice and consent foresaid, appoints their punishment to be fining and close imprisonment, or banishment, by sending them to His Majesties plantations in the *Indies*, or elsewhere, as His Majesties Council shall think fit. Likeas, His Majesty, with advice foresaid, doth require His Privy Council to be careful in tryal of the crimes above-written, and in the speedy and due execution of the pains foresaid, upon all such, without exception, as shall refuse or delay to declare or depone thereupon, as said is. It is alwayes hereby provided, that no mans declaration or deposition against any other person, shall infer against himself the pain of loss of Life, or Member, or Banishment.

I I I.

ACT for the raising a Supply of three hundred and sixty thousand pounds offered to His Majesty.

Edinburgh, 9. of August, 1670.

THE Estates of Parliament taking to their consideration, that His Majesty, from His Princely Zeal, and Facherly care of the good and wel-tare of His Subjects, doth imbrace and improve every opportunity which may tend to the further securing of their peace and happinens; They in a due acknowledgment of His Majesties unparalleld grace and goodness, and for defraying the expence which the extraordinary occasions of His Royal Service and Government will at this time require: Do with all humble duty and thankfulness, for themselves, and in name of this His Majesties most ancient Kingdom, whom they represent, make offer to His Majesty of a new Supply of three hundred and sixty thousand

thousand pounds *Scots*, to be raised and payed out of the Land-rent, in the same manner, according to the same proportion, and with the same exceptions that the former supply granted to His Majesty by the convention of Estates in *January*, one thousand, six hundred, sixty seven years was raised; And whereof one hundred, forty four thousand pounds *Scots*, as being the proportion of two months of the former Supply, is to be payed betwixt and the first day of *February*, one thousand, six hundred, seventy one; and seventy two thousand pounds betwixt and the first day of *May* thereafter; And another seventy two thousand pounds betwixt and the first day of *August* following; And the last seventy two thousand pounds betwixt and the first day of *November* thereafter; being all in the year one thousand, six hundred, seventy one. Likeas His Majesty, with advice and consent of His Estates of Parliament, Doth hereby Ordain the Commissioners for the Valuations, nominat by the Act of Convention for the late Supply in the year one thousand, six hundred, sixty seven, to take care and be answerable that this Supply be duly raised and payed in to such as shall be warranted by His Majesty to receive the same, at the particular terms of payment above-mentioned; And that all manner of diligence and execution contained in that Act be made use of for raising of this Supply, as fully as if the same were expressly tepeated in this Act.

I V.

ACT against Invaders of Ministers.

Edinburgh, 13. of August, 1670.

Forasmuch as the assaulting of Ministers, and the invading of their houses be atrocious crimes, often prohibited and discharged by Law under high and severe pains; And yet, such hath been the wickedness of some loose Men, Rebels and Vagabonds, that of late they have, in several places in the night time, invaded and broken in upon Ministers houses, assaulted and wounded their persons, and pursued them for their lives. And the Kings Majesty having a just indignation of such horrid and unchristian villanies, hath thought fit to brand the same with a signal mark of His displeasure: And Therefore, His Majesty, with advice and consent of His Estates in Parliament, doth hereby Statute, Enact and Declare, That whatsoever person or persons shall be found guilty of the assaulting the lives of Ministers, or tobbling their houses, or actually attempting the same, shall be punished with the pain of death, and the confiscation of their Goods. And for the better discovery of these crimes, His Majesty doth, with advice and consent foresaid, hereby offer and ensure the sum of five hundred Merks to any person who shall discover and seize any of the saids Assaulters, Robbers or Attempters: And in case they shall be discovered by one person, and apprehended by another, the discoverer is to have two hundred Merks, and the apprehender three hundred Merks, to be payed out of His Majesties Treasury by the Commissioners thereof, who are hereby authorized to pay the same. And if there shall happen any slaughter to be committed in the apprehending of such persons, His Majesty, with advice foresaid, doth hereby indemnifie the persons employed, and all such as shall assist in the apprehending of them; and Declares them free of all question or trouble for the same in time coming.

V.

ACT against Conventicles.

Edinburgh, 13. of August, 1670.

Forasmuch as the assembling and convocating of His Majesties Subjects without His Majesties Warrant and Authority, is a most dangerous and unlawful practice, prohibit and discharged by several Laws and Acts of Parliament, under high and great pains; And that notwithstanding thereof, divers disaffected and seditious persons, under the specious, but false pretences of Religion and religious Exercices, presume to make, and be present at Conventicles and unwarrantable Meetings and Conventions of the Subjects, which are the ordinary Seminaries of Separation and Rebellion, tending to the prejudice of the publick Worship of God in the Churches, to the scandal of the reformed Religion, to the reproach of His Majesties Authority and Government, and to the alienating of the hearts and affections of the Subjects from that duty and obedience they owe to his Majesty, and the publick Laws of the Kingdom. For the suppressing and preventing of which for the time to come, His Majesty, with advice and consent of His Estates of Parliament, hath thought fit to Statute and Enact, and to the alienating of the hearts and affections of the Subjects, hath thought fit to Statute and Enact, and to the alienating of the hearts and affections of the Subjects, hath thought fit to Statute and Enact, That no outed Ministers, who are not licenced by the Council, and no other persons not authorized or tolerate by the Bishop of the Diocess, presume to preach, expound Scripture, or pray in any Meeting, except in their own Houses, and to these of their own Family; and that none be present at any Meeting, without the Family to which they belong, where any not licenced, authorized nor tolerat as said is, shall preach, expound Scripture or pray: Declaring hereby, all such who shall do in the contrair, to be guilty of keeping of Conventicles; and that he or they who shall so preach, expound or pray within any house, shall be seized upon & imprisoned, till they find
caution

caution, under the pain of five thousand Merks, not to do the like thereafter, or else enact themselves to remove out of the Kingdom, and never return without His Majesties Licence; And that every person who shall be found to have been present at any such Meetings, shall be, *toties quoties*, fined according to their qualities, in the respective sums following, and imprisoned until they pay their fines, and farther during the Councils pleasure, *viz.* Each Man or Woman, having Land in Heretage, Life-rent or proper Wodset, to be fined in a fourth part of his or her valued yearly Rent; each Tenant labouring Land, in twenty five pounds Scots; each Cottar in twelve pounds Scots, and each serving Man in a fourth part of his yearly Fee. And where Merchants or Trades-men do not belong to, or reside within Burghs Royal, That each Merchant or chief Trades-man be fined as a Tennant, and each inferior Trades-man as a Cottar: And if any of the persons above-mentioned shall have their Wives, or any of their Children living in Family with them, present at any such Meeting, they are therefore to be fined in the half of the respective fines aforesaid, consideration being had to their several qualities and conditions. And if the Master or Mistris of any Family, where any such Meetings shall be kept, be present within the house for the time, they are to be fined in the double of what is to be payed by them, for being present at a House-conventicle. And it is hereby Declared, that Magistrates of Burghs Royal are lyable, for every Conventicle to be kept within their Burghs, to such fines as His Majesties Council shall think fit to impose; and that the Master or Mistris of the Houses where the Conventicle shall happen to be kept, and the persons present thereat, are to relieve the Magistrates as the Council shall think fit to order the same; it being notwithstanding free to the Council to fine the Inhabitants of Burghs, for being present at Conventicles within or without Burghs, or where their Wives or Children shall be present at the same.

And farther, His Majesty understanding that divers disaffected persons have been so maliciously wicked and disloyal, as to convocat His Majesties Subjects to open Meetings in the Fields, expressly contrair to many publick Laws made thereanent; And considering that these Meetings are the rendezvous of Rebellion, and tend in a high measure to the disturbance of the publick Peace: Doth therefore, with advice and consent foresaid, Statute and Declare, That whosoever, without Licence or Authority foresaid, shall preach, expound Scripture or pray at any of these meetings in the Field, or in any House where there be moe persons then the House contains, so as some of them be without doors, (which is hereby declared to be a Field-conventicle) or who shall convocat any number of people to these meetings, shall be punished with death, and confiscation of their goods. And it is hereby offered and assured, that if any of His Majesties good Subjects shall seize and secure the persons of any who shall either preach or pray at these Field-meetings, or convocat any persons thereto, they shall for every such person so seized and secured; have five hundred Merks payed unto them for their reward, out of His Majesties Theaury by the Commissioners thereof, who are hereby authorized to pay the same; and the saids seizers and their assistants are hereby indemnified for any slaughter that shall be committed in the apprehending and securing of them. And as to all Heretors and others aforesaid, who shall be present at any of these Field-conventicles, it is hereby Declared, they are to be fined, *toties quoties*, in the double of the respective fines appointed for House-conventicles; but prejudice of any other punishment due to them by Law as seditious persons, and disturbers of the Peace and Quiet of the Kirk and Kingdom. And seeing the due execution of Laws is the readiest means to procure obedience to the same; and Therefore, His Majesty, with consent and advice foresaid, doth Impower, Warrant and Command all Sheriffs, Stewarts of Stewartries, Lords of Regalities and their Deputs, to call before them and try all such persons who shall be informed to have kept, or been present at Conventicles within their Jurisdctions, and to inflict upon these who shall be found guilty, the respective fines express in this Act; they being always countable to the Commissioners of His Majesties Theaury; for the fines of all Heretors within their bounds. And His Majesty, for the encouragement of the saids Sheriffs, Stewarts and Lords of Regalities, to be careful and diligent in their duties herein, doth allow to themselves all the fines of any persons within their Jurisdctions, under the degree of Heretors; and requires the Lords of His Majesties Privy Council to take exact tryal of their care and diligence herein: And if the Sheriffs, Stewarts and Bailiffs shall be negligent in their duties, or if the Magistrates within Burghs shall be negligent in their utmost diligence, to direct and dilate to the Council all Conventicles within their Burghs, that the Council inflict such censures and punishments upon them as they shall think fit. And the Lords of His Majesties Privy Council are hereby required to be careful in the tryal of all Field and House-conventicles, kept since the first day of October, one thousand, six hundred, sixty nine, and before the date hereof, and that they punish the same conform to the Laws and Acts of State formerly made thereanent. And lastly, His Majesty being hopeful that His Subjects will give such chearful obedience to the Laws, as there shall not be long use of this Act; Hath therefore, with advice foresaid, Declared, That the endurance thereof shall only be for three years, unless His Majesty shall think fit that it continue longer.

V I.

ACT against disorderly Baptisms.

Edinburgh, 17. of August, 1670.

FORasmuch as the disorderly carriage of some Persons, in withdrawing from the Ordinances of the Sacraments in their own Parish Churches & procuring their Children to be Baptized by persons not publickly authorized or allowed, is highly scandalous to the Protestant Religion, and tends exceedingly to the increase of Schism and Profanaty: Therefore the Kings Majesty, with advice and consent of His Estates in Parliament, doth Statute and Prohibit all His Majesties Subjects, that none of them, of whatsoever degree or quality, presume to offer their Children to be Baptized by any but such as are their own Parish Ministers; or else by such Ministers as are Authorized by the present established Government of the Church, or Licenced by His Majesties Council, upon a Certificat from the Minister of the Parish, if he be present; or in his absence, by one of the Neighbouring Ministers: And declares, that the Father of any Child which shall be otherways Baptized, shall be liable to the pains and penalties following, *viz.* Every Heretor, Life-renter, or proper Wod-setter, shall be fined in a fourth part of his valued yearly Rent; Every person above the degree of a Tennent, having a personal, but no real Estate, in one hundred pounds Scots: Every considerable Merchant in one hundred pounds: Every inferior Merchant, or considerable Tradesman, and every Tennent labouring Land, in fifty pounds: Every meaner Burges, Tradesman, Inhabitant within Burgh, and every Cottar, in twenty pounds Scots; and every Servant in half a years Fee. And His Majesty, with advice foresaid, requires the Sheriffs, Stewarts, Lords of Regalities and their Deputes, and Magistrates of Burghs Royal, within their several Bounds and Jurisdictions, to be careful to put this Act in execution; and that upon Information from the Bishop of the Diocess, or any other, they call before them, and judge the Persons Contraveners thereof, and uplift the Penalties foresaid. Likeas, His Majesty, for the further encouragement of the saids Sheriffs, and others foresaid, to do their duty herein, doth allow them to retain for their own use, the Fines of the several Persons above-mentioned, except these of the Heretors, for which they are to be completable to the Commissioners of His Majesties Thesaury.

V I I.

ACT against Separation and withdrawing from the publick Meetings of Divine Worship.

Edinburgh, 20. of August, 1670.

FORasmuch as it is the duty of all His Majesties good Subjects, to acknowledge and comply with His Majesties Government, as it is by the Lawes of the Kingdom established in Church and State; and in order thereunto, to give their cheerful concurrence and countenance to such Ministers, as by Publick Authority are, or shall be admitted in their several Parishes, and to attend all the Publick and Ordinary Meetings of Divine Worship in the same. And seeing the Laws of the Kingdom hath declared a withdrawing, and not keeping of, and joyning in, these Meetings, to be seditious, and of dangerous example and consequence: His Majesty conceives Himself also bound in Conscience and Duty to interpose His Authority, that the Publick Exercises of Gods Worship be countenanced by all His good Subjects, and that such as upon any pretext do disorderly withdraw, be by the Censures of the Law made sensible of their miscarriages, and by the Authority of the Law, drawn to a dutiful obedience to it. And therefore, His Majesty, with advice and consent of His Estates in Parliament, Statutes, Ordains, and commands all His good Subjects of the Reformed Religion within this Kingdom, to attend and frequent the ordinary Meetings appointed for Divine Worship, in their own Parish Churches; Declaring hereby, that every such Person who shall three Lords Days together withdraw & absent themselves from their own Parish Churches, without a reasonable excuse to be allowed or disallowed by the Judges and Magistrates after-mentioned, shall *toties quoties* be liable to the pains and penalties following, *viz.* Every person having Land in Heretage, Life-rent, or proper Wod-set, in the eight part of his or her valued yearly Rent: Every Tennent in six pounds Scots: Every Cottar or Servant, in fourty shillings Scots: Every person above the degree of a Tennent, and who hath a personal, but no real Estate, in twelve pounds Scots: Every considerable Merchant in twelve pounds Scots: Every inferior Merchant, and considerable Tradesman, in six pounds Scots: Every other meaner Burges, Tradesman, and Inhabitant within Burgh, in fourty shillings Scots. And His Majesty, with advice and consent foresaid, doth commit the execution of this Act, and the raising the Penalties above-mentioned, to the Sheriffs, Stewarts, Lords of Regalities and their Deputes, and to Magistrates of Burghs within their several respective Jurisdictions: And doth hereby Authorize and require them to be careful to see this Act put in due execution; and in order thereunto, that they Examine upon Oath such persons in every Parish as they shall think fittest, for discovery of such as shall withdraw; and thereby incur

incur the penalties above-mentioned. And for their encouragement herein, His Majesty, with advice fore-said, doth hereby allow to themselves the Fines of all persons within their respective Jurisdictions, below the degree of Heretors, they being always comtable for the Fines of the Heretors to the Commissioners of His Majesties Thefaury. And in case any Heretor, Life-renter, or proper Wod-fetter, shall be so froward and obstinat, as to withdraw from their Parish Churches for the space of one year, notwithstanding of their being fined as aforesaid; It is Ordained, That the Sheriffs and other Judges aforesaid, within their several Jurisdictions, dilate them to His Majesties Privy Council, who are hereby authorized to call the saids persons before them, and to require them to subscribe the Bond following:

I *oblidge my self, that I shall not upon any pretext or collour whatsoever, rise in Arms against the King's Majesty, or any having his Authority or Commission; nor shall assist nor countenance any who shall rise in Arms.* And if any person so called and required, shall refuse or delay to subscribe the Bond, That the Lords of His Majesties Privy Council secure or banish them, as they shall think fit. And it is hereby declared, that upon such refusal or delay to sign this Bond, the single Escheat, and Life-rent Escheat of the refusers or delayers shall fall and appertain to His Majesty, and is to be intronnetted with, and disposed of, for His Majesties use. Likéas, the Lords of His Majesties Privy Council are hereby required to call from time to time for an Account from the Sheriffs, and others foresaid, of their diligence in putting this Act in execution; and if they be found negligent, that they inflict such Censures and Punishments, on them, as they shall judge fit. And it is further declared, that this Act is to endure only for the space of three years, unless His Majesty shall think fit it continue longer. And it is further hereby provided, that this Act is to be without prejudice of the Censures of the Church, to be used against such who shall be absent from the Publick Meetings for Gods Worship, conform to the former Acts and Practices of the Church thereant.

VIII.

ACT ratifying the Priviledges of the Ordinary Lords of Session.

Edinburgh, 22. of August, 1670.

FOrasmuch as at the first Institution of the Colledge of Justice, the Kings Majesty and Estates of Parliament, considering that the Lords of Session did represent His Majesties Person and Authority, in doing Justice to the Subjects; And in regard thereof and their daily attendance, did by an express Act of Parliament, exeeem them, and every one of them, from payment of all Taxes, Contributions, and other extraordinary charges in all time thereafter; which Priviledge and Immunity hath been fully ratified and approven in all succeeding Parliaments. Therefore, and in consideration that the pains and travels of the saids Lords have been since rather increased then diminished, His Majesty being willing, for their greater encouragement in the discharge of their Trust and Employment, their Priviledges be preserved entire, with advice and consent of the Estates of Parliament, Doth Ratifie and Approve their whole Priviledges and Immunities foresaid, granted by their first Institution, or any other subsequent Act of Parliament. And for their farther security, His Majesty, with consent foresaid, Statutes and Ordains, That the saids Ordinary Lords of Session shall bruik and enjoy their saids Priviledges and Immunities, from all butdens imposed, or to be imposed by this or any other Parliament in time coming, als fully as if they were particularly excepted out of the saids Acts.

IX.

ACT concerning High-ways.

Edinburgh, 22. of August, 1670.

OUR Sovereign Lord considering, that in the sixteenth Act of the last Session of Parliament, anent High-ways, the time appointed for working thereat is limited betwixt Seed-time and Harvest, whereas it will be much more convenient working at, and repairing several of the High-ways at other Seasons of the Year: Therefore His Majesty, with advice and consent of the Estates of Parliament, doth declare, that the respective Sheriffs and Justices to whom the Execution of the said Act is committed, may require all persons liable to work and repair the said High-ways, Bridges, and Ferries, to convene, the number of dayes they are liable, at any time or season they shall judge most convenient, Seed-time and Harvest being always excepted. And sicklike, where the Wayes ly at great distance from those who are liable to repair the same, that it shall be leifome to the saids Justices and Over-seers to dispence with those persons who live at such a distance, they paying six shillings yearly for ilk Man, and twelve shillings for ilk Horse which ought to have been employed in the said Work; which sums of money so to be payed in, shall be expended at sight of the said Sheriff and Justices, on Work-men to work in place of those who live at such distances, in manner foresaid.

X.

ACT Salvo jure cujuslibet.

Edinburgh, 22. of August, 1670.

OUR Sovereign Lord taking to consideration, that there be many Acts of Ratifications and others, past and made in this Session of Parliament, in favours of particular persons, without calling or hearing of such as may be thereby concerned and prejudged: Therefore, His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all such particular Acts and Acts of Ratification past in manner foresaid, shall not prejudice any third party of their lawful Rights, nor of their Actions and Defences competent thereupon, before the making of the said particular Acts and Acts of Ratifications; And that the Lords of Session and all other Judges within this Kingdom, shall be obliged to judge betwixt Parties, according to their several Rights standing in their persons before the making of the saids Acts: All which are hereby expoued, and Declared to have been made, *Salvo jure cujuslibet*.

XI.

ACT of Adjournment.

Edinburgh, 22. of August, 1670.

THE King's Majesty Declares this Parliament current, and Adjourns the same to the eleventh of May next to come; Ordaining all the Members of Parliament to attend that day, And that there be no new Election of Commissioners from Shires or Burroughs, except upon the death of some of the present Commissioners.

F I N I S.

A TABLE of the Printed ACTS.

1. ACT authorizing certain Commissioners of the Kingdom of Scotland, to Treat with the Commissioners of England, for the weel of both Kingdoms.
2. Act against such who shall refuse to depone against Delinquents.
3. Act for the raising a Supply of three hundred and sixty thousand pounds offered to His Majesty.
4. Act against invaders of Ministers.
5. Act against Conventicles.
6. Act against disorderly Baptisms.
7. Act against Separation and withdrawing from the Publick Meetings of Divine Worship.
8. Act ratifying the Priviledges of the Ordinary Lords of Session.
9. Act concerning High-ways.
10. Act Salvo jure cujuslibet.
11. Act of Adjournment.

F I N I S.

A L I S T

Of the Acts and Ratifications past in this second Session of His Majesties second Parliament, and which are not here printed.

- A** C T concerning Legal Executions to be used at the Towns of *Lander* and *Dunce*.
 Act in favours of the Duke and Dutchess of *Hamiltoun*.
 Act in favours of the Earl of *Errol* and his Cautioners, &c.
 Act in favours of the Countess of *Bramford* and Lady *Forrester*.
 Act in favours of the Earls of *Roxburg* and *Weymes*.
 Act in favours of the Town of *Anstruther*.
 Act uniting the Kirks of *Inchsture* and *Rosie*.
 Act for an Imposition for upholding the Bridge of *Dalkeith*.
 Act in favours of the Laird of *Ardrors*.
 Acts for some new Fairs and Mercats.
 Act for repairing the Kirks of *Dreghorn* and *Kilmars*.
 Act Ratifying the Taxt Roll of the Burroughs.
 Act in favours of *Thomas Rocheid* and *Thomas Rutherford*.
 Act for rectifying some Valuations.
 Act in favours of the Earl of *Caitness*.
 Protestation in favours of the Advocats and Writers, &c.
 Ratification of a Decreet Arbitral concerning the Stipend of the second Minister of *South-Leith*.
 Protestation be the Lord *Balmerinock* and Paroch of *South-Leith* against the same.
 Ratification in favours of *Robert Baird* of *Sauchtoun-hall*.
 Protestation the Wrights and Cowpers of the *Cannongate*.
 Ratification of the Right of the Colledge of *Old-Aberdeen*.
 Protestation the Lord *Gosford* and others against the Ratification to *Sir Andrew Fletcher*.
 Ratification to the City of *Edinburgh* of the late Imposition upon the Wine and Ale, &c.
 Ratification in favours of *John Wedderburn*, Fiar of *Blackness*.
 Ratification in favours of *Sir James Mercer*.
 Ratification in favours of *Patrick Lesly* of *Balquhine*.
 Ratification in favours of the Earl of *Wintoun*.
 Ratification in favours of General *Dabiel*.
 Ratification in favours of the Lord *Gosford*.
 Ratification in favours of *Alexander Monro*.
 Ratification in favours of the Lord *Saltoun*.
 Ratification in favours of the Town of *Kirkwall*.
 Ratification in favours of the Earl of *Eglintoun*.
 Ratification in favours of *John Cunninghame* of *Caldwel*.
 Ratification in favours of *James Cockburn* of that ilk.
 Ratification in favours of *Sir George Ogilvie* of *Barras*.
 Ratification in favours of *Sir Robert Nairn* of *Strathburd*.
 Ratification in favours of *Sir George Monro* of *Colrane*.
 Ratification in favours of the Chirurgions & Apothecaries of *Edinburgh*.
 Ratification in favours of *Sir Robert Sinclair* of *Longtormacus*.
 Ratification in favours of the Lord *Haltoun* and his Son.
 Ratification in favours of the Lord *Haltoun*.
 Ratification in favours of the Members of the Mint-house.
 Ratification in favours of *James Borthwick* of *Stow*.
 Ratification in favours of *Sir Colin Campbel* of *Aberurquhil*.
 Ratification in favours of *Henry McDougal* of *Meccairstoun*.
 Ratification in favours of *Robert Douglas* of *Bridsford*.
 Ratification in favours of *William Blair* of *Kinfauns*.
 Ratification in favours of *Colin Campbel* of *Monzie*.

F I N I S.

T H E
L A W S A N D A C T S

Past in the T H I R D

S E S S I O N

Of the S E C O N D

P A R L I A M E N T,

Of Our Most High and Dread Sovereign,

C H A R L E S
T H E S E C O N D.

By the Grace of GOD, King of Scotland, England, France and Ireland,
Defender of the Faith.

Begun at *Edinburgh*, from the 12. of *June*, to the 11. of *September*, 1672.

By his Grace, John Duke of *Lauderdale*, Marquess of *Marche*, Earl of *Lauderdale*,
Viscount Maitland, Lord *Thirlestane*, *Musselburgh* and *Bolton*, &c.
His MAJESTIES Commissioner, &c.

I.

ACT for Settling the Militia.

Edinburgh, the 25. of *June*, 1672.



HE Kings Majesty considering, that the Honour and Security of this His Ancient Kingdom are much concerned in the right ordering and settling of the Militia within the same: Which being a Service and Employment of so great Trust, His Majesty Resolves to take special notice thereof; and as He will give all due encouragements to those who shall be employed therein, so He will expect, and require from them an exact performance of the duties and services incumbent to them in their several stations. And therefore His Majesty, with advice and consent of His Estates of Parliament, Doth hereby Declare, Statute and Enact, That all such persons who shall be enrolled and admitted in this trust of the Militia, shall be entirely reserved for that employment; and during their service in it, shall be freed and exempt'd from all other Levies whatsoever. And that the persons employed may be suitable to, and qualified for such a trust, It is also hereby Statute and Ordained, That all the Officers in the Militia, be persons well affected to the Religion and Government of the Church, as it is now established by the Laws of this Kingdom: And that all the Officers and Souldiers, to Horse or Foot, shall, at the first Rendezvous of each Regiment or Troup, where they shall be present, Take the Oath of Allegiance, which is hereby Ordained to be administered unto them, by the chief Officer commanding upon the place. And if it shall happen any of them to refuse the same,

That they shall be presently seized on, and sent to the next publick prison, there to be kept, till, by order of His Majesties Privy Council, they be banished the Kingdom: And that these who outraiked them, do forthwith furnish others in their place.

And further, it is hereby Statute and Ordained, that all the Officers of the Militia do punctually attend their several Charges, and that none of them offer to desert or demit the same (but upon a just and reasonable cause, to be first offered to, and allowed by His Majesties Privy Council) under the pains following: *viz.* a Collonel of Foot, and Captain of Horse, two thousand merks; a Lieutenant-Collonel of Foot, and Lieutenant of Horse, one thousand, five hundred merks; a Major, or Captain of Foot, one thousand merks; a Lieutenant, or Ensign of Foot, or Cornet of Horse, five hundred merks. And that all Officers to be hereafter named, shall accept and attend their Charges; and if any of them shall refuse to accept, without a reasonable cause, to be first allowed as said is, they shall be also lyable to the respective Fines aforesaid. And in case any of the Officers already admitted, or who shall hereafter be admitted in this Service, shall neglect the same, and not give due attendance at the several diets of Rendezvous of the Regiments, Troups, and of the Companies, they shall be lyable to, and forfeit the Fynes following; a Major and Captain of Foot, and a Lieutenant and Cornet of Horse, fifty pounds in time of war, and twenty five pounds in time of peace; and the other inferior Officers, twenty four pounds in time of war, and twelve pounds in time of peace. And it is also hereby Declared, that all Fynes formerly imposed by Act of Parliament, for absence from Rendezvous, or deficiency in outreik of Horse or Men, or in cases of insufficiency of Horse or Armes, shall be doubled in time of war.

It is also hereby Ordained, that none be designed Horse-men or Foot-men of the Militia, but such as dwell and reside in the bounds within which they serve; and if any be already otherwise designed, that they be changed, and others accordingly put in their places: And that in time coming, no Leader change any Tennent, Cottar or Servant designed Horse-man or Foot-man in the Militia, so long as he continues on the Leaders ground, or in the bounds for which he serves, or shall be in the Leaders or Tennents service: And that the Tennent, Cottar or Servant listed in the Militia, shall not remove from his Masters ground, nor leave his service, until year and day expire; and then the removal is only to be at the term of Whitsunday, the Leader being always obliged, before his removal, to present to the Captain another sufficient man in his place, who shall continue in the service as aforesaid. And if any man listed in the Militia, shall desert the service, and withdraw to any other place without the bounds for which he serves; the persons who refer him, upon intimation thereof given by his Master, or the Captain of the Troup or Company, shall be holden to return him back within three dayes thereafter, and the person himself to be punished for his fault, at the discretion of the Captain and any two Commissioners of the Militia: And in case the Resfeter, being required, shall not return him, he is to be Fyned inane hundred merks *Scots* by any two Commissioners of the Militia, if he live within the Shire: and if he live in any other Shire, by the Sheriff, Magistrats of Burgh, or any other ordinar Magistrat on the place.

It is likewise hereby Ordained, that the Leader of every Horse is to furnish and uphold a sufficient Horse with his furniture for the space of seven years from this time; and that after the expyring of the seven years, these of the Fraction with him shall contribute for another Horse, at the rate of ten pounds *Sterling*, and that the Horse be provided to the value of that summe, and so after the expyring of each seven years thereafter *successive*: And that the Heretors of every Shire allow yearly forty eight pounds *Scots* to the Trumpetter who serves their Troup, and twelve pounds *Scots* to every Drummer who serveth their companies. And it is further Ordained, that besides the dayes of Rendezvous already appointed, and which are still to be observed in the time of Peace; Yet in the time of War, there are to be two Rendezvous yearly of the Regiments of Foot; at either of which, the Companies are to be kept together, and exercised for two dayes; as also, four dayes of Rendezvous for the several Companies. But in regard of the distance of the bounds, and other difficulties in drawing together the Regiment which is raised out of *Argyl*, *Bute* and *Dumbartan*, they are to have onely one general Rendezvous in the year, and two for the several Companies, who are to stay together two dayes at either of their Rendezvous.

And further, his Majesty, with advice and consent foresaid, Ratifies, Approves and Renewes all former Acts, Orders or Instructions past in Parliament, or by His Majesties Privy Council concerning the Militia; and Ordains them to be put to due execution, except in so far as any of them are innovate or altered by this present Act.

II.

ACT concerning Pupils and Minors, and their Tutors and Curators.

Edinburgb, 28. of June, 1672.

OUR SOVERAIGN LORD, Considering the great prejudice and inconvenience befalling to Pupils and others, who cannot provide for, or defend themselves, That their Tutors or Curators have immediate access to their Charter-chests, Writs, Evidents and Securities of their Lands, sums of money, and others belonging to them, which they may imbecil, suppress, or by collusion, give up to their Debtors or other parties interested, without just satisfaction; Or otherwise, having gotten satisfaction, there is no mean by which a Charge can be made up against the saids Tutors and Curators, but themselves, when they are brought to an account, make both their own Charge and Discharge; and in case of their decease, they who succeed to them, for the most part, can have no Charge made up against them at all. For remedie whereof, His Majesty, with advice and consent of His Estates of Parliament, Statutes, Ordains and Declares, that no Tutor or Curator of any Pupil, Minor, Idiot or furious person, to be named or designed in any time coming, or who is not actually stated and entered in the said office, shall have power or authority to exercise the said Office of Tutor or Curator, or to meddle with the Writs, Evidents, Means and Estate of the saids Pupils, Minors, Idiots or furious persons, until first an Inventar be made up, in manner after-specified, by the saids Tutors and Curators, with advice and consent of the nearest of kin on the Fathers side, and the nearest of kin on the Mothers side, who shall be Majors, and within the Kingdom for the time: Which Inventar shall be subscribed by the saids Tutors and Curators; and the saids nearest of kin; and one subscribed double thereof kept by the saids Tutors or Curators, another by the nearest of kin on the Fathers side, and the third by the nearest of kin on the Mothers side. All which subscribed Duplicats shall be judicially produced before the Judge ordinar of the place, where the Pupil, Minor, Idiot or furious person their chief residence is, and an Act made upon production thereof, bearing the production of the Inventar, and expressing the names of the persons subscribers thereof, and in whose custody the same were left; and that the Duplicats be also subscribed by the Clerk of Court, that they may not be altered thereafter. And in case the nearest of kin on both sides will not concur in making up the Inventar in manner foresaid, the saids Tutors and Curators shall raise summons at their instance, before the saids Judges ordinar *respective*, for summoning the nearest of kin that are majors, and within the Countrey, upon either side, for decerning them to concur in making up of the said Inventar in manner foresaid: And in case they compar not, or do not concur as said is, With certification, the said Inventar shall be made up by the said Tutor or Curator, with advice and consent of the Judge ordinar, or any whom he shall delegate or appoint, who shall subscribe three Duplicats of the said Inventar with the saids Tutors or Curators, whereupon a Judicial Act shall be made, and the Duplicats subscribed by the Clerk, in the same manner as if the nearest of kin had concurred; and a Duplicate thereof shall be kept by the saids Tutors and Curators, and the other two Duplicats shall remain in the Clerks hands, to be delivered to the nearest of kin on the Father and Mothers side, being closed up and sealed by the saids Tutors or Curators, and the person delegate for making the said Inventar as said is. Which Inventar shall contain the names and designations of the Lands belonging to the Pupils, Minors and others foresaid, and the Bands, Counts and Tickets due to them, and sums therein contained, and their Moveables, aswell Heirship-Moveable as other Moveables: And in case that thereafter any other Lands, Debts, sums of money or other Goods and Gear whatsoever belonging, or that may happen to belong to the saids Pupils, Minors, Idiots, or furious persons, shall come to the knowledge of the saids Tutors or Curators, so that they may attain to the possession thereof; In that case, and within the space of two Months after they attain to the possession of the same, They shall eeker the same to the foresaid Inventar, and make a judicial Act thereupon in the hands of the Clerk of Court where the principal Inventar was made, and shall leave two Duplicats of the said Eek or Eeks, one or moe, sealed as said is, in the hands of the said Clerk, for the use of the nearest of kin as said is. And it is hereby further Declared, that the Debtors of the Pupils, Minors, Idiots or furious persons, shall not be obliged to make payment to the Tutors or Curators of the saids persons, of any sums due by them, unless the said Tutor or Curator show to the saids Debtors, that the Sums or Goods demanded from them, are contained in the saids Inventars or Eeks subscribed by the saids nearest of kin, or by the Clerk of Court in maner *respective* foresaid. And it is hereby further Declared, that if the saids Tutors or Curators shall failzie in making up the saids Inventars and Eeks in manner above-written, They shall be lyable both for intromission and Omission, and shall have no allowance or defalcation of the charges and expenses wared out by them in the affairs of the saids Pupils, Minors, Idiots or furious persons: and shall be removable from their Office as suspect Tutors and Curators, if they fail in making up the Eeks from time to time in manner foresaid. It is always hereby Declared, that this Act shall nor be judged Pupils, Minors and other persons aforesaid, to charge their Tutors or Curators with what it can be made appear they have intromitted, or might have intromitted with, over and above what is contained in the Inventar. And further His Majesty, with advice and consent foresaid, Statutes and Ordains, That

all Gifts of Tutory, that shall be granted hereafter, by His Majesty or His Exchequer, shall proceed upon citation of the Minors nearest of kin on both sides, at the instance of the Cravers of the saids Gifts: That they may be heard, if they have any thing to say against the person to whom the Gift is to be granted; or, upon consent first obtained thereto, under the hands of the said nearest of kin. And Ordains, that the said Gifts shall bear expressly that the nearest of kin were cited, or consented to the passing of the said Gifts: Certifying all who shall procure Gifts of Tutory or Curatory forefaids, without citation or consent of the saids nearest of kin, or where the same is not expressly mentioned therein, That these Gifts shall be declared null and void, by way of exception or action, at the instance of any person who shall have obtained a Gift of the saids Tutory or Curatory, conform to the Tenor of this present Act.

III.

ACT discharging the importation of Irish Victual.

Edinburgh, 28. of June, 1672.

FRAS much as the importing of Victual, Horses and Cows from Ireland into this Kingdom, hath been, by divers publick Acts and Statutes, discharged, under great pains; And that, notwithstanding thereof, sundry persons, preferring their own privat interests to their obedience to the Law and good of the Kingdom, have adventured to import diverse quantities of Victual from Ireland, and have vented and sold the same in this Kingdom; whereby the sale of Corns, growing within the Kingdom, hath been stopped, and much money hath been unwarrantably carried out of the Kingdom. And His Majesty being resolved, for the good of this His Ancient Kingdom, to take an effectual course for preventing and restraining such courses for the time to come: Doth therefore, with advice and consent of the Estates of Parliament, Statute and Ordain, that all Heretors, Wod-seuters and Life-renters within the Shire of Lanerk below Glasgow, and in the Shires of Air, Renfrew, Wigton, Dumbartan, Bute, Argyll, and Stewarrie of Kirkcudbright, having Land on the Sea-coasts; and the Magistrates of the Burghs of Glasgow, Dumfries, Kirkcudbright, Renfrew, Dumbartan, Irving, Air, Stranrawer, Rosfa and Inverary, give Bonds, that they, their Tennents, or any dwelling on their Lands, or Inhabitants within the saids Burghs, shall not import or resell any sort of Victual from Ireland, under the pain of twelve hundred pounds Scots, *toties quoties*. And if any of that Victual shall happen to be Livered within their bounds, by persons not living within the same, That they also detain and seise the Victual, Vessel and persons therein, if they can be apprehended, under the same pain. And if the Importers make any forcible resistance, It is hereby Declared, that the Seisers, and these who shall assist them, shall be free of all skaith or prejudice may fall out thereupon: And that they give timeous notice thereof to the Lords of His Majesties Privy Council or Exchequer, who are hereby empowered to punish the Importers, by fynyng or imprisonment, or both, as they shall think fit. And for the Vessels and Goods, whether imported by Natives or Strangers, They are hereby Declared to be confiscat; two parts thereof to His Majesties use, and the third part to the Seifer, whether he be Heretor of the Lands where the Importation happeneth, or not. And in case any Heretors or Magistrates shall suffer any Victual to be imported, and shall not seise and certifie, as said is, and that any other person shall inform thereof, and verifie the same; This Informer is to have the third of the Goods, if they shall be apprehended, and also the third of the fine imposed upon the Heritors or Magistrates failzeing as saidis. Likas His Majesty, with advice foresaid, doth Authorize the Lords of His Majesties Privy Council to appoint fit persons to receive the Subscriptions of the Heretors, Magistrates & others foresaid, within the bounds above-written, to the Bond hereunto subjoined. And if any of them shall refuse to sign the Bond, they are, for such refusal, Declared to incur the pain and penalty of Two hundred pounds Sterling, and imprisonment during the Councils pleasure: Besides that, they shall be lyable to the same pains as if they had subscribed the Bond. And for the encouragement and relief of such Heretors and Magistrates, as shall give Bond as said is, It is appointed, that if any Victual so imported, shall happen to be resell in any of the saids Shires or Burghs, the Reseller shall be lyable to relieve the Heretor or Burgh in whose bounds the Victual was Livered, of the Fyne they incurred thereby: As also, that their Tennents and Inhabitants shall also subscribe the same. And in case of their refusal, their Tacks of their Rooms, if they have any, are declared void, and they, and all such other Tennents or Inhabitants, as have no Tacks, are to be removed from their Possessions and Dwellings, by sentence of any Judge ordinar, before whom the refusal shall be proven; Besides that, they shall be lyable as if they had subscribed the Bond, and their persons to be imprisoned during the pleasure of his Majesties Privy Council, who are also hereby warranted to give Commissions & allowances to fit persons to seise any of the saids Vessels that shall be Water-born within the Waters, betwixt the Head of Kintyre and Lochryan, or within the Western Isles, or any Port, Loch, Creek or River from Lochryan to Dumfries: As also, to allow importation of Victual for such time as they shall think fit, the price of Victual, within the Kingdom for the time, being at eight pounds the Boll of Beir and Meil, and ten pounds Wheat, or above. And last, His Majesty Ratifies and Renews all former Laws, and Acts, and Proclamations of Council made against importing of Victual as said is: And Ordains them to be put to Execution, except in so far as they are altered by this Act; And Ordains Letters of Horning to passe hereupon, in form as effects.

The Tenor of the Bond above-mentioned.

in obedience of, and conform to, the Act of Parliament against Importation of Victual from Ireland, Do hereby bind and oblige me, that I, nor my Tements, nor any other Person dwelling upon any Lands belonging to me, shall not import nor resset any Victual from Ireland. And if any Victual, so imported, shall be Livered in any Bounds belonging to me, by any Person not living within my bounds, I oblige me to seise and detain the Victual, Goods, Vessels and Persons therein, if they can be apprehended: And to give speedy notice thereof to His Majesties Council or Exchequer, under the pain of Twelve hundred pounds, as oft as I or they shall failzie in any of the premises; To be payed to *And for the more security, &c.*

The like Bond to be given by the Magistrates of the Burrows above-mentioned for their Inhabitants.

I V.

ACT for raising of a New Supply of Eight Hundred and Sixty Four Thousand Pounds Scots, Offered to His Majesty.

Edinburgh, 5. of July, 1672.

THE Estates of Parliament being sensible of the great Obligations lying on them to imbrace every Occasion whereby they may renew the Expressions of their Duty, Loyalty and Gratitude to His Majesty, for the many and constant Proofs they have had of His Affection to, and Care of, the Concerns of this His Ancient Kingdom; And considering that His Majesty is now engaged in a most Just and Necessary War against the States General of the United Provinces, They conceive themselves obliged to take such courses, and provide such remedies, as may evidence the sense and resentments this Kingdom hath of His Majesties Honour and Interests, as well as what may concern their own security, against all Accidents which either from without or within the Kingdom may fall out upon this occasion: And therefore They do hereby Declare, that, as the Kingdom of Scotland will cheerfully hazard their lives and fortunes in this or any other cause wherein His Majesties Safety, Honour or Interests may be concern'd; So, in order thereunto, They have so settled the Militia, as the Forces of the Kingdom may be in readines, when ever His Majesty shall be pleased for those ends to make use of them. And conceiving it necessary, for the rendering of this Humble Tender of their Duty the more effectual for His Majesties Service, That His Majesty be provided with a stock of money toward the encouragement and maintenance of the Forces of the Kingdom, and such other necessary occasions as concern His Majesties Honour, or the publick Peace: They do therefore, with all humble Duty and Cheerfulness, for Themselves, and in name of this Kingdome which They represent, Make offer to His Majesty of a new Supply of Eight hundred, sixty four thousand pounds Scots, to be payed and raised out of the Land-rent of the Kingdom, according to the present Valuations, in the same manner, and conform to the proportions contained in the Act of the Convention of Estates, for raising of the Supply granted to His Majesty in the Year, One thousand, six hundred, sixty seven, and to be payed in four parts at the Terms following, each fourth part answering to three Moneths Cefs; *viz.* Two hundred, and sixteen thousand pounds, as being one fourth part thereof, and answering to three Moneths Cefs, to be payed at the Term of *Lambas* next to come in this present Year, One thousand, six hundred, seventy two: Another Two hundred, and sixteen thousand pounds, at the Term of *Candlemas*, One thousand, six hundred, seventy three; And the third Two hundred, and sixteen thousand pounds, at the Term of *Lambas*, One thousand, six hundred, seventy three; And the fourth and last Two hundred, and sixteen thousand pounds, to be payed at the Term of *Candlemas*, One thousand, six hundred, seventy four. Likeas the Kings Majesty, with advice and consent of His Estates of Parliament, Doth hereby Ordain the foresaid summe of Eight hundred, sixty four thousand pounds Scots to be raised and payed at the Terms of payment particularly above-mentioned: And that the Commissioners for the Valuations take care, and be answerable, that the same be accordingly raised and payed in to such as shall be warranted by His Majesty to receive the same; And that all manner of diligence and execution contained in the foresaid Act of Convention, One thousand, six hundred, sixty seven, be made use of for raising of this Supply above-mentioned, at the several Terms of payment thereof, as fully as if the same were expressly repeated in this Act. And as His Majesty with Advice foresaid, Ordains that exactness, diligence and execution be used for the speedy bringing in of this Supply as aforesaid; So, for the encouragement of such as shall make due payment, as said is, It is also hereby Declared, That no person liable in any part of this Supply, shall be holden to produce their Discharges or Receipts of the same after the second of *February*, in the Year One thousand, six hundred, and eighty one. And farther, the Kings Majesty, considering that the whole burden of this Supply lieth upon the Land-rent; And conceiving it

just, that the personal estates of money should bear some proportion of the Burden, toward the relief of the Land-rent: Doth therefore, with Advice and Consent foresaid, Statute and Ordain, That every Debitor owing money within this Kingdom, shall, for the space of one year, from the Term of Merri-mess, One thousand, six hundred, seventy two, to the term of Merri-mess, One thousand, six hundred, seventy three, in the payment of their Annual-rents for that Year, have retention in their own hands of one sixth part thereof, at the payment of the other five parts of the saids Annual-rents due for that Year as said is.

V.

A C T concerning the Priviledges of Burghs Royal.

Edinburgh, 10. of July, 1672.

OUR SOVERAIGN LORD, taking into His serious Consideration, how necessar it is, for the Wealth and Welfare of this His ancient Kingdom, that Trade & Commerce be encouraged, both for the Export of the growth and Manufacturie of the Kingdom, and for the Import of Foreign Commodities, requisite for the use and satisfaction of His People; And for that effect, that the Priviledges of the Royal Burrows granted by His Majesty and His Royal Predecessors, may be established, and cleared from the many Controversies and Debates that have been thereanent, to the great disquiet and expences; both of the Royal Burrows themselves, and other Incorporations and People of the Kingdom: Which Controversies have arisen concerning the extent of the Priviledges of the Royal Burrows; and how far the Ratifications thereof granted by His Majesty and His Royal Predecessors; and the Estates of Parliament, have been derogate and abrogate by contrair Custom, Or by Infements and Priviledges granted by His Majesty, and His Royal Progenitors; and specially the 24. Act of the Parliament, holden by His Majestie, and His ot happy Memory, in the Year of God, 1633. entitled, *Ratification of the Priviledges of the Royal Burrows*, whereby all exportation of any Merchandice is prohibited to any persons bur the Burgeses of Royal Burrows, their Factors or Servants; and all Persons, dwelling out of Burrows, are prohibited to use any Merchandice, or to buy Wine, Wax, Silks, Spicery, Wald or sicklike Stuffs; nor that none Pack nor Peil without the Kings Burrows, under pain of Escheat of the Goods that should be topped, sold, packed or peiled contrair to that Statute: And giving power to the saids Royal Burrows, or their Commissioners, to search un-free-mens Goods, intromet therewith as Escheat, either within the Countrey or any other part. Which Priviledges so extended, were never in use, and are higly prejudicial to the common interest and good of the Kingdom, and are by the said Statute, extended far beyond the ancient Priviledges of Burrows, repeated and confirmed therein; applying the priviledges granted to Burrows generally to Royal Burrows only, to the prejudice of the Burghs of Regalities and Barrony, and extending of the sale of Imported Commodities which could only be understood of whole sale, to the topping and retailing of the saids Commodities. And on the other part, the just priviledges of the Royal Burrows have been encroached upon by others, not only by exporting, but by importing of Staple-Commodities, without bearing burden with the saids Royal Burrows in the publick Taxations and Aids granted to His Majesty. For remeed whereof, His Majesty, with advice and consent of His Estates of Parliament, Statutes and Ordains, that it is, and shall be the priviledge of Free-men of Royal Burrows, and no other Incorporation or person within this Kingdom, to buy or sell, in great or whole sale, Wine, Wax, Silks, Spiceries, Wald, and other Materials for Dying; And that no other Incorporation or person within this Kingdom, shall have power to import or export the same, or to import any other Commodities, except such as are allowed to them by this present Act: But prejudice to Noble-men, Prelates, Barones and others, of their priviledge of importing any of the saids Goods, for the proper use of themselves and theit families allanerly. Likeas, His Majesty, with consent foresaid, Doth hereby Enact and Declare, that it shall be leifom to any of His Majesties good Subjects, or any person that shall buy from them, to export forth of this Kingdom, by Sea or Land, all maner of Corns that are of the Growth of the Kingdom, all manner of Cattel, Nolt, Sheep, Horfe, Coal, Salt, and Wool, Skins, Hydies, and all other Native Commodities of the Kingdom: And that it shall be leifom to the Burghs of Regality and Barony, by any of their Burgeses or Members of Society, to export all their own proper Manufacturie, or such Goods as shall be bought by them in Fairs or Markets. And that it shall be leifom to the saids Burghs of Regality or Barony, or Societies erected or to be erected for Manufacturies, and all others exporting the Native Growth of the Kingdom as aforesaid, to import, in return of the saids Goods exported, or of the Fraught and Hire of the Ships, the Goods and Commodities following; *viz.* Timber, Iron, Tar, Soap, Lint, Lint-seed, Hemp, Onions, or other necessars, for Tillage or building, or for the use of their foresaid Manufacturie: And als, to top and retail all Commodities whatsoever. Likeas, His Majesty, with consent of the said Estates, Statutes and Ordains, That, if any man, not being free-man in the Royal Burrows, shall be found to have in His possession any Goods or Commodities to be bought or sold, exported or imported by him, contrait to this present Statute,

Statute, and the Privilege of the Royal Burrows granted thereby; The said whole Goods shall be escheat, the one half to His Majesty, and the other half to the Burgh-apprehender: And that, if the said Goods be apprehended within any of the saids Royal Burrows, or the Sub-urbs or Appendices belonging to them, or within their Ports or Harbors; The same may be summarily seised and secured, as Goods elsewhere in manner foresaid. But if the saids Goods, competent only to Free-men of Royal Burrows, shall be found, or alleadged to be found, elsewhere; They shall only be arrested and pursued to be declared Escheat, to be divided in manner above-written, before any competent Judicator, as accords of the Law: And that, upon pretence thereof, the Magistrates of Burghs, or others by Commission from them, or any of their Inhabitants, shall not search or seise upon any Goods, or any way trouble or molest His Majesties good Subjects, living without the bounds of their saids Burghs or Sub-urbs, summarily and by way of fact, but only by Legal Process according to Law, upon the pretence of any Privilege, Custom or Usage whatsoever, unless the Persons be deprehended in the present and actual transgression of the Privileges of the Royal Burrows above-written, and that within the bounds of the saids Burghs, Sub-urbs and Ports thereof; Under the pain of being proceeded against as Committers of Riot, and Disturbers of His Majesties Peace. Likeas, His Majesty, with consent foresaid, Cassis, Annuls and Rescinds all Acts of Parliament and Ratiications, in swa far as they are contrair to this present Statute: And Ordains Letters of Horning to be Direct summarly at the instance of all Royal Burrows, against all and whatsoever Persons who have transgressed, or shall transgress the foresaid Privileges; as the same are Established and Declared by this present Act.

V I.

ACT discharging second Summonds, &c.

Edinburgh, 10. of July, 1672.

As much as the former Practise and Custome, that Process and Summonds before the Lords of Session, for the most part, should be continued, has been the occasion of delay of Justice, and of great trouble and charges to His Majesties Leiges: By reason, that when the Parties, at least the Defenders, did live at a great distance from the said Judicatory, after the Pursuer had raised the first Summonds, and had sent, and caused execute the same in remote places of the Kingdom: They were forced to return the same to be continued, and, upon an Act of continuation, to raise other Summonds, and to send the same again to the Countray, and to cause execute the same in remote places of the Kingdom, for the most part by Messengers employed and sent there of purpose; And to return the same before there could be any Process in the Cause foresaid. And even when Parties had their residence near the said Judicatory, and the Pursuers were concerned, and desirous, to insist with all possible diligence; and to that purpose had raised Summonds; Yet, if the Vacation-time did intervene, (during which their Summonds could not be continued) their Processes could not be in readines against the next ensuing Session; so that they were postponed by the space of diverse months, to their great prejudice. And Our Sovereign Lord, being tender, and equally careful of the Interest of His Subjects, both Pursuers and Defenders; And that a remedy may be provided for preventing the said inconvenients and prejudice to the Pursuers: and yet such a one, as the Defenders be not prejudged: Therefore, His Majesty, with advice and consent of His Estates of Parliament, Doth Statute and Ordain, that, in all Causes and Processes that shall be intended hereafter before the Lords of Session, of whatsoever nature the same be; and albeit formerly the Summonds were in use, and ought to have been continued: Yet, the Pursuer shall not be obliged to cause continue their Summonds, and to take out Acts of Continuation, and to cause raise and execute Letters and second Summonds thereupon, any Law, Custome, Statute or Act of *Sederunt* to the contrary notwithstanding, which is hereby Repealed. And because by the Law and Custome formerly observed in the Causes foresaid, being oft-times of great importance, a Decree could not be obtained summarly upon a single Citation; which may be, and sometimes was industriously, and of purpose, so conveyed and concealed, that it could not come to the Defenders knowledge: And upon the considerations foresaid, after that the Defenders were cited by the first Summonds, they behaved again to be cited, and in some cases, nor by Sheriffs in that part; but by Messengers at Arms, and with, and under other and higher certifications then were contained in the first Summonds. And seeing it is just, and it is His Majesties inrention that they should not be prejudged of the benefit and means foresaid, whereby they may be the better certiorate, and have time, to deliberate, and prepare themselves for their defence: It is therefore Ordained by His Majesty, with consent foresaid, That all Summonds before the Lords of Session, which before were in use, and ought to have been continued, shall contain two several Warrants for citing the Defenders at two several times, and to two distinct diets and dayes of Compearance; And that the saids Summonds be directed to Sheriffs in that part, and Messengers *respective*; and that, by the first Warrant to be insert in the said Summonds, such persons, as might, and were in use, to have executed the first Summonds, be warranted to give the first citation upon the same time, and with the same certifications as formerly were

were and ought to have been in citations upon the first Summons: And by the second Warrant, Messengers at Arms, or such other persons as formerly were and ought to have been employed to execute Letters or second summons, when they were apart, and upon Acts of Continuation; shall be warranted, and commanded to give the second Citation, after the passing and elapsing of all the time contained in the Warrant for the first Citation: And the said second Citation shall be upon the same time, and with the same certifications that were usual in second Summons, and in the Acts wherupon the same proceeded, according to the several styles, conception and nature thereof *respective*. And it is Declared, That upon all Summons against Parties, either within or without the Country, containing the said Warrant for two Citations, being executed as said is, and no otherwise; Process shall be granted in all causes which before did abide Continuation, in the same manner, and with the same effects, to all intents and purposes, as were granted upon Summons, Acts of Continuation and Letters: And in all other Processes and causes, which did not require Continuation, It is Declared, that the Summons shall be libelled, and Process shall be granted thereupon as before, and in the same manner, without any change or alteration. And it is further Statute and Ordained, that in time coming, all Executions of Summons shall bear expressly the names and designations of the Parties pursuers and Defenders: And that it shall not be sufficient that the same do relate generally to the Summons, otherwise the Execution shall not be sustained.

VII.

A C T concerning Writs passing the Great and Privy Seals.

Edinburgh, 12. of July, 1672.

THE Kings Majesty, considering how much His own Service and the Interests of His Subjects is prejudged, by the neglect of Registrating these Charters, Infeftments, Gifts, Commissions and other Writs, which do pass, and are written to, the Great and Privy Seals; Doth, for remedying and preventing of this evil for the time to come, with advice of His Estates of Parliament, Statute and Ordain, that all Charters, Infeftments, Commissions, Gifts and other Writs which hereafter shall pass under the Great and Privy Seals, shall be registrat in the Registers of the great and privy Seals, *respective*, before the Seall be appended to them: And the Writers to these Seals, who keep the Registers thereof, are hereby Ordained to Registrat every Writ passing their Office, and, by their subscription, to mark the same on the back thereof, to be written and Registrat by them, before they give them out to be sealed; and that they make and keep a perfect Minut-book, containing the Names, Surnames and Designations of the persons in whose favours the Charters and other Writs are granted, with the Names of the Lands and special matters therein contained: And the keepers of these Seals are hereby Discharged to append the Seals to any writs which are not so marked and attested to be Registrat, as they will be answerable. And his Majesty futher considering, that the Writing of Precepts of Seasing, to pass under the Quarter Seal, is a great and unnecessary trouble to His Subjects, and may be aswell, and with less trouble supplied, if the Precept of Seasing were insert in the Charter; Doth therefore, with advice foresaid, Suppress, and for ever Discharge, the passing or writing of any precepts of Seasing to, or under the Quarter Seal: And Ordains, that, in lieu thereof, every Charter shall, towards the end, contain a Precept of Seasing of all the Lands and others contained therein; which shall be als sufficient for taking of Seasing, as if the same were past under the Quarter Seal as said is. Likeas, His Majesty, understanding the great trouble and inconveniencies occasioned by the Writing of long Chartets and other Writs, which pass the Seals afore said, in one broad parchment, of so great length and largeness, that they can hardly be read: Doth, for remed thereof, with advice foresaid, Statute and Ordain, that it shall be free to any person, who hath any Charter or Writ to be written for the Great or Privy Seals, to choise whether to have the same written in a broad skin of parchment as formerly, or to have them written by way of a book in leaves of parchment, about the breadth of an ordinary sheet of paper; and accordingly, the Writers to the Great and Privy Seals, are hereby Ordained to write and exped the same: And, if they shall be written in the way of a book, that each page be signed and marked by them as said is. Which being done, the respective Seals are to be appended thereto in manner following, *viz.* To such as shall be written on a skin of parchment in the ordinaty way, That the Seals be appended as formerly: And to these which shall be written in the book-way, that the Seals shall be appended upon a Tye or Band, which is to go thorow all the leaves in the Margine. And that for doing hereof, this shall be a sufficient warrand to all persons concerned.

VIII.

ACT concerning Arrestments used within Burghs.

Edinburgh, 12. of July, 1672.

OUR SOVERAIGN LORD considering, that the Burrows Royal have been in use to arrest Strangers, who live without their respective Burghs, for all Debts due by them to any of the Inhabitants Burgesies of the said Royal Burrows, any maner of way, without distinction; Do daily force them to find Caution to compear before the Town-Courts, or otherwise go to Prison, to the great hurt and prejudice of the Leiges, who being Strangers, and not able to find Caution within Burgh, are oftentimes summarly incarcerated, without any just cause, to their great damage, expences, and disgrace. For remeid whereof, His Majesty, with advice and consent of His Estates of Parliament, Statutes and Ordains, that, in time coming, no Burgesse nor other Inhabitant of any Royal Burgh shall have power, or be permitted, to arrest any of His Majesties Subjects of this Kingdom, who live ourwith the Burgh, or force them to find Caution, or imprison them as said is, for any debt whatsoever; Except allanerly for Horfe-meat or Mans-meat, Abuilzements or other Merchandice due by Strangers to Burgesies: For which they have no other security but their own Compt-books; and for which the said priviledge of Arrestment shall only be competent to the Merchant, Inn-keeper or Stabler *respective* from whom the samin was gotten, and to whom it was originally addebted: So that, in case the samin be assigned to any other Burges, the Assignee shall nor have the benefit of that Priviledge. And siklike, if Strangers have given Band or other security, for the Mans meat, Horfe-meat, Abuilzements or other Merchandice, the Merchant, Inn-keeper or Stabler *respective* shall not have the benefit of the foresaid Priviledge; but shall beleft to pursue for their respective Debts before the Judge Ordinar as accords. And in regard that Burghs of Regality and Barrony do assume the same Priviledge; Therefore His Majesty, with advice foresaid, Inhibits & Discharges the Magistrates of these Burghs to Arrest or Incarcerat any persons who are not Burgesies Inhabitants in their Burgh, for any maner of Debt: And it is hereby Declared, That, if any Magistrate of any Burgh shall presume to do in the contrair hereof. They shall be punished for wrongous Imprisonment of His Majesties Leiges.

IX.

ACT against Unlawful Ordinations.

Edinburgh, 24. of July, 1672.

OUR SOVERAIGN LORD considering, that the true and regular way of Ordination to the holy Calling and Employment of the Ministry is of great and necessary importance, to the Constitution, Peace and Unity of this Church, and for preserving the Reverence and Interest of the Reformed Religion professed in it; and for the preventing of the growth of scandalous Schism and Confusion arising from various and different Ordinations: Doth therefore, with advice and consent of His Estates of Parliament, Statute and Ordain, that no person or persons whatsoever presume to appoint or Ordain any person to the Office and Work of the Ministry, except these who have Authority approved by the Laws of the Kingdom for that effect; and that no person take Ordination from any, but such as are thus Lawfully Authorized to give the same: Declaring hereby, all pretended Ordinations of any persons, since the Year, 1661. which have not been, or hereafter shall not be, according to the Appointment of the Law, to be null and invalid; And all persons who, since the said Year, have received pretended Ordination, or shall receive the same any other maner of way then as is settled by Law, to be no Ministers. And His Majesty, with advice foresaid, Statutes and Ordains, that both the pretended Ordainers, and these who shall pretend to have received Ordination, be seised upon by the Sheriff or other ordinar Magistrat of the place, and committed to Prison, until they be dilated to the Lords of the Privy Council; who are hereby Authorized and Ordained after tryal, and finding the saids persons guilty, to sentence them by Confiscation of all their moveable Goods, and banishing them, and to cause them find Caution not to returne to His Majesties Dominions. And in case they shall refuse to find Caution, or being banished, shall afterwards return to this Kingdom, that they shall suffer perpetual imprisonment, and not to be released, except by a Warrant under His Majesties own hand. And farther, it is hereby Statute & Declared, that whosoever shall be married within this Kingdom by the foresaid persons, or by any other person not lawfully Authorized, They shall amit and lose any right or interest they may have by that Marriage, *jure Mariti vel jure Relictæ*, and that by and attour the pains and penalties provided by the Act of Parliament in Anno 1661. against disorderly and clandestine Marriages: Which Act is hereby Ratified and Renewed.

X.

A C T. concerning Apparel.

Edinburgh, 26. of July, 1672.

OUR SOVERAIGN LORD considering the great prejudice, which this Kingdom doth sustain by the sumptuousness and prodigality which all sorts of persons use in their Apparel, without regard to, or distinction of, their several degrees and qualities; considerable summes of money being, upon that occasion, unnecessarily exported out of the Kingdom, and the Native Commodities and Manufactories thereof being thereby neglected, and not improved for the use and advantage of the Inhabitants: For remedie whereof, His Majesty, with advice and consent of His Estates of Parliament, Statutes and Ordains, that none of His Majesties Subjects of this Kingdom, of whatsoever degree, condition or quality, shall, after the first day of June, one thousand, six hundred, threescore thirteen Years, wear any Cloths or Apparel wherein there is any Gold or Silver; or wear any Gold or Silver Laces of whatsoever kind, Buttons, Ribbands, Tracings, Fringes, or Louping made of Gold or Silver; or have any Imbroiding of Gold or Silver upon their Apparel, Sword-belts or any other manner of way: Excepting alwayes Butrons, Buckles and Hilts of Swords of Gold-smith-work, which the Priviledged Persons after-exprest are allowed to wear, and no others: And that none wear any Flowred Stuffs, Stripped stuffs, or Brocado's of Silk, or have any Silk-lace, Gimp lace, or any other kind of Lace or Imbroiding of Silk upon their wearing Cloathes: And that no person presume to import into this Kingdom, or make, or sell therein any of the Commodities above-exprest after the date hereof; Certifying such as shall contraveen, that they shall be lyaible in the pains following, *viz.* The Importer, Maker and Seller, shall be fyned in One thousand pounds *Scots*, by and attour the Confiscation of the Goods so imported, made or sold: And the Wearer thereof in five hundred merks *Scots*, *toties quoties*, by and attour the Confiscation of the Cloathes. And it is hereby Declared, that the Importer of such prohibited Goods shall not have Action, for the price thereof, against the Merchant, for whose use the same were imported; Nor the seller thereof against the Buyer, albeit Bands be given for the same, if it can be made appear that the Bands were given for that cause: Excepting alwayes from this present Act, Comedians, as to the Cloathes which they make use of upon the Stage; Heraulds, as to their Coats, and His Majesties Trumpeters; And also excepting Pages and Lacqueys of the Priviledged Persons after-named, as to silk-laces and Pasments allanerly, which they are hereby allowed to wear upon their Livery-cloathes. And His Majesty, with advice foresaid, Doth Statute and Ordaine, that none of His Subjects shall, after the first of June next, wear any Cloathing or Apparel of Velvet, Sattin or other stuffs of Silk, or wear any Beaver-hats, under the pain of five hundred merks, to be payed by the contraveener, *toties quoties*: Except Noble men, Prelates, His Majesties Counsellors, Lords of Session, and such Barrons, Knights, or Gentle-men, who have of yearly valued Rent Two thousand pound; *Scots* money; And the Provosts of the principal Burrows within this Kingdom; Or these that have been Provosts, and such also as shall be for the time, or have been Provosts, Baillies, Dean of Gild or Theasurer within the Town of *Edinburgh*: Excepting also Rectors of Universities, and the Wives of the saids Priviledged Persons, their eldest Sons, and eldest Daughters unmarried, and all the Children of Noble-men; And that none wear any Ribbands or Louping of Silk upon their Apparel, or any white Lace, or Point made of Threed, under the pain of Five hundred merks *Scots* *toties quoties*; Excepting the Priviledged Persons aforesaid, who are hereby allowed to wear plain Taffety-ribbands upon their Apparel, and to wear white Lace or Point made of Threed upon their Linnings only. And all persons whatsoever are hereby prohibited to wear Feathers, except Souldiers, under the pain aforesaid: But prejudice alwayes to all ranks of persons (except those of the Yeomanry) to wear plain Taffety-ribbands upon such parts of their Apparel where they may have occasion of the same for Tyes; and to Women to wear Hoods and Skarfs of Taffety: And but prejudice to domestick servants to wear their Masters or Mistresses old Cloathes, allowed to them by this Act. And for the better effectuating hereof, His Majesty, with advice foresaid, Ordains all Collectors of Assessment and Excise, and their Sub-Collectors, Farmors and Collectors of Customes, and Waiters in Burgh or Land, at every Term to give up, upon Oath, to the Commissioners of Excise in the several Shires and Burghs, and to the General Collectors of the Customes and Excise, Lists of all those whom they have seen and observed to transgress this Act: And it is hereby Declared, that the one half of the penalties aforesaid shall belong to themselves, and the other half shall be collected by them for His Majesties use; Tryal being first taken, and the persons found guilty, by the Commissioners of Assessment or Excise, Justices of Peace, or other ordinary Magistrate of the place: And such Contraveeners as they shall not give information of, that the one half of their Fynes shall belong to any other person who shall discover them. And in case the said Collectors of Assessment and Excise, Farmors and Collectors of Customes, or Waiters, shall failzie to give up the said Lists as aforesaid, They shall thereby lose their places; and be incapable of that Service for ever. It is alwayes provided, that no persons contraveening this Act, shall be liable to the saids penalties, unless their names be given up within the space of three months after their incurring thereof: But prejudice alwayes to any other person, who shall discover the Contraveeners in manner foresaid,

foresaid, of the one half of the penalties, whensoever they shall discover them. Likeas, the Commissioners of His Majesties Justiciary are hereby required to give Order, at their Circuit Courts, to take up Dittays against the Transgressors of this Act; and to proceed against them, by fyning them in the summes above-mentioned, and to exact the same. Likeas, His Majesty, with advice foresaid, Doth hereby Authorize and Impower the Lords of His Privy Council to take such further courses, for making this Act effectual, as They shall think fit.

X I.

ACT against such who do not Baptize their Children.

Edinburgh, 16. of August, 1672.

THe Kings Majesty, considering that diverse disaffected persons in this Kingdom, being unwilling to have their Children Baptized in an orderly way, do either delay to Baptize them, or pretend that they are not Baptized; thinking thereby to escape the punishment, which by former Acts of Parliament, is appointed to be inflicted upon such as are guilty of disorderly Baptizing: Doth therefore, with advice and consent of His Estates in Parliament, Statute and Declare, that such Parents, who shall hereafter keep their Children un-baptized for the space of thirty dayes together, or shall not produce a Testificat under the hand of the Minister of the Parish, bearing that the Children were Baptized within the said space, shall incurre, and be lyaable to, the pains and penalties following; *viz.* Every Herctor, Life-renter, or proper Wood-ferter, shall be fyned in a fourth part of his valued yearly Rent; Every person, above the degree of a Tennent, having a personal, but no Real Estate, in One hundred pounds *Scots*; Every considerable Merchant, in an hundred pounds; Every inferior Merchant, or considerable Tradesman, and every Tennent labouring Land, in fifty pounds; Every meaner Burgels, Tradesman, Inhabitant within Burgh, and every Cottar, in twenty pounds *Scots*; and every Servant in half a years Fee. And it is hereby Declared, that, where Kirks are Vacant, the Parents shall, within the said space of thirty dayes, be obliged to go to the next adjacent Parish Kirk which is Planted, and obtain their Children Baptized there, under the foresaid penalties. And His Majesty, with advice foresaid, Requires the Sheriffs, Stewarts, Lords of Regalities, and their Deputs, and Magistrates of Burghs Royal, within their respective bounds, to put this Act in execution, by calling before them, and judging the Contraveeners, and uplifting the Fynes above-mentioned: And for their encouragement, They are hereby allowed to retain the Fynes of all the saids persons for their own use; except these of Heritors, for which they are to be comptable to the Commissioners of His Majesties Thesaurary.

X; I I.

ACT for an Anniversary Thanksgiving.

Edinburgh, 21. of August, 1672.

THe Estates of Parliament, considering the great Blessing of Almighty GOD, in restoring His Majesty to the Throns of His Royal Ancestors; and thereby liberating these Kingdoms from the thraldom and bondage under which they did so long groan; In acknowledgment of Their Thankfulness to GOD, and of Their Duty and Loyalty to His Majesty, and that the memory of so great a Mercy may never fall in oblivion or neglect: Do humbly offer to His Majesty, that the Anniversary Solemnity be yearly and perpetually kept by all the People of this Kingdom, upon the 29. of *May*, being the Day of His Majesties Birth and Restauration. Therefore His Majesty, with consent of the Estates of Parliament, Statutes and Ordains, that the Anniversary Solemnity, for His Majesties happy Birth and Restauration, shall, in all time coming, be kept upon the 29. day of *May* yearly; and that ringing of Bells, throughout the whole Kingdom, and other Evidenees of Joy, be observed the said whole Day, with Benefices at night; And that all Ministers within the Kingdom shall Preach yearly upon the said 29. of *May*, that they, with the People, may give thanks to GOD Almighty, for His so signal Goodness to these Kingdoms. Certifying, that whosoever shall fail in observing this present Act, they shall be fyned, and otherwise punished, by His Majesties Privy Council, and other Judges ordinar, according to their condition and estate. And His Majesty, with advice foresaid, Declares, that this present Act shall be the Rule and Warrant for the said Anniversary, in all time coming.

ACT

XIII.

ACT for the Ann due to the Executors of Bishops and Ministers.

Edinburgh, 23. of August, 1672.

THe Kings Majesty, judging it necessary, for the good of the Church, that such a stated and equal course be taken for clearing and securing the Ann due to the Executors of deceased Bishops, Beneficed persons and Stipendiary Ministers, as may be suitable to the Interest of the Executors, and no discouragement or hinderance to the planting of the Vacant Benefices: Doth therefore, with advice and consent of His Estates of Parliament, Statute and Ordain, that, in all such cases hereafter, the Ann shall be an half years Rent of the Benefice or Stipend over and above what is due to the Defunct for his Incumbency; which is now sciled to be thus, *viz.* If the Incumbent survive *Whitfunday*, their shall belong to them for their Incumbency, the half of that years Stipend or Benefice, and for the Ann the other half: And if the Incumbent survive *Michaelmas*, he shall have right to that whole Years Rent for his Incumbency; and for his Ann, shall have the half years Rent of the following year: And that the Executors shall have right hereto, without necessity or expences of a Confirmation.

XIV.

ACT for the Retouring of Taxt-Marriages

Edinburgh, 23. of August, 1672.

THe Kings Majesty and the Estates of Parliament, taking to their consideration the great prejudice His Majesty sustains by the several Services of Heirs, holding Land of His Majesty, Waird, Taxt or Few with the Marriage; And the Retour making no mention of the Taxt of the Marriage, His Majesty is oft-times frustrate of His Casualty of the Marriage: For preventing whereof, It is Statute and Ordained, that the Inquest upon each service of Heirs, holding Lands Waird, Taxt or Few with the Marriage, shall hereafter take tryal what is the Taxt for the Marriage, and of the Few *cum Maritagio*, if it be Taxt; and return the same to the Chancery, to be insert in the Precept.

XV.

Commission for Plantation of Kirks, and Valuation of Teinds.

Edinburgh, 28. of August, 1672.

FOrasmuch as His Majesties Father, of ever blessed Memory, out of His Royal Care and Zeal for the Reformed Religion within this Kingdom, and the maintenance and provision of the Ministry and Churches thereof, and the Peace of the Kingdom, and for preventing, and settling all Questions and Differences that did, or might arise betwixt Titulars and others having right to Teinds, and Heretors, concerning the leading and drawing of their Teinds; Did, immediately after His attaining and succeeding to the Crown, Give forth and emir His Royal Declaration anent the premises, and the other particulars therein mentioned. And in pursuance of the ends forefaids, diverse Laws and Acts of Parliament were made in the year of our Lord, 1633. His said Majesty being present in His Royal Person; and since, diverse Acts of Parliament and Commissions have been, from time to time, Made, Given and Renewed to that purpose: And yet, by reason of the unhappy Troubles and Distractions of the late Times, that good and necessary Work neither is, nor could be thoroughly and fully accomplished. And, His Majesty being resolved, and desirous to prosecute so good a Work, for the universal Good of His Subjects, and specially for the encouragement of the Ministers of the Gospel: Therefor His Majesty, with advice and consent foresaid, Gives full power and Commission to His Majesties Officers of Estate for the time being; And to the Arch-Bishop of *St. Andrews*, the Arch-Bishop of *Glasgow*, the Bishop of *Edinburgh*, the Bishop of *Dunkeldin*, the Bishop of *Galloway*, the Bishop of the *Iles*, the Bishop of *Brechin*, the Bishop of *Dumblaine*, and the Bishop of *Aberdene*, for the Clergy; The Duke of *Hamilton*, the Earl of *Argyl*, the Earl of *Atbol*, the Earl of *Linlithgow*, the Earl of *Queensberry*, the Earl of *Tweeddale*, the Earl of *Kincardin*, the Earl of *Dundonald*, and the Lord *Elphinston*, for the Nobility; The President of the Session, the Lord *Colingtoun*, the Lord *Gosford*, the Lord *Craigie*, the Laird of *Niddrie*, the Laird of *Nickolson*, the Laird of *Balcaskie*, Sir *Charles Erskin of Cambo*, and Sir *William Lockhart*, for the Barons; Sir *Andrew Ramsay*, Sir *William Thomson*, Sir *William Sharp*, Sir *Alexander Bruce*, *John Murray*, Tutor of *Stormont*, *Robert Milne*, *Thomas Calderwood*, *William Binning*, and *John Johnston of Poltoun*, for the Burgesses; Or any eleven of them, whereof two of the Clergy, two of the Nobility, two Officers of Estate, and two Commissioners of Shires, and two of Burghs; Of which number, the Arch-Bishop of *St. Andrews*, or the Lord Chancellor,

or one

or one of the Commissioners of the Thesaurary, or the Arch-Bishop of *Glasgow*, or the Lord Privy Seal, or the Lord Secretary, or the Duke of *Hamilton*, or the Earl of *Tweeddale*, being always one, To meet and convene at *Edinburgh*, the _____ day of _____ Years; And at such other place or places, times or diets as They shall appoint, To Value, and cause be valued, whatsoever Teinds great or small, Personage or Vicarage, within this Kingdom, which are yet unvalued: Declaring, that where the Vicarage of any Parish is a several Benefice and Title from the Personage, the same shall be severally valued, to the effect the Titulars, or Ministers serving the Cure, having right to the said Vicarage, be not frustrated of the true worth thereof. With power to the saids Commissioners, or *Quorum* foresaid, to appoint Committees, or Sub-committees of their own number, and to grant Sub-commissions, and to receive reports from them, and to approve or disapprove the same, as they shall find just; and to rectifie whatsoever Valuations led or to be led, to the enorm prejudice of the Titulars, or the hurt and detriment of the Kirk, and prejudice of the Ministers maintenance and provisions. Provided always, Likeas it is hereby expressly provided, that, where Valuations are lawfully led against all parties having interest, and allowed by former Commissions; The same shall not be drawn in question, nor rectified, upon pretence of enorm lesion, at the instance of the Minister (not being Titular) or at the instance of His Majesties Advocate, in respect of His Majesties Annuity; Except it can be proven, that collusion was used betwixt the Titulars and Heretors, or betwixt the Procurator Fiscal and Heritors and Titulars: Which collusion is declared to be, when the Valuations are led with the diminution of the third part of the just Rent: which diminution shall be proven by the parties oath: And with power to the saids Commissioners, or *Quorum* foresaid, where Ministers are not already sufficiently provided, or have not Localities assigned to them for their Stipends, out of the Teinds within the Parish where they serve the Cure, in so far as the same will amount to, according to the quantities, proportions and rules contained in the nineteenth Act of the Parliament in *Anno*, 1633. To modify, settle and appoint constant locall Stipends to ilk Minister, out of the Teinds of the Parish where they serve the Cure. With power also, to grant recompence, by prorogation of Tacks to parties, for the augmentation of Stipends, which shall be imposed suitable to the said augmentation, as the saids Commissioners shall think just. And sicklike, with power to disjoin too large and spacious Parishes, to cause erect and build new Churches, to dismember and annex Kirks, as they shall think convenient. And to take order, that every Heritor and Life-renter shall have the leading and buying of their own Teinds, if they be willing, according to the rules prescribed by the nineteenth Act and Commission granted by His Majesty, with consent of the Estates of Parliament in *Anno*, 1633. and the Acts of Parliament therein mentioned. With power to determine all Questions concerning the prices of Teinds betwixt Titulars and others having right thereto, and the Heritors: and to appoint such securities, in favours of the Titulars and others having right to the Teinds, for the prices to be granted to the Heritors or others lyable in payment of the valued Duties, or Buyers of the saids Teinds; and in favours of the Ministers, as to their maintenance, as the saids Commissioners shall think fitting, according to the Rules set down in the said Act in *Anno*, 1633. And the Heritors to have liberty to buy the Teinds of their Lands which are not valued, within the space of three years after the date of this Act: With this Declaration always, that, in case the impediment, during the time foresaid, flow from the Titular, by reason of his minority or other inability; in that case the Heritor, who offered to buy his own Teind within the space foresaid, shall have place, so soon as the impediment is removed, to buy his Teinds, notwithstanding of the expyryng of the years and space above-express. And it is Declared, that, if the Heritor be Minor, and his Tutors neglect the buying of his Teinds within the foresaid space; The Minor shall have action for two years after his minority, to compel the Titular to sell his saids Teinds: And generally with power to the saids Commissioners to decide and determine in all other points which may concern the leading and drawing the Teinds, the selling or buying of the same, or payment of the rates thereof, contained in the former Acts of Parliament, or set down in the general determination given out by His Majesties Royal Father, of blessed Memory. And if any person or persons shall find themselves grieved, and complain of the injustice or exorbitancy of any Decrets and Sentences given in any of the Commissions during the late Troubles; with power to the saids Commissioners to take the same to their consideration, and to alter, annul or allow the saids Decrets and Sentences, as they shall find just. And it is always Provided and Declared, that Arch-Bishops and Bishops, and other Beneficed Persons, being Ministers, and their Successors, shall not be prejudged of the Rents whereof their Predecessors were in Actual and Reall possession; and which, by the Laws of the Kingdom, were due to them in *Anno*; 1637. And that they shall be no farther bound, but according to the provisions and conditions express in the Submissions made by the Bishops to His Majesties Royal Father, of blessed Memory; which is of the date the _____ day of _____ 1628. Years, and Registered in the Books of Commission for Surrenders and Teinds, upon the 15. day of *July*, 1631. And whereas it may fall out, that some of the saids Commissioners may be unable to attend the Service, through death, sickness or other known impediment: Therefore His Majesty Declares, that He shall be careful to fill their places with other Persons qualified, whose Oaths, for faithful discharge of the same, shall be taken by the Chancellor, or, in his absence, by the President of the Commission for the time; And Ordains this present Commission to endure ay and while the same be discharged by His Majesty, and the Acts, Decrets and Sentences thereof to have the force, strength and effect of a Decret and Sentence of Parliament;

liament; and the Lords of Session to grant Letters of Horning, Poinding and others requisite in manner contained in the forefaid Commissions. And His Majesty, with consent forefaid, hereby Discharges all former Commissions, Declaring the same to be expyred.

X V I.

A C T concerning the Regulation of the Iudicatories.

Edinburgh, 30. of August, 1672.

THE Kings Majesty being desirous, that the publick Iudicatories of this Kingdom might be so regular, that all abuses which had, or might probably creep into the same, be redressed and prevented; and that the best, most summar and equal way, of bringing and calling of Processees for dispensing of Justice, should be settled, as his Subjects might be relieved and secured against oppression and exactions, and that Justice might be administrat to them with expedition, and as little trouble and charge as may be: Did, by a Commission under the Great Seal, of the 21. of September, 1669. Authorize some Noblemen and others of his Privy Council and Session, to consult, settle and set down such Rules and Orders as they should judge necessary for these ends, and to return an account of their proceedings to His Majesty, that He might take such course therein, as in His Royal Wisdom He should think fit. In obedience whereunto, the Commissioners having had severall meetings, and consulted on the best and readiest wayes, for the prosecution of His Majesties Royal Intention, for the good and ease of His Subjects, and finding the same to be of such importance, as required a longer time to make a full settlement therein; Yet, in the month of March, 1670. they agreed unto, condescended upon, and did return to His Majesty, certain Rules and Articles of Regulation, without prejudice of what, upon further consideration, they should thereafter offer for a full settlement. And His Majesty having considered these Rules and Articles, did, by His Royal Allowance of the fourth of June, 1670. Ratifie and Approve the same, and did Ordain them to be duly observed in all time coming. And the Commissioners having since that time, kept severall Meerings, and taken that Affair into their further consideration, have resolved upon some other Articles, Rules and Amendments; which being joyned with the former, and again offered to His Majesties consideration, His Majesty doth, with Advice and Consent of His Estates of Parliament, Ratifie and Approve the same, and Ordains them to be recorded in the Books of Parliament, and duly observed by all His Majesties Subjects. Of the which Articles, the Tenor follows.

Concerning the S E S S I O N.

1. Seeing a great part of the trouble and expences of the Lieges, in obtaining of Justice in their Causes, is occasioned through the uncertainty of their attendance, upon Processees depending before the Lords of Session; whereby not knowing any certain time, at or about which their Processees will be called, they are necessitat to wait on the most part of the time of the Session, during the dependence of their Processees, or otherwayes to be absent when the same are discuss'd. That therefore, all Processees shall be discuss'd and determined as the Parties are in readines, and do call for Justice after the same have been seen by the Defenders Advocats, and are returned by them; And that according to the date of the Returns which are set down, and signed by the Defenders Advocat upon the Process it self, that no Parties be preferred in obtaining Justice to any other who was ready, and calling for it before. And that Books of Enrollment be made for entolling the said Processees, according to the dates of the Returns; that thereby notice may be timeously given to all Parties having Interest in the Process, how far the Lords of Session are advanced, in discussing and determining Processees according to the saids Rolls, that the Parties may be present when their Processees will fall in to be discuss'd and determined, in their course as they stand in the Rolls; and may in the mean time rest quiet and secure, that their Rights and Interests will not be decided when they cannot know to be present, which cannot be attained, unlesse all privileges whereby any Cause can be called, otherwife then according to its due course in the saids Rolls, be laid aside; Excepting only the Causes belonging properly to the Kings Majesty (and not to Donators or others) which may be called at any time when His Majesties Advocat pleaseth, upon either of the two next *Sederunt*-dayes after the Processe is returned; or if the same be not called on either of the saids two dayes, at any time thereafter, upon fifteen dayes advertisement to the Delenders Advocats, that they may acquaint their Clients to be present.

2. That the Books of Enrollment for the Outer-houfe be kept and made up by the person appointed, or to be appointed by the Lords of Session, who shall attend at the Session-houfe each Sarurday in Session-time, from two a clock in the afternoon, till four, and shall take up a Note of all Processees shewn to him, containing the names and designations of the Pursuers and Defenders, and the name of the Cause, whether it be Advocation, Suspension, Declarator, Reduction, or any other having a special name; or otherwife under the name of Lybell'd Summonds, and contain the date of the return, signed by the Defenders Advocats upon the Process; and by the said Note, shall insert in the Books all that is produced that day, in manner following, *viz.*

in one Book Suspensions, Advocations, Removings, Ejections and Recent-spluzies: And in the other Book, all other Causes, according to the dates of the Returns; expressing in the Books, the day of the month of the uptaking, before the Causes taken up that day, and also expressing the day of the month of the return, before the Causes returned each day, and shall interline nor infer no Cause in the said Books, but set them down in order as they were presented, according to the date of their returns; and shall receive for inserting of the said Causes in the Books; and for affixing Rolls upon the Wall conform to the said Books, for every Process four shillings *Scots*, and no more, although the said Process should continue to be Enrolled several weeks, until the Ordinary have called and heard the same; which Books of Enrollment shall always remain in the Session-house, and be patent to the Lieges, that thence Advertisements may be given to all parties having interest; and for shewing whereof, the Keeper of the Books shall exact or take no money or gratification.

3. That the Keeper of the Books of Enrollment for the Outer-house, take out of these Books, and affix each Monday upon the ordinary place of the Wall of the Outer-house, two Rolls, one containing Suspensions, Advocations, Removings, Ejections and Recent-spluzies, to be called upon Tuesday and Wednesday; And the other Roll containing the Causes insert in the other Book of Enrollment, to be called upon the rest of the dayes of the week; which Rolls are to be taken up in all things conform to the said Books of Enrollment, expressing the day of up-taking; and that the day of the month of the several Returns, be set before the Processes insert each day, and each subsequent weeks Roll shall, in the first place, contain what remained undiscuss'd by an Act, Decree, or Protestation, or not delet by the Ordinary, upon the Pursuers not insisting. And where Processes are delayed to a day, till the Parties see, or something be produced or done, which requires not an extracted Act, the same shall remain in all subsequent Rolls, in the same day that it was in the first Roll, that after the day to which it was delayed, it may be called by the Ordinary till it be discuss'd or delet: And for that effect, the Ordinary shall on the Margent of the Roll, mark at that Process, to what day it is delayed; which shall remain so marked in the subsequent Rolls, till the Cause be discuss'd. And in case the Ordinary shall discuss the Roll of the Causes above-exprest, appointed to be called upon Tuesday or Wednesday before these two dayes expire; he is to proceed to the discussing of the Causes in the other Roll.

4. That the Keeper of the said Books of Enrollment for the Outer-house, do exactly and punctually observe the Rules and Orders aforesaid, and that the person who shall hereafter be appointed Keeper of the said Books, give his oath for that effect, (the present Keeper of these Books having already made faith to that purpose) and if he transgress the said Rules, the Lords shall deprive him of his Office, and otherwayes punish him as they see cause, and appoint another in his place, who, and his Successors; shall always be lyable for observing the ptemisses.

5. That in like manner there be a Book of Enrollment of Processes to be discuss'd in the Inner-house, containing Causes proper for the Inner-house; as the discussing of reasons of Reduction of Heretabie Rights of Lands, or Annual-rents, Declarators of Rights thereof, Probations of Tenors of Writs destroyed or lost, *Cessiones honorum*, which Book shall be kept by a person appointed, or to be appointed by the Lord Chancellor, who shall insert the said Processes as they are in readines to be discuss'd in the Inner-house, *viz.* Reductions after the Production is closed, and Declarators, Tenors and *Cessiones honorum*, after the Dilators are discuss'd in the Outer-house, and a great *avisandum* made by the Ordinary in the Outer-house, who is to proceed no further therein; and that according to the date of that great *avisandum*, as it stands written upon the Process by the Clerk of the Process: And where the Lords, upon report of Dispute from the Outer-house made by the Ordinary, shall for the importance, intricacy, or preparative of the points reported, ordain the Cause to be heard in presence of the whole Lords, the said Process shall be insert in the Roll of the Inner-house; according to the date of the Lords deliverance, appointing it to be heard in their presence:

6. That there be a Book of Enrollment of concluded Causes, whereof the probation is to be advised by the Lords, to be insert according to the date of the conclusion of the Cause, as the same shall be presented by the Clerks of the Process, to be kept by the Keeper of the said Book of Enrollment for the Inner-house.

7. That the Keeper of the said Books of Enrollment for the Inner-house, shall attend in the Session-house each Saturday from two to three a clock in the afternoon, and shall receive and insert all Processes which shall be offered to him in either of the said Books, according to the order foresaid; and shall receive thirty shillings *Scots* for each Process to be insert in the Book of Causes to be discuss'd, and twelve shillings for each Cause to be insert in the Book of concluded Causes, and shall exact or take no more for himself or his servants; and shall make the said Books patent to all the Lieges freely, and shall affix a Roll both of Processes to be discuss'd in the Inner-house, and of concluded Causes, in all things conform to the Books, upon Monday, als oft as need beis; and shall add to the Causes in the said Roll for subsequent weeks, in the same manner as is appointed for the Rolls of the Outer-house, and both in the Books and Rolls shall express the day of up-taking the Process, and the day of the great *avisandum* or Ordinance of the Lords for hearing the Cause in their presence, subjoyning thereto the Causes each day, both in the Books and Rolls of Causes to be discuss'd, and the like for the Book and Roll of concluded Causes; according to the date of the conclusion of the Cause.

8. That the keeper of the saids Books of Enrolment for the Inner-house observe the premises punctually, under the pain of deprivation, and being further censured by the Lords, as they shall see cause: And that his Successors shall make faith to observe the premises in all points; the present Keeper of these Books having already given his oath to that effect.

9. That the Lords both in the Inner-house and Outer-house shall proceed to the discussing of Processes, in order as they stand in the said Rolls *respective*, without passing over, or anticipating any Cause; and that each Process shall be still called in its order, untill it be brought to an Act, Protestation, or Decreet; and if it be delayed till something be produced or done which requires not an Act extracted, that after the day to which it is delayed, the same shall be call'd till it be discuss'd.

10. And where at the calling of any Cause in the Inner or Outer-house, the Pursuer insists not, the Process shall be delet out of the Roll, and Protestation shall be granted to the Defender, without any other solemnity, but the demanding thereof at the calling of the Cause, whereby the Defender shall not be oblig'd to answer untill he be summoned of new, and the Protestation money paid, that he be not oblig'd to an uncertain attendaunce at the Pursuers pleasure. And in case at the calling of any Process in the Outer-house, any Parties Advocat be in the Inner-house, the Ordinary shall call the Cause the next day thereafter, if he be desired upon a Ticket to be given to him before he go to the Bench; but that no Advocat make interruption by calling otherways over the Bar.

11. That the Lords by no importunity alter the order of the saids Rolls by any Deliverance or Warrant, except it be for discussing reasons of Reduction of small difficulty and importance in the Outer-house, before they be Enrolled in the Inner-house, which shall be Enrolled in the Roll of the Outer-house, according as they shall be presented to the Keeper of the Roll, in the same manner as other Processes.

12. That if any Cause be called by anticipation, out of its due place, the Pursuers Advocat may refuse to insist, or the Defenders Advocat to answer, and it shall be a sufficient defence that he is not oblig'd to answer before its due course in the Roll: And although neither parties Advocat should object, seeing others who were anterior in the Roll are prejudg'd, the Clerks are prohibit to write on any such Process called out of its own course, or to extract any Act or Decreet thereupon.

13. That the Lords of Session every Session, go near the discussing of all Causes enrolled that Session; and that as they see their work by the Books of Enrollment, they meet the sooner in the morning, and also meet in the afternoon for taking in Reports from the Outer-house, which requires not the attendance of Advocats, and which consumes much of the time both in the Inner and Outer-house in the forenoon; and also for advising of concluded Causes, which of all other should be least delayed.

14. That if any Act, Decreet or Protestation be stopped, either by the Ordinary or by the whole Lords, the same shall be called and heard upon the Bench in the Outer-house, by the Ordinar who formerly heard the Cause, either the next day, or upon Tuesday in the ensuing week, or any other morning thereafter, before the Ordinary in the Outer-house come out; and that he proceed in the Processes untill the same be discuss'd, delet, or Protestation ganted in manner foresaid, and that the same shall not be again brought into the Roll.

15. That no Bill be presented to the Lords for stopping or rectifying any Act or Decreet past in the Outer-house, untill the party first make application to the Ordinary who heard and pronounced the same; and if he refuse to hear the Party upon any new matter condescended on, or in case of doubtfulness, to report at least upon consignation of an Amaund: In that case, the Party may give in a Bill to the Lords, expressing his application to the Ordinar, and his refusal to hear or report, as said is, and expressing the special matter which he desireth in the Process, and no otherways.

16. To the effect, the Lords of Session may be in better capacity to discuss the Processes which come before them, not being overburdened with small and inconsiderable Causes, That all Causes, not exceeding the value of two hundred Marks *Scots*, be in the first instance carried on before the inferior Judges; And that no Summons be raised upon Bill, or otherways for Causes of less importance, for which the Clerk of the Bills and Writers to the Signet are to be answerable at their peril; except there be such reasons condescended on in the Bill, as would be sufficient to procure an Advocation of the Cause from the inferior Judge, in behalf of a Defender, and competent Instructions thereof; And that such Bills do not pass of course, but be specially presented and read to the Ordinary, and that the deliverance on the back thereof bear, *Because the Lords have found sufficient ground, for which the Cause ought not in the first instance to be pursued before the inferior Judge Ordinar, but before the Lords*: Excepting also, the Causes belonging to the Members of the Colledge of Justice, and except Sums due to Merchants, Cooks, Vintners and others in Burgh, for Furniture taken off from them, by such as dwell not within the Shire where the Furniture was taken off.

17. That where Causes are begun before inferior Courts, no Advocation thereof shall be past, being of no greater importance than as aforesaid, otherways then is provided by the Act of Parliament; And that the Clerk of the Bills be answerable therefore, not to present, pass or write on any such Bill at his peril.

18. That where DECREETS are past before inferior Courts, and craved to be suspended; if the reasons proceed not on iniquity, but upon alledgeance, that the Decreet was in absence, so that the craver of the Suspension hath never appeared, or hath not continued to defend while there was no in-justice done: Then
and

and in that case, he shall be obliged at the passing of the Bill of Suspension, to consign in the hands of the Clerk of the Bills, such sums for the expenses of the party, as the passer of the Bill shall appoint, according to the importance of the Cause and the distance of the party, which shall be given up to the Charger, if the Suspenders hath not compar'd, or continued to defend before the inferior Court, as said is; and that immediately at the calling of the Cause to be discuss'd, when the comparance in the Decreet may appear, unless the Suspenders improve the Executions of the Summons whereupon the Decreet did proceed.

19. That Decreets, *in foro contradictorio*, before the Lords of Session be not again suspended, upon reasons competent to have been proponed, or which were repell'd in the former Decreet. And to the effect it may be known, with the least expence, what Decreets are *in foro*, That the Keeper of the Minute-book make up a Book of the Decreets *in foro*, according as the same shall each day be given in to him by the Clerks, expressing the names of all the Defenders for whom there is comparance; And that the Clerk of the Bills from time to time, call for and receive a double of the said Minute-book of Decreets *in foro*; And when any Bill of Suspension is to be presented by him, that at his peril he write on no Suspension of any Decreet *in foro*, contained in the said Book, until it be presented to the whole Lords in time of Session, and to three met together in time of Vacance, the deliverance bearing, that they were met together: And where there is once comparance for any Party, and Defences proponed, the Decreet shall be holden as done *in foro*, and all the Dispute proponed by the Advocats shall be insert therein, albeit the Advocat thereafter pass from his comparance; And that the first Protestation shall not be suspended, but upon consignment of thirty pounds, and the Suspension thereof shall bear that it is the second Suspension; and so forth, all the Suspensions that shall be obtained thereafter, shall bear that the same is the third or fourth Suspension; and that no Suspension shall pass of the second protestation, but in presence of the whole Lords in time of Session, and by three of the Lords met together in time of Vacance, the deliverance bearing as aforesaid: And that the Clerk of the Bills write upon no Bill of Suspension otherways, as he will be answerable at his peril, and that the second and posterior Protestations shall be insert in the said Book, with the said Decreets *in foro*.

20. That where Processess are kept up unreturned by the Defenders Advocat longer then six dayes after the out-giving thereof, which is the time allowed for seeing of Processess; that upon complaint given unto the Lords thereanent, the Ordinary upon the Bills call the Advocat who keeps up the Processess, and fine him in three pounds *Scots* for ilk day he hath kept the same, from the time that the Processess was required from the Advocat, or his principal servant, personally at the Advocaets Chamber, by way of Instrument under a Nottars hand, unto the day that the complaint was given in, and six pounds for every day that the Processess shall be detained by him, after in-giving of the complaint: And that one of the Maceets be ordered to exact the fine, under the pain of deprivation; And to that effect, that he be warrant'd to exclude the Advocat out of the House, and not to suffer him to enter the Outerbar, until he make payment, and that he return the money so exacted, to the Ordinary upon the Bills, whereof the one half is to be put in the pors Box, and the other half to be payed to the party Pursuer, if he desire the same, otherwise that the whole be put in the Box.

21. But when there are moe Defenders then one called in a Processess, and several Advocats comparing for them, that the Advocat who taketh up the Processess to see for the party principally concerned, in whose house the same is appointed to be seen, shall be allowed only four dayes for seeing the Processess; and in case he do not return the same within that time, that he incur the penalties contained in the former Article: And that after the Processess shall be returned, the same shall remain in the Clerks hands six dayes before it be called, during which time, any Advocat comparing for any other of the Defenders, may see the Processess in the Clerks hands, and write thereupon for whom he compares, and subscribe the same, and may also borrow the same up from the Clerk, for the space of twenty four hours, upon his receipt and consignment of an Amaund, according to the importance of the Cause; and in case he do not reproduce the Processess within the said space of twenty four hours, upon complaint made thereof, he is to lose the Amaund, and pay six pounds for ilk day he keeps the Processess after the said space of twenty four hours, and the like execution to be used therefore, as in the former case of the Defenders Advocats not returning Processess, given out to them by the Pursuers Advocats. And Likeways, if any Advocat during the said space of six dayes, be desirous to see the Processess for any other party having interest, who was not called in the Processess, that upon production of the parties interest in the Clerks hands, he be allowed to see in manner foresaid, he alwayes consigning and subscribing for whom he compares: And in case of failzie to reproduce, being lyable as said is, and that the Advocat shall not be heard when the Cause is called, if he hath neglected to see in manner foresaid, whither he be comparing for any party called in the Processess, or comparing for his interest.

22. In respect it is a great obstruction to the dispatch of Processess, that when Causes are called, Defences sometimes are proponed upon Writs, which being neither produced nor seen by the pursuers Advocats, all that is ordinarily done, is to ordain the Writs to be produced; therefore, where ever the Defenders Advocat is to found any Defence upon Writs, that at the returning of the Processess, he also produce therewith the Writs whereupon he intends to found any alledgeance, and give in the Defence which he founds upon these Writs, and mark the particular clauses of the Writ whereupon he founds, otherwise no respect is to be had to the al-

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ledgeant to be founded on these Writs, which were in any of the Defenders Advocats hands, or which or any copy thereof were seen by the saids Advocats, which the pursuers Advocats shall be obliged to return within four dayes after they receive the same; otherwise, complaint may be made against them, as against Defenders Advocats for keeping up of Proceses. And in case any other Writs come to their hands, as against returning of the Proces upon which they will found, that in like manner they produce the same to the Pursuers Advocats, before calling of the Cause, under the same certification.

23. That the Suspender at the out-giving of the Suspension, produce therewith all his Verifications, and that at the calling of the Cause, if he have kept up the Verifications, and offer then to produce the same, that the Ordinary shall give Decreet, because the reasons are not verified conditionally; That if with the Verifications, the Suspender produce in the Clerks hands twelve pounds *Scots*, two parts thereof to be payed to the Charger, and the third part to the Poor, the same shall be received, and the parties heard thereupon, without enrolling of new; and therefore the Ordinary shall mark upon the Cause, *Decreet conditional*, to such a day: and if betwixt and the said day, obedience be not given, the Decreet is to be extracted.

24. That the Suspenders Advocat be not allowed to propone any new reasons of Suspension at the Bar, which was neither lybelled nor contained in the eiked Reasons of Suspension given out to, and seen by, the Chargers Advocats, unlesse therewith they consign in manner foresaid.

25. That because Proceses are very much lengthned, by the long running of ordinary and incident diligence and terms for production in Reductions and Improbations; For remeid whereof in time coming, there shall only be two diligences against Witnesses, one by Horning, and another by Caption; and there shall be no incident Diligence sustained upon Acts, but where the same is craved and allowed at the pronouncing of the Act, and expressed therein, which shall proceed against the alleged havers of the Writs, first by Horning, charging them to compare and produce upon oath, and next by Caption, in case they do not compare and depone; and that there be only one term for production in single Reductions, and two in Improbations: And that the Clerks insert no Reservations in Acts for Production, but that all exceptions competent before production, be discussed before assigning of terms.

26. That no more Advocats be employed or marked in any Cause for a Party, but only three in the Inner-houfe, and three in the Outer-houfe at most; and that only two be allowed in the Inner-houfe, to speak one after another upon one side, before the other Party make an answer; And that the Lord Chancellor or President keep the Advocats close to the point, and that no Advocat be allowed to speak above half an hour together at most, at one time.

27. That the Allowance of Advocats in time coming, be regulate according to the quality of the persons who employes them, in manner following, viz. that for every Consultation, Pleading thereupon, and drawing Bills upon any Interloquitor thereanent altogether, there be given at most to any Advocat, by Noblemen eighteen pounds, by Knights and Barrons fifteen pounds, by Gentle-men and chief Burgeses twelve pounds, and by all the rest of the people nine pounds: And that nothing be allowed for drawing Informations to be given to the Lords after Dispute, but to one Advocat only, and that the Allowance therefore be only the half of what is allowed for the Consultation.

28. That the parties Pursuer and Defender do give in with the Proces, a Declaration under their hands, bearing, That as they shall answer to God, they have not given, nor shall give any more to any Advocat employed by them in that Proces, for every Consultation comprehending as aforesaid, then the foresaid Allowance; which Declaration is to be given in by the Defender at the return of the Proces, and by the Pursuer before the Proces be called. And in case of the Clients Minority, his Tutors or Curators, and in case of his absence, or that he hath employed another to disburse the money for him, the person so employed shall give in the foresaid Declaration upon Oath, which shall bear, That he being the only person employed to disburse money to Advocats in that Proces, he hath not given, nor shall give any more then as aforesaid. And in regard these who are already admitted Advocats have given their oaths, that they shall always observe the saids Rates, that no Advocat be admitted hereafter till they give that Oath.

29. And because by the Act of Parliament, one thousand, six hundred and twenty one, the rates of Writs are ordered conform to an Act of the Lords of Privy Council and Lords of Session, in *anno*, one thousand, six hundred, and six, the effect whereof hath been frustrate, because nothing thereby is provided to Clerks Servants: And in respect the rates of all things are much encreased since that time; Therefore, that the rates of the Clerks of Session be as followeth, viz. For Acts, Decrees, Protestations and Diligences, there shall be only payed to the Clerk and his Servants, three pounds *Scots* for each sheet, written in the same manner as they are now accustomed, conforme to a Pattern signed by this Commission, and kept by the Lords of Session, excepting Decrees of Transumpt, Transferring, and of Registration by way of Action, and Commissions wherein there is no dispute, for which there shall be payed three pounds *Scots* only for the first sheet, and twenty shillings *Scots* for ilk one of the rest of the sheets. And as to other Writs passing that Office, the same rates be observed which are contained in the said Act of Parliament; And that the Clerks or their Servants take no money for production of Writs, or giving up of the same again, minuting of Disputes, or booking of Acts and Decrees, all which shall be payed by the saids Extracts, but that there be allowed to them two merks for taking a Parties Oath; and one merk for every Witness deposition, and thirty

thirty shillings *Scots* for calling of every Act in presence of the Ordinary. And that the Clerks or their Servants do not mark upon any Process, Calling, or Compearance, or the calling of any Act, but what was publicly done by a Macer, that the Advocats may have timous notice to falsifie the conclusion of Acts. And that no Decretes be pronounced conditionally, but simply, according to the Act to be extracted twenty four hours after the same is read in the Minute-book; and that every *Sederunt* day, the Minute-book be read out fully, that the Lieges be not delayed or necessitate to attend. And that the Clients shall in the same manner, as in relation to Advocats allowance, give their Oaths that they have kepted, and shall keep the saids Rates, which shall be contained in a Paper, with their Declaration in relation to Advocats. And seeing the present Clerks and their Servants have given their Oaths, that they shall always observe the saids Rules and Rates, that no Clerk be admitted hereafter, till he give that Oath; excepting Acts and Decretes of contentions dispute in presence of the Lords, which are to be at the discretion of the Party, conform to the Act of Parliament. And in regard diverse Processes after dispute and Interloquitors pronounced therein, either in *presentia*, or in the Outer-house, are transacted and settled by the Parties, so that the Processes come not the length of a Decreet, or if Decreet be pronounced, the same is not extracted: And it being just and reasonable, that the Clerks should have allowance for the pains taken by them in these Processes; therefore, that the Clerks in these cases be allowed to take from their Clients, satisfaction as if Decretes were extracted, according to the sheets of the Act of *Litis contestation*, or other Act in the Process; or if their be no Act, according to the sheets of the Summons, Suspension or Advocation; and if the Cause was dispute in the Inner-house, according to the sheets the Minutes of the Processes would amount to, if the same were extended into an Act or Decreet.

30. And anent the Clerks of the Bills and his Servants, that the Rates in the said Act of Parliament, one thousand, six hundred, and twenty one, be in all points observed, with this alteration, That whereas that which is allowed by the said Act for the Acts of Caution, with the relief which comprehends the Bills of Suspension, is too low for the Clerk and his Servants, That there be allowed to the said Clerk and his Servants therefore, three pounds and a merk *Scots* and no more; And seeing the present Clerk of the Bills and his Servants, have made faith that they shall observe the saids Rates, that any Clerk of the Bills who shall be admitted hereafter, shall at his admission give that Oath, and likewise his Servants; And in case there be moe persons contained in the saids Bills of Suspension then one, that every such person, except the chief person, shall pay six shillings eight pennies, untill they come the length of ten persons, and no allowance is to be granted to any exceeding that number, nor for a Community more then the said number of ten: And for Relaxations, six shillings eight pennies for every person more then one, untill they come to the number of ten persons, and no more to be taken for any greater number or Community, which dues shall be payed at the first in-giving of the Bill of Suspension, and shall be retained by the Clerk, whether the Bill be past or not, and no more to be given for that Bill, or for any new Bill which shall be given in, in that matter. And as for the allowance of Comprisings, that the rate thereof be fourty shillings *Scots*, where the sums contained in the Comprisings (by and attour the Sheriff-fee) do not exceed two thousand pounds *Scots*; And if the sums comprised for be above two thousand pounds, that there be payed four pounds *Scots*; and that this be in satisfaction of all that is to be given in that Office, both for Master and Servants.

31. In respect several persons, being neither Advocats, nor Advocats Servants, do take upon them, under the name of Agents, to meddle and negotiate in Processes, who are found to be of no use, but burdensome to the Lieges; That hereafter all the Agents be debarred the House, and not permitted to negotiate, or mannage Processes; and recommends to the Lords of Session to see the same punctually observed.

32. That the Keepers of the General Registers of Hornings and Inhibitions, and of Seafings and Reversions; As also, the Keepers of these Registers in the several Shires, in time coming, be careful to book all Hornings, Inhibitions, Interdictions, Seafings, Reversions, and others registrat by them; And that they make exact Minute-books relating to these Registers, these of Hornings, Inhibitions, and Interdictions; containing the names, Surnames and Designations of the Parties, Principal and Cautioners; And these of Seafings, Reversions and others appointed by the Act of Parliament to be Registrat in that Register, containing the Names and Designations of the Parties, and the common Designation of the Lordship, Barrony or Tennendry of the several Lands mentioned in the Writ; And that the Clerk of Register, or any whom he shall appoint, every quarter of the year, compare the Minute-book with the general Registers, and subscribe the Minute-books at the collationing of the same; And in the several Shires, that the Sheriff, Bailiff of the Regality or Royalty, or their Deputies (with whom, any two of the Justices of Peace to be nominate by the whole Meeting, are allowed to be present) be appointed quarterly, *viz.* upon the first Tuesdays of *February, May, August* and *November*, to call for, and take inspection of, the saids Registers, and of the Minute-books relating thereto; and after collationing of the same, that they with the saids two Justices of Peace, if they be present, subscribe the Minute-book: Certifying the saids Sheriffs and Bailiffs, if they do not meet and compare the saids Registers at the several times above-specified, They shall be lyable in the penalty of One Hundred pounds *Scots* for ilk failzie; and Certifying the Clerks, if they shall not have the Books in readinesse at the aforesaid times, or if any Hornings, Inhibitions, Seafings,

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Seafings, Reverfions, and others forefaids then in their hands, fhall not be regiftrat in the Books, they fhall incur the pain of deprivation, and be lyable in payment of the parties damage: And that the Clerks, keepers of the faids Regifters; book all Hornings, Inhibitions, Interdictions, Seafings, Reverfions, and others which now are in their hands, for the fpace of forty years by-gone, and have exact Minute-books relating thereto, in manner forefaid, within the fpace following, *viz.* The keepers of the general Regifters betwixt and the firft of *June*, 1674. and the Keepers of the particular Regifters in the feveral Shires, betwixt and the firft of *June*, 1673. And that all Hornings and Inhibitions, regiftrat in the Shires, be marked by the Keepers thereof, conform to the 21. Act of the Parliament, 1600. under the pains aforefaid; And that in the *interim*, betwixt the collationing of the Books, the Clerks fhall be obliged to keep a privat Minute-book for their own ufe, wherein they are to infer a Note of all Hornings, Inhibitions, Interdictions, Seafings and Reverfions, as they are given in to be regiftrat: And in cafe any be omitted out of that Minute-book, they fhall incur the pain of deprivation, and be lyable to pay the parties damage. Whilk Minute-books *refpective* forefaids, as well for the fpace of forty years by-gone, as in time coming, the Clerk fhall be obliged to make patent to all His Majesties Lieges, whensoever they fhall defire to fee the fame, upon payment of the ducs following, *viz.* Thirty fhillings *Scots* for infpection of the minute-book of the general Register of Seafings and Reverfions, and twenty fhillings *Scots* for that of the general Register of Inhibitions; and for that of the general Register of Hornings, twelve fhillings *Scots*; And for infpection of the Minute-book of the particular Register of Seafings and Reverfions in the feveral Shires, twelve fhillings *Scots*; And for that of Hornings and Inhibitions, fix fhillings and eight pennies *Scots* money. And it is hereby Declared, that the care of feeing the premiffes done and performed, after the expiring of this Commiffion, is committed to the Lords of Seflion.

33. As for Writers to the Signet, it is Ordained, that the rates of all Writs to be formed and written by them, be as followeth, *viz.* For Bonds, Affignations, Translations, Discharges, Tacks and other Writs of that nature, and likeways for Summons and all Letters that pafs the Signet, there be allowed only eighteen fhillings *Scots* for the firft sheet, and twelve fhillings *Scots* for ilk an of the reft of the sheets; Excepting Suspensions and Advocations, for the firft sheet whereof they fhall have forty fhillings *Scots*, and two Merks *Scots* for ilk sheet more: And where Summons are blank in any part thereof, that the fame be only payed for, according to the sheets which are written and filled up. And as for Contracts, Difpofitions, and other fecurities of Lands, Annual-rents or other heretable Rights, Chartors, Signatoures, Precepts in Latine, and other Writs of that nature, and likewise for Comprifings and Services, there fhall be only payed three pounds *Scots* for the firft sheet thereof, and thirty fhillings *Scots* for each of the reft of the sheets, the fame being alwayes written, conform to a patent to be figned by the Lords of Seflion; And that no diftinct payment be taken by the Writers, or their Servants, for Bills whereupon Summons or Letters are raifed, or for claimes whereupon Services or Comprifings do proceed, or for Scrolls of any of the faids Writs; Which rates or prices aforefaid fhall be in fatisfaction of all that is to be given, both to Mafter and Servants: And where Bonds, Affignations, Translations, Discharges, Contracts, Difpofitions, and other fecurities aforefaid, are drawn or written by any perfons who ufe to write for payment, not being Writers to the Signet, that there be paycd to them only two parts of the rates allowed to Writers to the Signet, in manner forefaid. And that all Writers to the Signet, and others refiding within the Town of *Edinburgh*, who ufe to write for payment, fhall compare before the Lords of Seflion betwixt and the firft of *December* next, and give their oaths that they fhall obferve the faid rates; and that thefe who refide in any other place of the Kingdom, fhall betwixt and the faid day, take the forefaid Oath, in prefence of the Sheriff of the Shire or his Depure, or other ordinar Magiftrat of the place; or in cafe they dwell within a Burgh Royal, before the Magiftrats of the Burgh; and the Writers to the Signet and other perfons aforefaid, are hereby discharged to form or write Writs of any kind, after the faid firft of *Decemb.* next, unlefs they take the faid Oath, under the pain of deprivation, and fuch other punifhment as the Lords of Seflion, or the ordinary Magiftrats of the place *refpective* fhall think fit to inflict. And it is hereby Declared, that it fhall not be lawfull to any perfon, to be Clerks to the deducing of Comprifings which are led by Difpenfation within the Town of *Edinburgh*, or to Services led before the Macers, except they be Writers to the Signet.

Concerning the JUSTICE-COURT.

Seeing Caufes Criminal are of the greateft importance, and may extend to the Lives and Liberties of any of His Majesties Subjects, and their perfons and Fortunes: and feeing the punifhment of Crimes is of the greateft confequence for the fafety and fecurity of his Majesties perfon and Authority, and the Peace and Quiemefle of the Kingdom; and therefore, matters Criminal ought to be determined in the moft folemn, exact and regular way, that the Loyal and Innocent may be in full fecurity, and Offenders may be punifhed either in the moft publick places of the Kingdom, or in the places where the Crimes have been committed, to terrifie others from the like: That whereas formerly affeffors from time to time were appointed to the Justice-General, in matters of importance, which being ambulatory, cannot be fo convenient, as if all the

the Members of that Court were settled and chosen by His Majesty of fit persons, who might make it their work to make a just and constant procedure in Matters Criminal.

1. For that effect, that the Office of Deputes in the Justice-Court be suppress'd, and that five of the Lords of Session be joynd to the Justice-General and Justice-Clerk, and all of them invested with the same and equal Power and Jurisdiction in all Criminal Causes; That the Justice-General being present preside, and in his absence the Justice-Clerk, and in absence of both, that these present elect one of their number to preside, four of the whole number being always the *Quorum* of that Court, except at the Circuit-Courts.

2. That they be appointed to meet each Monday at nine of the clock in time of Session, and oftner if business so require.

3. That the persons to pass upon Assizes be listed, and their Names and Designations insert in an Roll to be signed by the said Judges or their *Quorum*.

4. That for the splendour of that Court, all the Judges sit in red Robes faced with white, that of the Justice-Generals being lined with Ermine, for distinction from the rest.

5. That once a year, in the Moneth of *April* or *May*, Circuit Courts be kept, two of their number appointed to go and keep Courts at *Dumfries* and *Jedburgh*, two at *Stirling*, *Glasgow* and *Air*, and other two at the Towns of *Perth*, *Aberdeen* and *Inverness*; the Justice-General being always super-numerary in any of these Circuit-Courts.

6. That it be left and recommended to the Judges of that Court, to regular the inferior Officers thereof, and order every other thing concerning the said Court.

7. That a convenient Room be appointed for their meetings, Benches for the Judges, a place for the Justice-General, more eminent then the Seats of the other Judges; That the Advocats, Clerk, Assize and Pannels have distinct places appointed to them.

8. That the Clerk of the Court, nor no other person, be present with the Assize after they are inclosed.

9. That the Chancellor of the Assize mark what way every individual person who is upon the Assize shall vote, whether condemning or absolving, and that on the same Paper wherein the Verdict of Assize is written; which after the pronouncing of the Verdict, is to be closed and sealed with the Seals of the Court, of the Chancellour of the Assize, and of so many more of that number, as the Chancellor shall think fit, and never to be opened again, but by order of the Judges: With certification, if the Clerk who shall have the keeping of the said Verdict, do make open the same without warrant, he shall be deprived of his Office, and otherways punished as the Judges shall think fit.

10. That in all Criminal Pursutes, the Defender or his Advocats be always the last speaker, except in cases of Treason and Rebellion against the King.

11. That when any Criminal Libel or Summons of Exculpation are given and execute against any Party, that at the same time, Lists of the Witnesses to be adduced for proving of the said Libel and Summons, and of the persons who are to pass upon the Inquest, be also given to them; to the effect, the Party may know what to object against the said Witnesses and Assizers, and may take forth Diligences for summoning of Witnesses for proving of their objections, why any contained in the said Lists should not be admitted to be a Witness, or upon the Assize.

Concerning the Exchequer.

THAT there be payed to the Keepers of the Thesaurer Register and his Servants, for registration of Signatures fourty shillings Scots for the first sheet, and twenty shillings Scots for each other sheet of the Signature given in; And that neither he nor his Servants take or exact more, upon any account, or for more sheets then the Signature consisteth of, and that they give their Oaths to that effect.

2. That there be payed to the presenter of Signatures, for each Signature containing an Barrony, or Lands above that value, and which is to pass the Great Seal, six pounds Scots; And if it be of Lands under a Barrony, three pounds: And for all Signatures which are to pass the Privy Seal, only half a Crown. And that he make Faith to observe these Rates.

3. That no *Eques* be made in the Exchequer, by the Vassals of His Majesties Property, for any Blensh or Few-duties which are under the sum of ten pounds Scots; But as to these, that Lists of the Vassals and of the Blensh and Few-duties payable by them, be subscribed by the Commissioners of His Majesties Thesaurary, and sent to the Sheriffs of the several Shires, who, or their Deputes, shall charge the Vassals for payment of these Duties, and shall be countable for them to the Exchequer; And that upon payment by the Vassals of their said Few and Blensh-duties, the Sheriffs or their Deputes shall be obliged to grant to them Discharges thereof; without any money or gratification to be given therefore, either to the Sheriff or his Servants, except a Merk Scots only.

4. That the present way of making the counts of Exchequer in Rolls, be altered, and that the same be made hereafter in Books of Parchment; That *Eques* be made yearly; And that for all the Lands contained in one Chartor, belonging to one Heretor, there be made but one *Eques*.

AND further, His Majesty Recommends to the Commissioners aforesaid, that what by the shortnesse of time is not yet determined, as to the Commissary-courts, Sheriff-courts, Town-courts, and all other Courts and Judicatories of the Kingdom, may be done with all conveniency, conform to his Majesties Commission granted to them; and that they return their Judgements thereof to His Majesty, that He may give such order therein, as He shall think fit.

XVII.

ACT against keepers of Conventicles, and with-drawers from Publick Worship.

Edinburgh, 4. of September, 1672.

FOrasmuch as the Act pass by His Majesty and Estates of Parliament, upon the 13. of *August*, 1670. against Conventicles, and the other Act pass in the same Parliament upon the 20. day of the said moneth of *August*, 1670. against separation and with-drawing from the publick Meetings of Divine Worship, were appointed to endure only for the space of three years, unless His Majesty should think fit to continue them longer. And his Majesty considering, that these Acts have not hitherto received that obedience which was due unto them, and that the execution thereof hath not been so duely prosecuted, as by the tenor of the same is prescribed, and that therefore, the continuance thereof will be necessary for some longer time; Doth, with advice and consent of his Estates of Parliament, Statute and Ordain, that the two Acts of Parliament above-mentioned, against Conventicles and with-drawing from publick Meetings of Divine Worship, are and shall endure and continue Acts of Parliament and publick Laws of the Kingdom, for the space of three years, after the expiring of these three years above-mentioned, and longer as his Majesty shall be pleased to appoint. Likeas, His Majesty considering, that by the said Act against Conventicles, it is Statute, that no outted Minister, nor licensed by His Majesties Council, nor other person not authorized nor tollerated by the Bishop of the Diocesse, presume to preach, expound Scripture, or pray in any Meeting, except in their own houses, and to these of their own Family; And since there may be some questions and doubts, concerning the meaning and extenr of that word *Pray*, His Majesty doth, with advice foresaid, Declare, That it is not to be understood, as if thereby Prayer in Families were discharged, by the persons of the Family, and such as shall be present; nor exceeding the number of four persons, besides these of the Family: It is alwayes Declared, that this Act doth not give allowance to any outted Minister to pray in any Families, except in the Paroches where they be allowed to preach. And further, His Majesty with advice foresaid, doth hereby also Authorize the Magistrats of the Royal-burroughs, to call before them all such of their Burgessees, as shall be guilty of keeping Conventicles, and to proceed against them by fining and other wayes, as is at length exprest in the said Act; and that they make account and report of the fines to the Commissioners of His Majesties Theaury, and of their diligence to His Majesties Council. And His Majesty considering the slow progress hath been made, in putting these Acts in execution for the time by-gone, Doth therefore, with advice foresaid, Statute and Command, that all Sheriffs, Stewarts, Lords of Regalities and their Deputes, and Magistrats of Burroughs within their respective Jurisdictions, shall from henceforth be careful in putting these Acts to due execution, against keepers of Conventicles; and with-drawers from publick Worship, conform to the power and trust committed to them thereby: And that they return an account of their proceedings to His Majesties Council yearly, on the first Thursday of *July*, under the pain of five hundred Merks, to be payed by each Sheriff, Stewart, Bailiff and Magistrats of Burgh, for each years failzie, in not giving an account of their diligence as said is.

XVIII.

ACT for establishing Correction-houses for Idle Beggars and Vagabonds.

Edinburgh, 4. of September, 1672.

THe Kings Majesty, considering the many good Laws and Statutes made by himself and his Royal Predecessors, for suppressing of Vagabonds, Beggars and Idle persons, who are a great burden and reproach to the Kingdom, and for the most part, live without all Law or Rule, Sacred or Civil; And that a numerous brood of such persons are dayly increasing, who if they were set to work, and bred to Trades & callings, the people might not only be disburdened of them, but they might, in a short time & upon far less expence, become useful and profitable for the whole Kingdom. And withall considering, that the effect of all these good Laws hath been frustrate, because there hath been no place provided wherein such poor people might be set to work, nor persons appointed to have the charge and oversight of them: For remeid whereof, his Majesty, with advice and consent of His Estates of Parliament, Statutes, and Ordains, that the Magistrats of the Burghs following, betwixt and the term of Whitfunday next, 1673. provide Correction-houses for receiving and entertaining of the Beggars, Vagabonds and Idle persons within their Burghs, and such as shall be sent to them

to them out of the Shires and Bounds after-specified; and that they appoint Masters and Overseers of the same, who may set these poor persons to work; *viz.* one Correction-house at the Burgh of *Edinburgh*, for these of the Town and Shire of *Edinburgh*; one at the Burgh of *Haddington*, for those of the Shire of *Haddington*, one at *Dunse* for the Shire of *Berwick*; one at *Jedburgh*, for the Shire of *Roxburgh*; one at the Burgh of *Selkirk*, for the Shire of *Selkirk*; one at the Burgh of *Peebles*, for the Shire of *Peebles*; one at *Glasgow*, for the Shire of *Lanerk*; one at the Burgh of *Dumfries*, for the Shire of *Dumfries*; one at the Burgh of *Wigtown*, for the Shire of *Wigtown*; one at the Burgh of *Kirkcudbright*, for the Stewartry of *Kirkcudbright*; one at the Burgh of *Air*, for the Shire of *Air*; one at the Burgh of *Dumbarton*, for the Shire of *Dumbarton*; one at the Burgh of *Rothesay*, for the Shire of *Bute*; one at *Paisly*, for the Shire of *Renfrew*; one at *Sterling*, for the Shires of *Sterling* and *Clackmannan*; one at *Linlithgow*, for the Shire of *Linlithgow*; one at *Culross*, for these twelve Paroches in the Shire of *Perth*, belonging to the Presbytery of *Dumblane*; one at the Burgh of *Perth*, for the rest of the Shire of *Perth*; one at *Montrose*, for the Shire of *Kincardine*; one at the Burgh of *Aberdeen*, for the Shire thereof; one at *Inverness*, for the Shires of *Inverness*, *Ross*, and *Cromarty*; one at the Burgh of *Elgin*, for the Shires of *Elgin* and *Nairn*; one at *Inverary*, for the Shire of *Argyl*; four in the Shire of *Fife*, *viz.* one at *St. Andrews*, one at *Coupar*, one at *Kirkcaldy*, and one at *Dunnfermling*, for the four ordinary Divisions of that Shire; one at *Dundee* for the Shire of *Forfar*; one at the Burgh of *Banff*, for the Shire of *Banff*; one at the Burgh of *Dornoch*, for the Shire of *Sutherland*; one at the *Week*, for the Shire of *Caitness*; and one at the Burgh of *Kirkcubal*, for the Shire of *Orkney and Zeland*; each of which Houses shall have a large Clofs, sufficiently inclosed for keeping in the said poor people, that they be not necessitated to be alwayes within doors, to the hurt or hazard of their health. And in case the Magistrates of the said Burghs, or any of them shall not provide and have in readinesse, the saids Correction-houses betwixt and the said term of Whitunday next, they shall incur the pain and penalty of five hundred Merks Scots money, and that quarterly, untill the Correction-houses be provided: Which penalties shall be payed to the Commissioners of Excise, in the respective Shires or Bounds from which the saids poor persons shall be sent, to the saids Correction-houses: And the saids Commissioners are hereby warranted to raise Letters of Horning, and use other execution at their instance, against the Magistrates of the saids Burghs for payment of the penalties that shall be incurred by them, in manner foresaid; which penalties shall be applied by the saids Commissioners, for building or buying of houses to the effect foresaid: And in the mean time, untill the saids houses be provided, the Magistrates of the said Burghs are required to dispose of these Beggars and poor People, who were either born within their respective Burghs, or have haunted therein the last three years, in some convenient places, so as they may not go begging on the Streets, or at houses within the Town. And for the better enabling of the saids Burghs, to bear the charges and expences of the saids Correction-houses, His Majesty, with consent of the saids Estates of Parliament, Statutes and Ordains, that the Contributions and Allowances for maintaining of the Poor, appointed by the fifteenth Act of the third Session of His Majesties first Parliament, intituled, *Act concerning Beggars and Vagabonds*, be applied for the use of the saids Correction-houses, whereby they shall have two shillings Scots for ilk poor person *per diem* that shall be sent to them, and entertained and bred by them, for the first year; and twelve pennies Scots *per diem*, for the space of three years thereafter, during which they shall entertain and educate them, together with the profit arising from the labour and work of the saids poor persons, for seven years thereafter: Which Contributions are to be payed by the Paroches relieved of the said Poor, in manner contained in the said Act. And to the effect it may be known, what poor persons are to be sent to the said Correction-houses, and who are to be kept and entertained by the Contributions at the Paroch-kirks for the Poor, the Ministers of ilk Paroch, with some of the Elders, and in case of Vacancy of the Kirks, three or moe of the Elders are hereby ordered to take up an exact List of all the poor persons within their Paroches, by Name and Sir-name, condescending upon their age and condition, if they be able or unable to work, by reason of age, infirmity or disease, and where they were born, and in what Paroches they have most haunted during the last three years, preceeding the upraking of these Lists; intimation being alwayes made to the whole Heretors of the Paroch to be present, and to see the Lists right taken up; and that the Heretors who, and the possessors of their Land, are to bear the burden of the maintenance of the poor persons of each Paroch, or any of them who shall meet with the saids Ministers and Elders; shall condescend upon such as through age and infirmity, are not able to work, and appoint them places wherein to abide, that they may be supplied by the Contributions at the Paroch-kirk: And if the same be not sufficient to entertain them, that they give them a Badge or Ticket to ask almes at the dwelling-houses of the Inhabitants of their own Paroch only, without the bounds whereof, they are not to beg; and that they do not at all resort to Kirks, Mercats, or any other places where there are meetings at Marriages, Baptismes, Burials, or upon any other publick occasion: And likewise, that such of the saids poor persons as are of age and capacity to work, be first offered to the Heretors or Inhabitants of each Paroch, that if they will accept any of them to become their Apprentices or Servants, they may receive them upon their obligation to entertain and set to work the saids poor persons, and to relieve the Paroch of them; For which cause, they shall have the benefit of their work untill they attain the age of thirty years, conform to the tenth Act of the twenty two Parliament of King *James* the sixth, and that the rest of the saids poor persons be sent to

the Correction-houses, for whose entertainment, the saids Heretors shall cause collect the saids Contributions, and appoint a quarters allowance to be sent along with them, with Cloathes upon them; to cover their nakedness, and the said allowance to be payed quarterly thereafter, by way of advance. With power also to the saids Commissioners of Excise in each Shire, quarterly to take an account of the diligence of these of each Paroch in performing of the premises: And in case of their neglect, to appoint other persons to make the saids Lists, and Collectors to uplift the saids Allowances, and to bring them to Correction-houses. And the Sheriffs their Officers, and Mayers and Constables are hereby required to concur and be assisting to the carrying and delivering of the saids poor persons to the Correction-houses. And in case any Heretors shall find within their bounds, any other Vagabonds, Beggars or Idle persons, not being in service, nor having any visible way or flock to entertain themselves, who were not born, nor did haunt formerly within their bounds; they are hereby impowered to seize upon such persons, and to send them to the Correction-houses; and to charge the Magistrats or Masters of the saids houses to receive them, without advance of any allowance: With power notwithstanding to the saids Magistrats or Masters, to charge the Heretors of the Paroches where these idle persons were born, or have most haunted the last three years, for the allowance of such of them as are not bred to work; And as to such of them as can work, the Masters shall have the benefit of their work for their meat. And His Majesty, with advice foresaid, doth impower and require the Masters of the Correction-houses to put and hold the saids poor people to work, as they shall see them most capable and fit; And in case of their disobedience, to use all manner of severity and correction, by whiping or otherwayes, (excepting torture), and to detain them within the said Correction-house and Clofs thereof; with this provision, that in case any of the saids poor persons being received, shall be suffered to escape to burthen the Country of new, that the Magistrats shall be charged to recover and receive them again, without any allowance thereafter, during the said space of four years, under the pain of forty pounds *Scots* for each person so escaping: With power also to them, to receive disobedient servants, and to put them to work, and to correct them according to their demerits. Likeas His Majesty, with advice foresaid, Ordains Letters of Horning and other execution to pass hereupon, at the instance of these who shall send the poor in manner foresaid, against the Magistrats of Burghs for receiving the poor sent to them, with the quarters allowance foresaid: And likewise, Letters of Horning to be direct at the instance of the Masters of the saids Correction-houses, against these lyable in payment of the said allowance for the poor, conform to the said Act of Parliament, and that quarterly in manner foresaid; and at the instance of the Collectors, to be named by the Heretors or Commissioners of Excise, against the Heretors and Inhabitants of the saids Paroches, conform to the said Act of Parliament. It is alwayes hereby provided, that it shall be lawful to Coal-masters, Salt-masters, and others who have Manufactories in this Kingdom, to seize upon any Vagabonds or Beggars, where ever they can find them, and to put them to work in their Coal-heughs or other Manufactories, who are to have the same power of correcting them, and the benefit of their work, as the Masters of the Correction-houses. And furdur, His Majesty, with advice foresaid, recommends and commits the execution of this present Act to His Privy Council, with power to them to appoint all means and wayes for making the same effectual; To whom the Commissioners of excise in the severall Shires, are hereby Required to return an account of their diligence in the premises, by some of their number the second Council day in *November*, and the second Council day in *June* yearly, under the pain of Forty pounds *Scots* for every Commissioner of Excise, who shall be deficient in doing his part of the premises.

XIX.

*A C T Concerning Adjudications.**Edinburgh, 6. of September, 1672.*

THe Kings Majesty, considering how far Comprisings have deborded from the first design of the Legislators, who did never intend that opulent and great Estates should be carryed away for considerable sums, nor that Messengers or ignorant persons should be Judges in matters of so great importance; And considering the great prejudice ensuing to Trade & Commerce, by the length of the legal Reversion formerly granted, the Creditor not being able to command his money, and both Debitor and Creditor neglecting to use any policy & improvement of the Lands during the running of the the legal Reversion; And that after expiring thereof, Comprisings have become the foundation of much fraud; the right thereof being sometimes acquired by the appearand Heirs of the Debitor, who thereby secluded the lawful Creditors: And that by the ignorance of Nottars and Messengers, and many unnecessar solemnities, oftimes Nullities have happened in Comprisings, and the same have alwayes been most expensive by heaping of penalties and Sheriff-fees. And His Majesty, being desirous to secure equally the interest of Debtors and Creditors, Doth, with advice and consent of His Eltates of Parliament, Statute and Ordain, that in place of Comprisings, the Lords of Session, upon Processes raised before them at the instance of any Creditor against his Debitor, Principal or Cautioner, shall Adjudge and Decern to the Creditor in satisfaction of his Debt, as the

as the same shall be decreed by the saids Lords, such a part of the Debtors Estate, consisting in Lands and other Rights which were in use to be apprifed, as shall be worth the sum principal and Annual-rent then rest- and to the Creditor, and a fifth part more, in respect the Creditor wants the use of his money, and is necessitat- to take Land for the same, besides and attour the composition to the Superior, and expences of the Infettment; Which Adjudication shall be made, according to the several rates of the Lands and other Rights in the places where the same do ly; And for that effect, Probation shall be taken by the saids Lords for the part of the Creditor, and likewise for the part of the Debitor (if he shall desire the same) concerning the yearly Rent and value of the saids Lands and Rights, and what they have payed for five years by-gone, and what the same may pay, and the rates and prices at which such Lands and Rights are usually sold in these places of the Kingdom where they ly; With Power to the saids Lords to determine what warrantice the Debitor shall be lyable in to the Creditor, of the Lands and Rights so adjudged as they shall find just: Upon which Decreet of Adjudication, it shall be lawful to the Creditor immediately to enter to the possession of the Lands or other Rights adjudged to him, and to intromet with the Mails and Duties thereof, in satisfaction of his Annual-rent during the not redemption, without being lyable to any restriction or action of Count and Reckoning. And in case there be adjudged Lands affected with Life rents, or any Casualty or other Right not yielding Rent during the running of the Legal after-specified, the same shall be express in the said Decreet, together with that part of the sum esseirand thereto; That in case of redemption, the Creditor may have his Annual-rent for that part of his sum, for which he had no profit in manner foresaid: Which Lands and other Rights adjudged as said is, shall remain heretably and irredecimably with the Creditor, in case they be not redeemed within the space of five years after the Decreet of Adjudication, by payment or consignation of the sums principal and Annual-rent, for which the Adjudication did proceed, the Composition payed to the Superior, and expences in obtaining Infettment and Annual-rent of the same, in so far as is not satisfied by the Creditors possession in manner foresaid: And the Creditor being once in peaceable possession of the saids Lands or Rights, conform to the Decree of Adjudication, it shall not be lawful for him to use any further execution against his Debitor, except in the case of eviction upon the warrantice to be decreed by the saids Lords; But it shall be leifum to the Creditor, to use all manner of execution against his Debitor Principal or Cautioner, by Horning, Caption, Arrestment or otherwise, untill he enter to the actual possession of the Lands to be Adjudged in manner foresaid. And it is hereby Statute and Ordained; that no Comprisings shall be led in time coming, of any Lands or other Rights, which are not already comprifed; But prejudice alwayes of any apprifings led before the date of this Act, or to be deduced of Lands or other Rights already apprifed, whereof the Legal is not expired, which are to have course conforme to the Laws and Acts formerly made thereanent: It is alwayes hereby Provided and Declared, that in case the Debitor shall abstract the Writs and Evidents of the Lands and other Rights to be adjudged, and shall not produce a sufficient Right thereof, and deliver the same, or Transumps thereof to the Creditor as the Lords shall Judge necessary; and in case he shall not renounce the possession of the Lands and other Rights to be adjudged, and ratifie the Decreet of Adjudication, to the effect the Creditor may enter thereto summarly, without any impediment, so that the Creditor may have a clear right and quiet possession: Then and in that case, it shall be leifum to the Creditor to adjudge all or any Right belonging to his Debitor, in the same manner as he might have apprifed the same, conform to the Act of Parliament, 1661. anent the payment of Debts betwixts Debitor and Creditor, in all points, under the Reversion, and with the power competent to other Creditors express in the said Act. And it is hereby Declared, that neither the Superior, nor the Adjudger shall be prejudged by this Act, but that they shall be in the same case after citation in this Procees of Adjudication, as if Apprifing were led of the Lands at that time, and a Charge given to the Superior thereupon: Whilk Decrees of Adjudication above-mentioned shall be allowed by the Lords of Session, as Apprifings now are; And the allowance shall be registrar in the same manner, and under the same certification, with the allowanees of Comprisings; To the effect, the same may be known, and that Creditors may not be disappointed by Adjudging Lands already adjudged to others.

X X.

*A C T for employing Vacand Stipends for the Universities.**Edinburgh, 10. of September, 1672.*

THe Kings Majesty, considering the present condition of several Universities and Colledges within this Kingdom, and the mean and incompetent provision of the Masters and Professors thereof; and being desirous to give all due encouragement to these Seminaries, that thereby able and fit persons may be invited to accept of Functions within the same; Dorth therefore, with advice & consent of his Estates of Parliament, Statute & Ordain, that the Stipends and Benefices of Kirks that shall happen to Vaik for the space of seven years, This present year, one thousand, six hundred, and seventy two, being the first of the seven, and so forth to continue until the expiring of the seven years, shall be employed for the use of the Univerfities

and Colledges in manner after-specified, *viz.* The Vacancies within the Dioeces of *St. Andrews*, *Dumblain*, *Dunkeld*, *Brichin* and *Orkney*, for the Universities of *St. Andrews*, and the Vacancies within the Dioecis of *Edinburgh*, for the Colledge of *Edinburgh*; and the Vacancies within the Dioeces of *Aberdeen*, *Murray*, *Rofs* and *Caitbness*, for the Universities of *Aberdeen*; and the Vacancies within the Dioeces of *Glasgow*, *Galloway* and the *Isles* as follows, *viz.* The Vacancies of the Dioecis of *Glasgow* for this present year, one thousand, six hundred, and seventy two, to be employed, the one half for the University of *St. Andrews*, and the other half for the University of *Glasgow*; and the Vacancies of that Dioecis for the six years ensuing, with the Vacancies of the said two Dioeces of *Galloway* and the *Isles* for the whole seven years above-mentioned, to be employed for the University of *Glasgow*. And that this supply may prove the more effectual, The several Universities and Colledges are hereby warranted to name Collectors (for whose diligence and faithfulness, they are to receive sufficient Caution before they receive their Commissions) to uplift the Vacant Stipends which are or shall become Vacant during the seven years above-mentioned, within the respective Dioeces hereby allotted to them; The Collector to be appointed by the Colledge of *Glasgow*, to uplift the Vacancies of the Dioecis of *Glasgow*, always finding sufficient Caution at the sight of the University of *St. Andrews*, to make payment to that University and to the University of *Glasgow*, equally betwixt them, of the Vacancies which he shall receive within the said Dioecis of *Glasgow* for this present year, one thousand, six hundred, & seventy two; And his Majesty, with advice foresaid, Ordains Letters of Horning, and all other execution necessary, to pass at the instance of the saids Collectors, for the more speedy raising & inbringing of the Vacancies aforesaid: which Vacancies are to be disposed of & employed for the use of the respective Universities and Colledges yearly, by the Visitors to be appointed by his Majesty for the respective Universities and Colledges under the Great Seal. It is always hereby Declared, that the Vacancies shall be burdened with the up-holding of the Manes of these Paroches, out of which the Vacancies shall be raised, in the same manner as they were formerly upon removal of the Incumbent, conform to the Act of Parliament made thereanent: and as to the Vacancies of the Dioecis of *Argyl*, they are to be employed for maintenance of *Bussars*, as is appointed by former Acts of Parliament: And His Majesty, with advice foresaid, Declares the former Act past in the third Session of His Majesties first Parliament, entituled, *Act for additional Provision in favours of Universities*, to be void and null to all the intents therein contained.

X X I.

A C T concerning the Priviledges of the Office of Lyon King at Armes.

Edinburgh, 10. of Septembet, 1672.

OUR Sovereign Lord, considering, that albeit by the 125. Act of the 12. Parliament, holden by His Majesties Grand-father in the year, 1592. the usurpation of Armes by any of His Majesties Leidges, without the Authority of the *Lyon King of Armes*, is expressly discharged; And that in order thereto, power and Commission is granted to the *Lyon King of Armes*, or his Deputies to visit the whole Armes of Noble-men, Barons and Gentle-men, and to matriculate the same in their Registers, and to fine in one hundred pounds, all others who shall unjustly usurp Armes; As also to escheat all such Goods and Gear, as shall have unwarrantable Armes engraven on them. Yer, amongst the many irregularities of these late times, very many have assumed to themselves Armes, who should bear none, and many of these who may in Law bear, have assumed to themselves the Armes of their Chief, without distinctions, or Armes which were not carried by them or their Predecessors. Therefore, His Majesty, with advice and consent of His Estates of Parliament, Ratifies and Approves the foresaid Act of Parliament; And for the more vigorous prosecution thereof, doth hereby Statute and Ordain, that letters of publication of this present Act be direct to be execute at the Mercat-crofs of the head Burghs of the Shires, Stewartries, Baileries of Royalty and Regality, and Royal Burroughs, charging all and sundry Prelats, Noble-men, Barons and Gentle-men, who make use of any Arms or Signs Armorial, within the space of one year after the said publication to bring or send an account of what Arms, or Signs armorial they are accustomed to use, and whither they be Descendants of any Family, the Arms of which Family they bear, and of what Brother of the Family they are descended; With Testificats from persons of Honour, Noble-men or Gentle-men of quality, anent the verity of their having and using those Arms, and of their descent as aforesaid, to be delivered either to the Clerk of the Jurisdiction where the persons dwels, or to the Lyon Clerk, at his Office in *Edinburgh*, at the option of the party, upon their Receipts *gratis*, without paying any thing therefor; Which Receipt shall be a sufficient exoneracion to them, from being obliged to produce again, to the effect, that the *Lyon King of Armes* may distinguish the saids Arms, with congruant Differences, and may matriculate the same in his Books and Registers, and may give Arms to vertuous and well deserving persons, and Extracts of all Arms, expressing the blasoning of the Arms under his hand and Seal of Office; For which shall be payed to the Lyon, the sum of twenty merks, by every Prelat & Noble-man, and ten merks by every Knight and Baron, and five merks by every other person bearing Arms, and no more: And His Majesty

Majesty hereby dispenses, with any penalties that may arise by this or any preceding Act for bearing Armes, before the Proclamation to be issued hereupon. And it is Statute and Ordained, with consent foresaid, that the said Register shall be respected as the true and un-repealable rule of all Armes and Bearings in Scotland, to remain with the Lyons Office as a publick Register of the Kingdom, and to be transmitted to his Successors in all time coming: And that whosoever shall use any other Armes any manner of way, after the expiring of year and day from the date of the Proclamation to be issued hereupon, in manner foresaid, shall pay one hundred pounds money, *toties quoties*, to the Lyon, and shall likewise forfeit to His Majesty, all the moveable Goods and Gear upon which the saids Armes are engraven, or otherwise represented. And His Majesty, with consent foresaid Declares, that it is only allowed for Noblemen and Bishops to subscribe by their Titles; And that all others shall subscribe their Christned Names, or the initial letter thereof with their Surnames, and may, if they please adject the Designations of their Lands, prefixing the word OF to the saids Designations. And the Lyon King at Armes and his Brethren, are required to be careful of informing themselves of the contraveeners hereof, and that they acquaint His Majesties Council therewith, who are hereby empowered to punish them as persons disobedient to, and contraveeners of the Law. It is likewise hereby Declared, that the Lyon and his Brethren Heraulds are Judges in all such causes, concerning the Malversation of Messengers in their office, and are to enjoy all other priviledges belonging to their Office, which are secured to them by the Laws of this Kingdom, and according to former practice.

XXII.

ACT against Profaneness.

Edinburgh, II. of September, 1672.

OUR Sovereign Lord, considering the many and great violations of the Law of GOD, and of the Laws of this Kingdom, established by His Majesty and his Royal Predecessors, against cursing, swearing, drunkenness, fornication and uncleanness, profanation of the Lords-day, mocking or reproaching of Religion and the exercises thereof; Which are prohibited by several Acts of Parliament, under diverse pecuniary mulcts and penalties; and especially by the twenty Act of the twenty two Parliament of King James the sixth, entituled, *Act against the punishment of Drunkards*; And by the eighteenth Act of the first Session of His Majesties first Parliament, entituled, *Act for the due observation of the Sabbathday*; And the nineteenth Act thereof entituled, *Act against swearing and excessive drinking*; And by the thirty eight Act of that same Session of Parliament, containing instructions to the Justices of Peace: Doth, with advice of His Estates of Parliament, Statute and Ordain, that the several pains and fines appointed by the said Acts, be inflicted on, and exacted off the respective transgressors; And for that effect, it is hereby Statute and Ordained, that besides the exercise of Church-discipline, according to the Laws and practice used in this Church, in every Paroch within Royal Burgh, or wherein any of His Majesties Privy Council or Lords of Session, Sheriff, Lord, or Bailiff of Regality or their Deputes, or Commissaries, have their residence or keep Courts, that the saids Councillors or Lords of Session, Magistrates of such Burghs, the Sheriffs and the Lords and Bailiffs of Regalities or their Deputes, the Commissaries or any Justice of Peace, They or any one or more of them, execute or cause execute the saids Laws, against such delinquents in the several Paroches where they reside, as shall be dilated to them by the Kirk-Sessions, or other Church-Indicatories. Providing alwayes, Likeas it is hereby provided, that the Minister and Kirk-Session, with the Heretors of each Paroch, or such of them as upon publick intimation by the Minister from the Pulpit, upon eight dayes warning, shall meet with the Minister, and his assistants in discipline, have the nomination of a Collector, who is to receive and count for the fines so imposed; Excepting to the Royal-Burghs the nomination of their Collectors, who have been accustomed so to nominate, they alwayes being accountable as other Collectors, for the uses after-specified: And where there be any Paroches, in which there is none of the saids above-named persons in Authority resident, the Minister and Kirk-Session and Heretors of the Paroch, or Major part of them, who shall convene upon publick intimation by the Minister upon eight dayes warning, shall nominate so often as they see cause, a person resident within the Paroch, whom they find most fit for executing of the saids Statutes, and shall under their hand, offer the person so chosen to the Sheriffs, Lords and Bailiffs of Regalities, Stewarts, Commissaries, having the ordinary Jurisdiction of that place, who are hereby authorized to give Commission and Deputation to the persons so chosen for conveying the persons transgressors of the foresaid Statutes, and to judge in them according to Law: And it is hereby Declared, that all execution shall pass upon the Decretes and Sentences of the saids Judges and Commissioners, as do or may pass upon the Decretes or Sentences of Sheriffs, Bailiffs of Royalty or Regality, for executing of the saids Statutes, conform to the tenor thereof in all points. With Power to the said Minister, Kirk-Session and Heretors of each Paroch convened in manner foresaid, to modifie and appoint such part and portion of the sums arising by the said Decretes, to the Collectors

Collectors nominat by them for their services, as they shall find just, according to their pains and diligence. And it is hereby Declared, that the remainder of the saids sums shall belong to, and be made use of, for the poor of each Paroch *respective*, in manner following, *viz.* The one half thereof for the use of the poor of each Paroch to be sent to the Correction-houes, for being bred to lawful Trades, conform to an Act of Parliament, made in this Session of Parliament; And for which, the Collector shall be countable to the Heretors of each Paroch, and shall deliver to them Receipts from the Masters of the Correction-houes of the one half of the saids sums, toward the allowance of the said poor people, appointed to be payed out of each Paroch by the said Act: and the other half of the saids fines shall belong to the poor of each Paroch *respective*, who by the said Act, by reason of their age or infirmity, are appointed to be entertained within each Paroch by the Contributions at the Paroch-Kirk, and for which the saids Collectors are to be countable to the Minister and Kirk-Session of each Paroch, or to the Elders during the Vacaney; and to be applyed be them for the use of the poor, as they shall see cause.

XXIII.

ACT Salvo jure cujuslibet.

Edinburgh, 11. of September, 1672.

OUR Sovereign Lord taking to consideration, that there be many Acts of Ratifications and others, past and made in this Session of Parliament, in favours of particular persons; without calling or hearing of such as may be thereby concerned and prejudged: Therefore, His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all such particular Acts and Acts of Ratification past in manner foresaid, shall not prejudice any third party of their lawful Rights, nor of their Actions and Defences competent thereupon, before the making of the said particular Acts and Acts of Ratifications; And that the Lords of Session and all other Judges within this Kingdom, shall be obliged to judge betwixt Parties, according to their several Rights standing in their persons before the making of the saids Acts: All which are hereby exponed, and Declared to have been made, *Salvo jure cujuslibet.*

XXIV.

ACT of Adjournment.

Edinburgh, 11. of September, 1672.

THE King's Majesty Declares this Parliament current, and Adjourns the same to the second Wednesday of June next to come; Ordaining all the Members of Parliament to attend that day, And that there be no new Election of Commissioners from Shires or Burroughs, except upon the death of some of the present Commissioners.

F I N I S.

A L I S T

Of the L A W S and publick A C T S, pass'd in the Parliament holden at *Edinburgh*,
in the Year, 1672.

1. **A**CT for settling of the Militia.
2. Act concerning Pupils and Minors, and their Tutors and Curators.
3. Act discharging the importation of Irish Victual.
4. Act for raising a Supply to His Majesty, of 864000. l.
5. Act concerning the Priviledges of Burghs-Royal.
6. Act discharging second Summonds, &c.
7. Act concerning the Writs passing the Great and Privy Seals.
8. Act concerning the Arreastments used within Burghs.
9. Act against unlawfui Ordinations, &c.
10. Act concerning Apparel.
11. Act against such as do not Baptize their Children.
12. Act for an Anniversary Thanksgiving.
13. Act concerning the Ann, due to the Executors of Bishops and Ministers.
14. Act for retouring of Taxt-Marriages.
15. Commission for plantation of Kirks, and valuation of Teinds.
16. Act concerning the regulation of the Judicatories.
17. Act against keepers of Conventicles, and with-drawers from Publick Worship.
18. Act for establishing Correction-houses for Idle Beggars and Vagabonds.
19. Act concerning Adjudications.
20. Act for employing Vacand Stipends for the Universities.
21. Act concerning the Priviledges of the Office of Lyon King at Armes.
22. Act against Prophanesse.
23. Act Salvo jure cujuslibet.
24. Act of Adjournment.

F I N I S.

A L I S T

Of the ACTS and RATIFICATIONS past in the third Session of His
Majesties second Parliament, holden in the Year, 1672. and
which are not printed.

- Protestations by some Noblemen, for their ranking in the Rolls of Parliament.
His Majesties Letter to the Parliament, with the Parliaments Answer.
Warrant for some new Fairs and Markets.
Act concerning Mr. *William Moor*.
Acts concerning the Burghs of *Cromarty*, *Kilrenny* and *Ennstruther*.
Act and Ratification in favours of the Colledge of *Glasgow*.
Warrant for a Birth-brieff to Sir *Gabriel Wood*.
Act annexing the Duke of *Buckleuchs* Lands in *Dumfries* to the Shire of *Roxburgh*.
Act suspending publick Debts, and Protection to *William Dick*.
Decreet the Lady *Forrester* and her Son against the Countess of *Bramford*.
Ratification of the Earl of *Dundonalds* Mortification to the Colledge of *Glasgow*.
Act for repairing the Kirks of *Burrowsstones*, *Blair*; and *Elie*.
Imposition for the building and repairing of three Bridges.
Protestation by the Lord Thesaurer Depute.
Act against Members of Parliament who did not attend.
Remit in favours of the Earls of *Cassils* and *Lothian*, &c.
Remit and Recommendation of some Petitions to the Council.
Ratification in favours of the Earl of *Rothes*, Lord Chancellor.
Ratification in favours of the Duke of *Buckleuch*.
Ratification in favours of the Earl of *Arbut*.
Protestation by the Laird of *Strowan* against it.
Ratification in favours of Sir *John Wachop of Niddrie*.
Ratification in favours of Mr. *Alexander Balnaves*.
Ratification in favours of Sir *William Scot of Harden*.
Ratification in favours of the Duke of *Lemox*.
Ratification in favours of the Duke and Dutchess of *Hamilton*.
Ratification in favours of the Arch-Bishop of *St. Andrews*.
Protestation by the Bishop of *Edinburgh* against it.
Protestation by the Arch-Bishop of *St. Andrews* to the contrar.
Ratification in favours of the Marques of *Montrose*.
Ratification in favours of the Earl of *Glencarn*.
Ratification in favours of the Earl of *Cassils*.
Ratification in favours of the Earl of *Kellie*.
Ratification in favours of the Earl of *Kilmarnock*.
Ratification in favours of the Lord Thesaurer-Depute.
Ratification in favours of the Lyon, King at Arms, and his Son.
Ratification in favours of Sir *Andrew Ker of Cavers*.
Ratification in favours of *James Hamilton*.
Ratification in favours of *William Bruce of Newtoun*.
Ratification in favours of *Adam Urquhart of Meldrum*.
Ratification in favours of Mr. *George Gibson*.
Ratification in favours of Mr. *John Bayne*.
Ratification in favours of Mr. *Thomas Murray*.
Ratification in favours of Major *Hew Buntein of Kilbryd*.
Ratification in favours of *John Rutherford of Edgarston*.
Two Ratifications in favours of Sir *Andrew Ramsay of Abbot-bal*.
Ratification in favours of Mr. *Robert Ross*.
Ratification in favours of Mr. *William Barclay*.
Ratification in favours of *Andrew Fletcher of Saltoun*.
Ratification in favours of Sir *Thomas Stewart of Gairntullie*.
Ratification in favours of *John Blair of Drumskey*.
Ratification in favours of Sir *John Ayton* of that ilk.
Ratification in favours of Mr. *William Eccles*.

- Ratification in favours of *Thomas Kirkpatrick*.
 Ratification in favours of *John Johnston*.
 Ratification in favours of *James Menzeis of Enoth*.
 Ratification in favours of *John Maitland of Eccles*.
 Ratification in favours of *Robert Greirson of Lag*.
 Ratification in favours of *Sir James Mackgill of Rankellore*.
 Ratification in favours of *John Boyd of Kelburn*.
 Ratification in favours of *James Birsben of Bishoptoun*.
 Ratification in favours of *John Cunningham of Enterkin*.
 Ratification in favours of *Archibald Stewart of Blackball*.
 Ratification in favours of *David Boswall of Achinleck*.
 Ratification in favours of *William Blair* of that ilk.
 Ratification in favours of *Sir Patrick Maxwell of Newark*.
 Ratification in favours of *Sir William Graham of Gartmore*.
 Ratification in favours of *Mr. Roger Hog*.
 Ratification in favours of *David Kinmer* of that ilk.
 Ratification in favours of *Patrick Threipland of Fingask*.
 Ratification in favours of *Patrick Maxwell of Teilling*.
 Ratification in favours of *Sir David Carnegie of Pittarro*.
 Two Ratifications in favours of *Sir William Bruce of Bakaskie*.
 Ratification in favours of *William Menzeis of Piffoddel*.
 Ratification in favours of *Alexander Cochrane of Barbachlaw*.
 Ratification in favours of *Peter Hay of Naughton*.
 Ratification in favours of *Andrew Anderson His Majesty's Printer*.
 Ratification in favours of *Alexander Udney* of that ilk.
 Ratification in favours of *John Schwarz of Sornebg*.
 Ratification in favours of *William Maxwell of Jaektoun*.
 Ratification in favours of *William Murray of Stanbop*.
 Ratification in favours of *John Walker*.
 Ratification in favours of *James Hamiltoun in Edinburgh*.
 Ratification in favours of *James Maule of Melgum*.
 Ratification in favours of *Alexander Watson* Provost of *Dundee*.
 Ratification in favours of the City of *Edinburgh*.
 Ratification in favours of *Alexander Hamiltoun of Dalryel*.
 Ratification in favours of the Chirurgians in *Glasgow*.
 Ratification in favours of *Sir James Baird of Achmedden*.
 Ratification of a Gildrie in *Glasgow*.
 Ratification in favours of *Sir James Johnston of Westerball*.
 Ratification in favours of *Mr. Andrew Burnet of Warristoun*.
 Ratification in favours of the Earl of *Pannure*.
 Ratification in favours of *Hew Paterson*.
 Two Ratifications in favours of the University of *St. Andrews*.
 Ratification in favours of the Earl of *Argyl*.
 Ratification in favours of the Earl of *Kinghorn*.
 Protestation by the Earl of *Soutbesk* and Town of *Forfar* against it.
 Ratification in favours of *Sir John Young of Leny*.
 Ratification in favours of *Arthur Tempil of Ravebrig*.
 Ratification in favours of *John Cheistie of Gorgie*.
 Ratification in favours of *Sir Hew Campbell of Calder*.
 Ratification in favours of *William Lindsay of Belstane*.
 Ratification in favours of *Sir James Fowlis of Colingtoun*.
 Ratification in favours of *John Leslie of Aquitrosk*.
 Ratification in favours of *James Somervel of Drum*.
 Two Ratifications in favours of *Mr. David Watson*.
 Protestation by the Wrights of the *Canogate* against one of them.

F I N I S

T H E
L A W S A N D A C T S
P a s t i n t h e F o u r t h a n d l a s t
S E S S I O N
O f t h e S E C O N D
P A R L I A M E N T,
Of Our Most High and Dread Sovereign,
C H A R L E S
T H E S E C O N D.

By the Grace of GOD, King of Scotland, England, France and Ireland,
Defender of the Faith.

*Holden by his Grace, John Duke of Lauderdale, Marquess of March, Earl of Lauderdale,
Viscount Matland, Lord Thirlestane, Musselburgh and Bolton, &c.
His MAJESTIES Commissioner, &c.*

This Session continued from the 12. of *Novemb.* 1673. to the 2. of *Decemb.* thereafter; and then
being by His *Majesties* Authority several times Adjourned:

The Parliament was by His *Majesties* Royal Proclamation the 19. of
May, 1674. Dissolved.

A C T concerning the Pre-emption and Excise of Salt.

At *Edinburgh*, the 25. of *Novemb.*, 1673.



HE King's most Excellent Majesty, having, from the constant affection and care, which He hath alwayes had of the concerns of this His Ancient Kingdom, Resolved further to gratifie His good Subjects, by such Grants and publick Laws as he shall judge to conduce most for their good and advantage: And understanding by the prosecution and management of the Pre-emption of Salt within this Kingdom; that the same hath been occasion of trouble and burden to His Subjects, His Majesty doth therefore Annull and Discharge the said Pre-emption, and all Pre-emptions of Salt in time coming, and Declares the same, and all Acts, Commissions, or other warrands whatsoever authorizing it, to be, from and after the first day of *December*, this present year, one thousand, six hundred, and seventy three, vacated, void and null. And in order thereunto, His Majesty, with advice and consent of His Estates of Parliament, Doth hereby rescind and Annull;

all and sundry the Contracts, which in prosecution of this Pre-emption, were entred into by the Salt-masters, and these persons who, by warrant of the Commissioners of His Majesties Thesaurie, contracted with them for the sale of their Salt. And declares the saids Contracts and every of them to be void and null, after the said first of *December* next to come: It is alwayes hereby declared, that these

Contracts are to stand good to all intents and purposes therein contained, for all the Salt that is or shall be made before the said first day of *December*. Likeas the Kings Majesty, for the encouragement of the Manufacture of Salt, and for the further ease of His good Subjects, Doth hereby declare, all Salt made or to be made within this Kingdom, to be henceforth free from payment of Excise. And further, His Majesty, with advice foresaid, allows the Importation of forraign Salt; And Statutes and Ordains, that ilk Boll of forraign Salt of *Linlithgow* measure, shall pay fourty shillings *Scots* of Excise, whether the Salt be employed on Fishes or not; and that security shall be given at the entry of the Salt, that this Excise duty shall be compleatly payed within year and day after the Importation thereof: And in consideration of the Exemption which the forraign Salt employed on Fishes had from Excise formerly; His Majesty Declares, That all exported Fishes, whither Herring, Salmond, or others, shall be in time coming free from the payment of Custom.

Likeas, His Majesty, with advice foresaid, doth Inhibit and Discharge the Collectors and Farmers of Excise, upon any pretext, to give any ease or abatement of the said fourty shillings of Excise imposed upon ilk boll of forraign Salt, under the pain of deprivation, if they be Collectors, and the loss of the Benefit of their Tack of the Excise, if they be Farmers; and of such further punishment as the Lords of Exchequer shall think fit to inflict. And to the end it may be known, what quantities of Forraign Salt are truly entred, His Majesty, with advice foresaid, Ordains the severall Collectors of Excise, from time to time, to make patent to any of the Owners of Salt, or these having their Warrant, their Books, in so far as concerns the entry of forraign Salt: And if the Salt-Owners, or their Factors, shall find any quantity concealed or imbez'd, or that there is abatement given of the duty, they are hereby warranted to pursue the transgressors before the Lords of Exchequer: And shall have for their own use, the equal half of the seizure-concealment, or abatement *respective*, which shall be so discovered by them. And his Majesty doth, with advice foresaid, Rescind and Annul any former Acts of Parliament, or clauses therein, relating to the Excise of Salt, which are inconsistent with, and prejudicial unto, the intent of this Act: And Declares, that so long as the Excise continues, this shall be the constant rule for regulating the Excise of Salt, and the Custom thereof to continue as it is in the Book of Rates.

A C T Concerning the Importation and Excise of

B R A N D Y.

At *EDINBURGH*, the 1. of *December*, 1673.

THE King's Majesty, having, upon good consideration, thought fit to allow the Importation of Brandy, and Mum or Bremer-beer within this Kingdom; Doth therefore with advice and consent of His Estates of Parliament, Rescind and Annul all Acts of Parliament and Privy Council, Proclamations and other Warrands prohibiting the same. Likeas, His Majesty, with advice foresaid, Appoints every Tun of Imported Brandy to be lyable in payment of fourcore pounds *Scots* for Custom, without any defalcation, and ilk *Scots* pint of the same Brandy to be liable in the payment of six shillings *Scots* for Excise: And every barrell of the aforesaid Mum, not exceeding twelve gallons to be lyable in thretty shillings *Scots* of Custome, and as much for excise, which Excise of Brandy and Mum; is to be raised in the severall Shires and Burghs, where the same shall be retailed, by tapping and selling in smalls, and employed for the proportional relief of the annuity of Excise payable by the saids Shires and Burghs, and this Custome and Excise to be listed and payed conform to the Laws and Acts, made concerning Custome and Excise *respective*.

A C T Concerning

A P P A R E L.

At *EDINBURGH*, the 2. of *December*, 1673.

THE King's Majesty, considering that some difficulties have occurred, concerning some expressions and qualifications mentioned in the Act made in the last Session of Parliament, concerning Apparel, and that the Manufacture of whyt Lace or Pearling made of threed (whereby many poor people gain'd their lively-hood) was thereby much prejudged and impaired: For the clearing and remed whereof; in time coming, His Majesty hath thought fit, with advice and consent of His Estates of Parliament, to Rescind, Discharge and Annul that part of the afore-mentioned Act for Apparel, concerning the allowance granted to
the

the persons thereby priviledged, to wear Velvet, Satins, and other Silk Stuffs, &c. And Declares, that now and in time coming, it shall be free to all and every person within this Kingdom, to wear all such Silks, white Lace, Cloaths and others, in the same manner, and als freely as be the aforesaid Act, they were allowed to be worn by the priviledged persons therein mentioned; And that plain Satin Ribbons may be worn upon Apparel in the same manner as Tassitie Ribbons; Any thing in the said Act to the contrair, notwithstanding. Likeas, His Majesty, with advice foresaid, doth hereby Ratifie and renew the aforesaid Act, pass in the last Session of Parliament, concerning Apparel, in all the other heads, clauses and articles thereof, which are not by this Act innovat or discharged.

A C T concerning the Imposition on

T O B A C C O.

At EDINBURGH, the 2. of December, 1673.

THE King's Majesty, considering the prejudice that doth and may arise to the trade of Tobacco, be and upon occasion of the late Imposition upon the Tobacco, and the gift of the same given under His Majesties Great Seal, to Sir *John Nicolson* of *Nicolson*, of the date the second of *December*, 1671: Therefore His Majesty, with advice and consent of His Estates of Parliament, doth discharge the said Imposition upon the Tobacco. And declares the said Imposition, and Gift thereof granted to the said Sir *John Nicolson* to be void and extinct in all intents, as if the said Imposition and Gift had not been imposed or granted. And His Majesty, with consent foresaid, doth allow the Importing of Tobacco in all time coming free and without payment of any other Custome and Imposition but the ordinary Custome: Conform to the book of Rates, And the Excise. It is alwayes Declared and Ordained, that such sums of money as have been payed to the said Sir *John*, or to any person in his name, for and upon the account of the said Imposition, and all Bands granted upon the account foresaid, shall pertain to His Majesty, and the said Sir *John* shall be accountable for the saids sums, and shall be obliged to deliver the saids Bands to the Lords of His Majesties Treasurie for His Majesties use; Excepting alwayes, the Band given for the Tobacco, imported in the Ship called *Whereof John Philips* is Master, arrived at the Port of the West, which His Majesty doth discharge, and Ordains, to be given back to those who granted the same: And sicklike, excepting any other Bands granted upon the account of the said Imposition, where the Tobacco is not vented, as to such proportions thereof, as the Merchants shall declare upon their Oath, are not sold by them, they alwayes paying the ordinary dues, *viz.* Custom conform to the book of Rates, and Excise. And His Majesty, with advice foresaid, doth hereby Declare all Tobacco already Imported, to be free of the said Imposition, where money hath not been payed, or Bands granted for the same, and discharges any arrestments laid thereon upon the account of the said Imposition.

A. Primerose, Cls. Reg.

E I N I S



T H E
L A W S A N D A C T S
Of the T H I R D
P A R L I A M E N T,
Of Our Most High and Dread Sovereign,
C H A R L E S
T H E S E C O N D.

By the Grace of GOD, King of Scotland, England, France and Ireland,
Defender of the Faith.

Holden at E D I N B U R G H, the 28. day of July, 1681.

*By His Royal Highness JAMES Duke of Albany, and York, &c. His Majesty's
High Commissioner for holding the same, by vertue of Commission under
His Majesty's Great Seale of this Kingdom.*

With the special Advice and Consent of the Estates of Parliament.

I.

ACT Ratifying all former Laws for the Security of the Protestant Religion:

August 13. 1681.



OUR SOVERAIGNE LORD, With advice and consent of the Estates of Parliament, Ratifies and approves all and whatsoever Laws, Acts, and Statuts made by his Royal Grand-father, and Father of Blessed Memory, or made and passin any of his Majestie's former Parliaments, for settling and securing the Liberty and Freedom of the true Kirk of God, and the Protestant Religion, presently Professed within this Realm, and all Acts made against Popery, And Ordains the same to stand in full force, and effect, and to be put in Execution, according to the tenour and purport of these Acts, As if they were specially mentioncd, and set down herein.

II.

*ACT Acknowledging and asserting the right of Succession to the Imperial
Crown of Scotland.*

August 13. 1681.

T H E Estates of Parliament, Considering that the Kings of this Realm deriving their Royal power from God Almighty alone, do succeed lineally thereto, according to the known degrees of Proximitie

in blood, which cannot be interrupted, suspended or diverted by any Act or Statute whatsoever, And that none can attempt to alter or divert the said Succession, without involving the subjects of this Kingdom in Perjurie and Rebellion, and without exposing them to all the fatal and dreadful consequences of a Civil warr, DOE therefore from a hearty and sincere sence of their duty, Recognize, acknowledge and declare, that the right to the Imperial Crown of this Realm, is by the inherent right and the nature of the Monarchie, asvelas by the fundamental and unalterable Laws of this Realm, transmitted and devolved by a lineal Succession, according to the proximitie of blood. And that upon the death of the King or Queen, who actually Reignes, The subjects of this Kingdom are bound by Law, duty and allegiance, to obey the next Immediat and Lawful Heir either Male or Female, Upon whom the right and administration of the Government is immediatly devolved. And that no difference in Religion, nor no Law nor Act of Parliament made, or to be made, can alter or divert the right of Succession and lineal descent of the Crown to the Nearest and Lawful Heirs, according to the degrees foresaids: nor can stop or hinder them in the full, free and Actual administration of the Government according to the Laws of the Kingdom. Likeas OUR SOVERAIGNE LORD, With advice and consent of the saids Estates of Parliament, Do declare it is high Treason in any of the subjects of this Kingdom, by writing, speaking, or any other manner of way to endeavour the alteration, suspension or diversion of the said right of Succession, or the debarring the Next Lawful Successor from the immediat, Actual, full and free administration of the Government, conform to the Laws of the Kingdom. And that all such attempts or designs shall infer against them the paine of Treason.

III.

ACT For a voluntary offer of a new Supplie to the King's Majestie.

August, 20. 1681.

OUR SOVERAIGNE LORD, and Estates of Parliament taking to consideration, That the Convention of Estates, holden at *Edinburgh*, in the Moneth of July, 1678, upon the weighty considerations therein specified, and particularly the great danger the Kingdom was under, by seditious and rebellious Conventicles, and the necessitie which then appeared to encrease the forces, for securing the Government, and suppressing these Rebellious commotions, which were fomented by seditious principles and practises. DID THEREFORE humbly, and dutifully offer a chearful and unanimous supplie of Eighteen hundred thousand pounds Scots, to be raised and payed forth of the Shires and Burghs of this His Majesties ancient Kingdom, in the space of five years, according to the present valuations; And that as Twentie five Moneths cefs in the whole, being five Moneths yearly, amounting to Three hundred and sixty thousand pounds Scots each year, at two terms in the year be equal portions, at the terms mentioned in the said Act, being two Moneths, and an halfe Moneths cefs for every term; according to the proportions imposed on each respective Shire, and Burgh by the said Act of Convention. AND the Estates of Parliament now convened, having taken to consideration, how the dangers from the foresaids causes doe much encrease, in so far as such as are seditiously, and rebelliously inclined, doe still propogate their pernicious principles, and go on from one degree of rebellion to another; till now at last the horrid villanies of murthre, assassination, and avowed rebellion are owned, not only as things Lawful, but as Obligations from their Religion, to the dishonour of God, the scandal of Religion, the danger of His Majestie's Saered Person, the overthrowing of all Government Ecclesiastical and Civil, and the Imminent and apparent ruine of the Subjects lives and fortunes. DOE THEREFORE, In a due sence of their duty to God, To their Sacred Sovereigne, and to the preservation of themselves, and their posteritie, Of new make ane humble, unanimous, chearful, and hearty offer, for themselves, and in name of, and as representing this His Majestie's ancient Kingdom, of a continuation of the foresaid supplie granted by the Convention of Estates; and that for the space of five years, or Ten terms successive: Beginning the first term's payment, at the term of *Martin-mas* 1683. being the next immediat term, after the expyryng of the last term of the supplie granted by the said Act of Convention, being two Moneth's, and an halfe Moneth's cefs, for each term of the saids Ten terms, and so forth to continue in manner foresaid, yearly, and termly, during the saids five years; HUMBLY beseeching His Majestie, graciously to accept this their unanimous offer, and tender foresaid. WHICH supplie is to be uplifted, levied and collected in the same way, and manner, as is prescribed, and appointed by the said Act of Convention, with the alterations and additions following, *viz.* That the Commander of the forces shall give, and allow such parties, and no more, to the Receiver General, for quartering on deficients, as he shall require from time to time, for inbringing of the said supplie; As also that the said Receiver General shall send parties to each Shire, in such number, and no greater, and at such times, as the Commissioners of Excise and Cefs, or any two or more of them, or their Collector within the respective Shires, shall require, to be employed for inbringing the supplie; and that all parties sent to quarter in any Shire upon the account foresaid, shall be directed in their quartering, by the Commissioners of Excise and Cefs, within each Shire, according, and in the manner prescribed by the foresaid Act of Convention. IT IS ALWAYS HEREBY DECLARED, That although the Commissioners, or their Collectors should not require any

partie of Souldiers: Yet it shall be Lawful to the Receiver General after the elapsing of the terms of payment, to send parties to quarter upon the deficientes, according to their proportions, *viz.* four Troupers, or Dragoons, or Sex foot, for each Thousand pounds Scots, of deficiency, and so forth proportionally; Which parties shall be ordered to quarter upon any deficientes within the Shire; as the Commissioners or any two of them, or their Collector shall direct, in which order and method is to be observed in quartering for the Excise; And the Receiver General or Tacksmen of the same, are only to employ the number of forces fore-said in quartering thereof, as for the supplie. AND IT IS STATUT, and ORDAINED, that in case the Collector of any Shire, shall receive in any of the said supply, and retain the same in his hands, not paying it in to the General Receiver, That he shall be lyable to pay Ten pounds, for each one hundred pounds received by him; which he shall not pay to the said Receiver, within a Moneth after his receipt thereof, But prejudice alwaies to the said Receiver, to use quartering and other diligence, against the saids Collectors, or others lyable in manner foresaid. AND HIS MAJESTY In His Royall goodnes, and care to His People, taking to his Princely consideration, the many troubles, and inconveniences; which arise from the transient, or free quartering of Souldiers, and from the localities for furnishing, and carrying Corn, Straw, or Grafs, to the Souldiers Horses, DOETH with consent of the Estates of Parliament discharge and prohibit, all free quartering of the Souldiers, either transient, or local, and all localities for furnishing and carrying Corn, Straw, Hay, or Grafs, to Souldiers Horses, and that from, and after the first day of November next in this instant year, 1681. the quartering, and localitie alwaies betwixt and the said first day of November being payed or allowed, conform to the said Act of Convention: And in case any Officers or Souldiers shall exact any free quarters, or any such localitie thereafter, the damage being instructed before two Commissioners for the supplie, or Excise, upon production of a certificat thereof under their hands, the Officer being required be way of Instrument to give redress to the partie, and not doing the same, shall lose a Moneths pay to be payed to the partie injured by the Collector of the Cefs or Excise in the Shire, by and attour the said damage, which shall be allowed to him by the General Receiver: And this punishment to be extended to any quartering for deficiency which shall be used, or exacted otherwise waies then is prescribed in manner foresaid. AND IT IS hereby DECLARED, that no discharges granted by Tennents or Souldiers, for provisions, either of Men or Horses, shall exoner the Officers or Souldiers, unless these discharges be under the hand of the Master, or Chamberlain. IT IS ALWAIES hereby specially PROVIDED and ORDAINED, that the Sheriff principal or his Deput in the respective Shires, with any two or three of the Commissioners of supplie or Excise, shall set prices on Corn for the use of the Troupers, conform to fiars of the year, and prices upon Straw, Hay, and Grafs, according to the Current rates of the Countrie, and take care that the same be sold at these rates, upon present payment of money to be made by the Souldiers to the owners of the saids provisions: And in case it shall happen that any Horses shall be employed, and made use of, by Officers, or Souldiers, in Towns, or in the Countrie, for carrying Artillery, Ammunition, or provision, or any other use of the Army, It is hereby Ordained, that there shall be payed for each day that they travel Three shillings Scots, for each two myles to the Man and Horse, and each day that they doe not travel, Six shillings Scots to the Man, and as much for the Horse: the Man being obliged to provide himselfe and the Horse, which shall be payed by the Magistrates of the Burgh, if the Horses be taken within a Town, or if in the Country, by the Collector of the supply in the Shire, who are to be repayed thereof, or to have the same allowed to them by the Receiver General. AND HIS MAJESTY & Estates of Parliament ORDAINS the Commissioners named by the Act of Convention to be Commissioners for ingathering of this supply, And appoints the Sheriffs of the respective Shires, to be Convencers of the saids Commissioners: Recommending to the Lords of Privy Council, to appoint Commissioners in place of any of them already named by the said Act of Convention, who are deceased, upon lists given in by the remanent Commissioners, AND The Estates of Parliament doe declare, that no person lyable in this supply, shall be excemed from paying his proportion of the same; And doe beseech his Majesty not to grant any such exemptions, in favours of any Person. AND IT IS HEREBY DECLARED, that no person lyable in payment of this supply shall be holden to produce their discharges or receipts of the same after the Tenth day of June, one thousand, six hundredth, ninetey and one year. His Majesty with advice and consent foresaid STATUTS and ORDAINS, that for the reliefe of the Heretours and others lyable in this supply, their Vassals, and Fewlers, who pay no part of the Cefs, and also their Tennents, Sub-Tennents, and others living upon their Lands shall be taxed and pay into the saids Heretours yearly, each one of the saids Five years, the fums of money following, *viz.* Each Gentleman above the qualitie of a Tennent, the sum to be appointed by the Heretour, not exceeding six pounds Scots, for himselfe, his Wife, and Children; Each Tennent and other Inhabitant, above the qualitie of a Tradfman, Cottar, or Servant for themselves and their Wyves and Children, any sum not exceeding four pounds Scots: And each Tradfman, Cottar or Servant any sum not exceeding Twenty shillings Scots. And it is ordained that the Heretour shall have the same Execution for raising the saids fums, as for their Mails and duties.

I V.

A C T for securing the Peace of the Countrie.

August. 29. 1681.

OUR SOVERAIGNE LORD. and the Estates of Parliament, DOE Ratifie, and Approve, all Laws, and Acts of Parliament, made for securing the Government of the Church, as it is now established by Law. AND for the farther security of the Peace of Church and State, as it is now established. **T**HEY do hereby **S**TATUTE and **O**RDAIN, That where any persons who are Tennents, as well in Burgh, as Land, or Servants, being dilared upon the Oath of Calumny of the Informer, shall be found guilty, or holden as confess, before any competent Judicatory for field-conventicles, or for referring Preachers who are, or shall be, Intercommuned, or declared fugitives, upon a process intended against the saids Tennents and Servants, within three Moneths after committing of the saids crimes; That their names, with their sentence, be intimate by the Judge who pronounced the same, under form of Instrument; to the Master, if the delinquent be a Servant, or to the Heretour, and Land-Lord, in whose Land, and Houses, he lives, if he be a Tennent, or Cottar: which Master, or Heretour, shall be obliged within a Moneth after the said intimation, either to pay the delinquent's fine, there being sufficient goods to satisfie the same, by and attour a year's rent to the Master, or if he have not sufficient goods, to put him and his Family out of his Land or House, if he be a Tennent, or Cottar; and if a Servant, out of his Service, or present him to Justice; providing always that the libel whereupon the foresaid sentence proceeded, be special as to a certain place, where the field-conventicle was kept'd, or there about, and also be special as to the time, *viz.* a certain day of such a week, or one or other of the dayes of that week. **A**ND **H**IS **M**AJESTIE, with advice, and consent of His Estates of Parliament, **D**ECLARES, that in this case, it shall be Lawful to Heretours, to put their Tennents out of their Lands, or out of their Houses possess'd by them, at any time of the year, and that without any warning, or process of Removing, and that notwithstanding of any tacks set to the Tennents for years, or terms to run, which, in this case, are hereby declared to be void and null: And the Masters and Heretours are hereby authorized, and allowed, to retain as much of the goods and gear belonging to the saids Tennents, Cottars, and Servants, as may satisfy, and pay, the last year's rent due by the Tennents, and relieve them of the saids fines. **A**ND **H**IS **M**AJESTIE, with consent foresaid **D**ECLARES, That if any man shall resset, or entertain, any Servant, Tennent, or Cottar, who is so put away, he shall be lyable to pay three years fee to the Master who did put him away, and three years duty to the Heretour who put away his Tennent, or Cottar, if the saids Tennents, or Cottars, so put away, be resset, or harboured, by any other Heretour, as said is, and shall likewise be lyable in one hundred pounds Scots, to be payed to the King. **I**T **I**S also hereby **S**TATUTE and **O**RDAINED, That the fines Imposed by former Laws upon field-conventicles, shall be doubled, each person being by this Act fynable in twice as much as he was fynable by the former Laws; except as to Burgeses of Burghs Royal, Regality and Barony, who besides the incurring the same fines for field-conventicles, are for the future to lose their Burgeships, and liberties, and to be banished from the Town where they lived. **A**ND to the end that all the Laws against Conventicles may be the better put to Execution, **I**T **I**S **H**EREBY **D**ECLARED, that it shall be Lawful to His Majestie, to nominat Sheriff-deputs, Justices of Peace, or other Commissioners for punishing conventicles, and such as are guilty of irregular Marriages, Baptisms, and invading of Ministers.

V.

A C T Concerning probative Witnesses in Writs and Executions.

August 29. 1681.

OUR SOVERAIGNE LORD Considering that by the Custom introduced when writing was not so ordinary, Witnesses insert in writs, although not subscribing, are probative Witnesses, and by their forgetfulness may easily disown their being witnesses. **F**OR **R**EMEDD whereof, His Majestie with advice and consent of the Estates of Parliament **D**OETH **E**NACT and **D**ECLARE, That only subscribing Witnesses in writs to be subscribed by any partie hereafter, shall be probative, and not the Witnesses insert not subscribing; And that all such writs to be subscribed hereafter, wherein the Writer & Witnesses are not designed, shall be null, and are not supplyable by condescending upon the Writer, or the designation of the Writer and Witnesses. **A**ND it is farther **S**TATUTE & **D**ECLARED, That no witness shall subscribe as Witness to any partie's subscription, unless he then know that partie, and saw him subscribe, or saw, or heard him give warrant to a Notrar, or Nottars to subscribe for him, and in evidence thereof touch the Nottar's pen, or that the partie did at the time of the Witnesses subscribing acknowledge his subscription; Otherwise the saids Witnesses shall be repute and punished, as accessorie to forgerie. **A**ND **S**EING writing is now so ordinary, **H**IS **M**AJESTIE with consent foresaid **D**OETH **E**NACT and **D**ECLARE, that no Witnesses bur subscribing Witnesses shall be probative in instruments of Seising, Instruments of Resignation *ad remanentiam*, instruments of intimation of assignments, translations, or retro-cessions to baunds, contracts, or other writs, which shall happen to be subscribed in any time hereafter: **A**ND **T**HAT

none but subscribing Witnesses shall be probative in Executions of Messengers, of Inhibitions, of Interdictions, Hornings, or arrestments; And that no Execution whatsoever to be given hereafter, shall be sufficient to infer interruption of prescription in Real rights, unless the same be done, before Witnesses present at the doing thereof subscribing: And that in all the saids cases the Witnesses be designed in the bodie of the Writt Instrument, or Execution respective, otherwise the same shall be null and void, and make no faith in Judgment, nor out-with.

VI.

ACT *Against Religion and the TEST.*

August. 31. 1681.

OUR SOVERAIGNE LORD, With His Estates of Parliament Considering, That albeit by many wholesome Laws made by his Royall Grand-father, and Father, of Glorious memory, and by himself, in this, and His other Parliaments, since His happy Restauration, the Protestant Religion is carefully asserted, established and secured against Popery and Phanaticism: Yet the restless Advanturiers of our Religion, do not cease to propogate their errors, and to seduce his Majestie's Subjects, from their duty to God, and Loyalty to His Vice-gerent, and to overturn the established Religion, by introducing their Superstitions, and delusions, into this Church, and Kingdom. And knowing that nothing can more encrease the numbers and confidence of Papists, and Schismatical dissenters from the Established Church, then the supine neglect or putting in Execution the good Laws provided against them, together with their hopes to insinuat themselves, into Offices, and places of trust, and publick Employment. THERFORE, His Majesty, from His Princely and pious zeal, to maintain and preserve the true Protestant Religion, contained in the Confession of Faith, recorded in the first Parliament of King *James* the Sixth, which is founded on, and agreeable to the written word of GOD; **DOETH**, with advice and consent of His Estates of Parliament. Require and Command, all His Officers, Judges, and Magistrats, to put the Laws made against Popery, and Papists, Priests, Jesuits, and all persons of any other Order in the Popish Church, especially against sayers and hearers of Mass; Venders and dispersers of forbidden Books; and Resettlers of Popish Priests, and excommunicat Papists: As also against all Phanatick Separatists from this National Church; Against Preachers, at House, or Field Conventicles, and the Resettlers and harbourers of Preachers, who are Intercommuned; Against disorderly Baptisms, and Marriages, and irregular Ordinations, and all other Schismatical disorders, To full and vigorous execution, according to the Tenour of the respective Acts of Parliament thereanent provided. And that His Majestie's Princely care to have these Laws put in Execution, against those enemies of the Protestant Religion, may the more clearly appear: **HE DOETH**, with advice and consent foresaid, **STATUT** and **ORDAIN**, That the Ministers of each Paroch, give up in October Yearly, to their respective Ordinaries, true and exact lists of all Papists, and Schismatical withdrawers from the publick Worship, in their respective Paroches; which Lists are to be subscribed by them, and that the Bishops give in a double of the saids Lists Subscribed by them, to the respective Sheriffs, Stewards, Bailies of Royalty, and Regality, and Magistrats of Burghs, To the effect the saids Judges may proceed against them according to Law: As also the Scheriffs, and other Magistrats foresaid, are hereby ordained to give an account to His Majestie's Privy Council in December yearly, of their proceedings against those Papists, and Phanatick Separatists, as they will be answerable at their highest peril. And that the diligences done by the Sheriffs, Bailies of Regalities, and other Magistrats foresaid, may be the better enquired into by the Council, the Bishops of the respective Diocesses, ar to send exact doubles of the lists of the Papists and Phanaticks, to the Clerks of Privy Council, whereby the diligences of the Sheriffs, and other Judges foresaid, may be controlled and examined. And to cut of all hopes, from Papists, and Phanaticks, of their being employed in Offices and Places of publick Trust. **IT IS HEREBY STATUT** and **ORDAINED**, that the following *Oath* shall be taken by all persons in Offices, and places of publick Trust, Civil, Ecclesiastical, and Military, especially by all Members of Parliament, and all Electors of Members of Parliament, all Privy Counsellors, Lords of Session, Members of the Exchequer, Lords of Judiciary, and all other Members of these Courts; all Officers of the Crown, and State; all Arch-Bishops and Bishops; and all Preachers and Ministers of the Gospel whatsoever; all persons of this Kingdom, named or to be named Commissioners for the Borders; all Members of the Commission for Church Affairs; all Sheriffs, Stewards, Bailies of Royalities and Regalities, Justices of the peace, Officers of the Mint, Commissars and their Depurs, their Clerks and Fiscals, all Advocats and Procurators before any of these Courts, all Writers to the Signet, all Publick Nottars, and other persons employed in Writing or Agenting; The Lyon King at Arms, Heralds, Purservants, and Messengers at Arms; all Collectours, Sub-Collectours and Farmours of His Majestie's Customs and Excise; all Magistrats, Deans of Gild, Counsellors and Clerks of Burghs Royal and Regality; all Deacons of Trades, and Deacon-Conveners in the saids Burghs; all Masters and Doctors in Universities, Colledges, or Schools, all Chaplains in Families, Pedagogues to Children; and all Officers and Souldiers in Armies, Forts, or Militia; and all other persons in publick Trust or Office within this Kingdom, who shall publicly swear, and subscribe the said

Oath as follows, *viz.* The Arch-Bishops, Chief Commanders of the Forces, and Officers of the Crown and State, and Counsellors, before the Secret Council: All the Lords of Session, and all Members of the Colledge of Justice, and others depending upon them, before the Session: The Lords of Justice, and those depending upon that Court, in the Justice Court: The Lords and other Members of the Exchequer, before the Exchequer: All Bishops, before the Arch-Bishops: All the inferior Clergy, Commissars, Masters and Doctors of Universities, and Schools, Chaplains and Pedagogues, before the Bishops of the respective Diocesses: Sheriffs, Stewards, Bailies of Royalty and Regality, and those depending on these Jurisdictions, before these respective Courts: And Provests, Bailies and others of the Burgh, before the Town Council: All Collectors and Farmourers of the King's Customs and Excise, before the Exchequer; The Commissioners of the Borders, before the Privy Council; All Justices of Peace, before their Conveener; And the Officers of the Mint, before the General of the Mint; And the Officers of the Forces, before the Commander in Chief; And common Souldiers, before their respective Officers; The Lyon, before the Privy Council; and Heralds, Purfevants and Messengers at Arms, before the Lyon. And His Majesty, with consent foresaid, STATUTES and ORDAINS, that all those who presently possess, or enjoy any of the foresaid Offices, publick Trusts, or Employments, shall take and subscribe the following Oath, in one of the foresaid Offices, in manner before prescribed, betwixt and the first of January next, which is to be recorded in the Registers of the respective Courts, and Extracts thereof under the Clerks hands, to be reported to His Majesty's Privy Council, betwixt and the first of March next, One thousand, six hundred, eighty two, and thereafter in any other Courts, whereof they are Judges or Members, the first time they shall sit, or exercise in any of these respective Courts: AND ORDAINS, that all who shall hereafter be promoted to, or employed in any of the foresaid Offices, Trusts, or Employments, shall at their entry into, and before their exercising thereof, take and subscribe the said Oath, in manner foresaid, to be recorded in the Registers of the respective Courts, and reported to His Majesty's Privy Council, within the space of forty dayes after their taking the same: And if any shall presume to exercise any of the saids Offices; or Employments, or any publick Office, or Trust, within this Kingdom, (the King's Lawful Brothers and Sons only excepted) until they take the Oath foresaid, and subscribe it, to be recorded in the Registers of the respective Courts, They shall be declared incapable of all publick Trust thereafter, and be further punished with the loss of their Moveables, and Liferent-Escheat, the one half whereof to be given to the Informer, and the other half to belong to His Majesty. And His Majesty, with Advice foresaid, recommends to His Privy Council to see this Act put to due and vigorous Execution.

Follows the Tenour of the OATH to be taken by all Persons in Publick Trust.

I. A. B. Solemnlie swear in presence of the Eternal God, whom I invocat as Judge, and Witness of my sincere intention of this my Oath, that I own, and sincerely profess the true Protestant Religion, contained in the Confession of Faith, recorded in the first Parliament of King James the Sixth; and that I believe the same to be founded on, and agreeable to the written Word of God. And I promise and swear, that I shall adhere thereto, during all the dayes of my lifetime, and shall endeavour to educate my Children therein: and shall never consent to any change, or alteration contrary thereto: And that I disown, and renounce all such Principles, Doctrines, or Practices, whether Popish, or Pbanatical, which are contrary unto, and inconsistent with the said Protestant Religion, and Confession of Faith. And for testification of my Obedience to my most Gracious Sovereign CHARLES the Second, I do affirm, and swear, by this my solemn Oath, That the King's Majesty, is the only Supreme Governour of this Realm, over all Persons, and in all Causes, as well Ecclesiastical as Civil; And that no forraign Prince, Person, Pope, Prelate, State, or Potentate, hath or ought to have any Jurisdiction, Power, Superioritie, Prebeminence or Authoritie Ecclesiastical or Civil, within this Realm. And therefore I doe utterly renounce, and for sake all forraign Jurisdictions, Powers, Superiorities and Authorities, And doe promise, that from henceforth, I shall bear Faith and true Allegiance to the King's Majesty, His Heirs and Lawful Successours. And to my power shall assist and defend, all Rights, Jurisdictions, Prerogatives, Priviledges, Prebeminencies, and Authorities belonging to the King's Majesty, His Heirs and Lawful Successours, And I farther affirm and swear by this my solemn Oath, That I judge it unlawful for Subjects, upon pretence of Reformation, or any other pretence what soever, To enter into Covenants or Leagues, or to convocat, convene, or assemble in any Councils, Conventions, or Assemblies, to treat, consult, or determine, in any matter of State, Civil or Ecclesiastick, without His Majesty's special command, or expresse licence had thereto, or to take up Arms against the King, or those commissioned by Him: And that I shall never so rise in Arms, or enter into such Covenants, or Assemblies: And that there lies no Obligation on me from the National Covenant, or the Solemn League and Covenant (so commonly called) or any other manner of way what soever, to endeavour any change or alteration in the Government, either in Church or State, as it is now established by the Laws of this Kingdom. And I promise and swear, that I shall with my utmost power, defend, assist, and maintain, His Majesty's Jurisdiction for said against all deadly: And I shall never decline His Majesty's Power and Jurisdictions, As I shall answer to God. And finally, I affirm, and swear, that this my solemn Oath, is given in the plain, genuine sense and meaning of the words, without any equivocation, mental reservation, or any manner of evasion what soever; And that I shall not accept, or use, any dispensation from any Creature what soever. So help me God.

VII.

ACT discharging the Summer Session.

September 2. 1681.

OUR SOVERAIGNE LORD, upon grave and weighty considerations, finding it necessary and of great import for the good of his Majestie's Subjects, that the Summer Session in the Moneths of June and July yearly, be suppress'd, and taken away: **DOETH** with advice and consent of his Estates of Parliament, **STATUTE**, and **ORDAIN**, That in all time coming, the meeting and sitting of the Judicature of the Session, and Colledge of Justice, shall only be yearly, from the first of November, to the last of March Inclusive, and that there be a surcease of their meetings yearly, from the Twentieth and fourth of December, to the first of January immediately following. And inhibits, and discharges the sitting of the Judicature of the Session in the saids Moneths of June and July, or any other time, but as the same is appointed, allowed, and prescribed, by this present Act.

VIII.

ACT For continuation of the Excise.

September 6. 1681.

THE ESTATES of Parliament, considering that the Excise of forreigne, and in-land commodities, imposed by the fourteenth Act of the first Session of his Majestie's first Parliament, does terminate with the life of His Sacred Majesty who now reignes, whom God Almighty long preserve. **AND** They being desirous, that the Royal Government of the Kingdom, should not be then destitute of a due, and futable support, for defraying the exigences thereof: **THEY DOE THEREFORE**, make ane humble and cheerful offer of a continuation of the Excise, for the space of Five years, to begin at the termination foresaid. to be raised, levied, and collected, of the forreigne commodities specified in the said Act, at the rates mentioned therein, and in subsequent Acts of Parliament, which are holden as here repeated: And likewise of the in-land commodities of this Kingdom, and particularly of two merks Scots upon each Boll of Malt Browen, and sold, within the Kingdom, and three shillings Scots upon each PYNT of Aqua-vitz, and Strong-waters, not made of Malt Browen, and sold, within this Kingdom. **WITH POWER** to His Majestie's Royal Successours during the saids years, to nominate and appoint Collectors, and other Servants, for the collecting, and inbringing of the said Excise, or to let the same in farm to the best advantage as they shall think fit. **IT IS ALWAIES** hereby **DECLARED**, that then neither Commissioners of Shires, nor Heretours, shall be lyable for the quota's of the Shires, nor shall the Land-tenant be affected therewith, but that the same shall only be collected from the Brewers, Vintners, and Tappers over the whole Kingdom, according to the extent of their Brewing, and at the rates foresaid, during this said continuation.

IX.

ACT Against personal Protections.

September 6. 1681.

OUR SOVERAIGNE LORD, and Estates of Parliament, **DOE** Ratifie, and approve all former Laws, and Statutes, made against Superfedere's, and Protections; And to the end the same may be made yet more effectual, **THEY** Discharge the Lords of His Majestie's Privy Council, Session, and Exchequer, and Commissioners of Justiciary, to grant Protections, Licences, or Superfedere's, Certifying such as shall grant the same, that they shall be lyable for the debt, upon which execution is stoped by the said Protection. And to the end such as are accessory may be clearly discovered. They ordain that all Protections, Superfedere's, and Licences, shall be signed by such as grant them; And they declare that their signing thereof shall prove against them their voting thereto, and shall make all who signe them, whether the President of the Court, or others as lyable, as if they had become Cautioners for the said debt: And ordains that these Protections be recorded in the Books of the Court, which granted the Protection, and that extracts thereof under the Clerks hand, shall make faith against the granter. **IT IS ALWAIES** hereby **DECLARED**, that it shall be free to the

the Lords of His Majesties Privy Council, Session, and Exchequer, and the Commissioners of Justiciary, to grant Protections to such as are cited, charged, or required by Law to compare before them, for such few dayes, as they may come and give their apparance, and during their necessary stay, and some few dayes for their return, not exceeding a Moneth in all: The parties who require witnesses to be cited, or their Tutor and Curatours, if the saids parties be Minors, giving their Oaths of credulity, or subscribing a certificate under their hand upon Oath, that these who are cited by them to be Witnesses, are material Witnesses, which Protections shall bear the cause for which they are granted. AND LASTLY, It is hereby DECLARED, that it shall not only be Lawfull to put the Laws in Execution, notwithstanding of Protections and Licences, granted contrary to this and former Laws, but that if any Messenger, or Magistrate refuse to concur, they shall be liable in payment of the debt; And that the Lyon shall be likewise liable, if he refuse to deprive the Messenger who refuses to execute the Law, upon pretence of any such Protection, Licence, or Superfedere.

X.

ACT Concerning Wives Terces.

September. 6. 1681.

OUR SOVERAIGNE LORD Considering that sometimes through the ignorance, and inadvertence of some Writers and Notars, Clauses are insert in contracts of Marriage, containing provisions by Husbands in favours of their Wives, without mentioning the terce that is due to her by Law, or expressing the provision to be granted in satisfaction of the terce; whereby occasion is given to Relicts to claime a terce out of their Husbands estates by and attour the provision conceived in their favours, contrary to the meaning and intention of the parties contracters. FOR REMEED whercof, the Kings Majesty, with advice and consent of the Estates of Parliament, STATUTES and ORDAINS, That in time coming where there shall be a particular provision, granted by an Husband in favours of his Wife, either in a contract of Marriage, or some other writ, before or after the marriage; That the Wife shall be thereby secluded from a terce out of any lands or annual-rents belonging to her Husband, unless it be expressly provided in the contract of Marriage, or other Writ containing the said provision, that the Wife shall have right to a terce, by and attour the particular provision, conceived in her favours: But prejudice alwaies to the Lords of Session, to determine as to Contracts of Marriage, or provisions already made, according to the former Law and Custom.

X I.

A C T Concerning the Registration of Seisings, and Reversions of Tenements within Burgh.

September. 6. 1681.

OUR SOVERAIGNE LORD Considering the great security that this Kingdom enjoys by the publick Register of Seisings, and Reversions, conform to the sixteenth Act of the 22. Parliament of King James the Sixth, holden in Anno 1617. And that there is fully the like reason and benefite, that the foresaid Statute should extend to the whole Kingdom, as well to Burgh, as Landward. THEREFORE His Majesty, with consent of his Estates of Parliament, STATUTES and ORDAINS, That in time coming, all Instruments of Seising of Tenements within Burgh Royal, or Liberties, or freedoms thereof holding in Burgage, and all Reversions, Regresses, Bands, or Writs, for making Reversions, or Regresses, Assignations thereto, discharges thereof, Renunciations of Woodsets, and Grants of Redemption of the saids Tenements within Burgh, or the liberties, or freedoms thereof holding Burgage, shall be insert in the Town Clerks Books of the several Burghs respective, within Threescore dayes after the date of the same, excepting reversions incorporat in the body of the right; And that the Town Clerk shall keep a several book therefore, depending only upon the Magistrats of the Burgh, without necessity of any warrant from the Clerk of Register, and minor Books of the same, to be quarterly compared and signed, by the Provost and Bailies of the several Burghs. IT IS ALWAIES DECLARED, that it shall not be necessary, to insert any Bands, or Writs, for making of reversions, unless Seisings pass in favours of the parties makers of the saids Bands, and Writs: IN THE WHICH CASE, It is ordained that the same shall be insert within sixty dayes after the date of the Seising, the extract out of the which Register shall make faith in all cases, except where the Writs so insert are offered, to be improven: And if it shall happen any of the saids Writs which are appointed to be insert as said is, nor to be duely insert, within the said space of Sixty dayes: THEN and in that case, His Majesty, with advice and consent foresaid, DECERNES the same to make no faith in Judgment, be way of action, or exception, in prejudice of a Third partie, who hath acquired a perfect

perfect and Lawfull right to the saids Tenements, But prejudice alwaies to them to use the saids Writs against the parties makers thereof their Heirs and Successours. AND it is hereby DECLARED, that there shall be nothing payed to the Town Clerks for registration of the saids Seifings, but for any posterioir extracts, they shall have the halfe of the rates prescribed by the Act of Parliament for extracts out of the Reggisters of Seifings in the particular Shires. And for registrating in the Town's Books, of Reversions, Assignations thereto, or discharge thereof, Renouciations, and Grants of Redemption of Wodfers, which were not in use to be registrat before in the Towns Books, That they shall have the halfe of the rates prescribed by the Act of Parliament, for registration and extracting the same, as said is.

XII

ACT For encouraging Trade and Manufacturies.

September 13. 1681.

OUR SOVERAIGNE LORD, from His Princely care for the Wealth and Flourishing of this His Ancient Kingdome. Considering that the Importation of Forraign Commodities (which are superfluous, or may be made within the Kingdom, by encouragement given to the Maufacturies thereof) had exceedingly exhausted the money of the Kingdom, and heightened the Exchange to Forraign places, so that in a short time the stock of Money behooved to be exhausted, and the Trade thereof to fail: FOR REMEID whereof, His Majesty's Privy Council after long and serious Deliberation, and advice of the most judicious and knowing Metchants of the Kingdom, DID by two Acts of Council of the dates, the first of *March*, and eleventh of *April* last, and publick Proclamations following thereupon, GIVE encouragement to Manufacturies erected or to be erected in this Kingdom, in manner, and to the effect underwritten: THEREFORE His Majesty, with advice and Consent of the Estates of Parliament, strictly Prohibits and Discharges, all Metchants, and other persons whatsoever, To Import into this Kingdom, any Gold or Silver threed, Gold or Silver Lace, Fringes, or Tracings, all Buttons of Gold or Silver threed, all manner of Stuffs, or Ribbons in which there is any Gold or Silver threed, all Philagram of Gold or Silver to be worne upon Apparel, and all the Counterfeits of any of them, all flower'd, stimp'd, figur'd, chequer'd, painted, or printed Silk Stuffs or Ribbons, (no wayes comprehending changing coloured, or watered Stuffs or Ribbons), All Embroideries of Silk upon wearing Cloathes: WITH CERTIFICATION, That all such Goods as shall be imported contrary hereunto in any time coming, or which have been imported contrary to the saids Proclamations, shall be burnt and destroyed, and the Importers, or Resseters fined in the value thereof. LIKE AS His Majesty, with advice and consent foresaid, strictly prohibits and discharges the wearing of any of the saids prohibited Goods, and Commodities within this Kingdom, by any of His Majesty's Subjects, or others dwelling and residing therein, after the first of *April* next, under the pain of five hundred merks Scots money, *twies quoties*, by and attour the Confiscation of the Cloathes, upon which any of the saids prohibited Goods shall be found; Allowing hereby to Officers and Souldiers of the Kings whole standing Forces, the space of two yeats after the first of *November* next, to wear out their Cloathes upon which there is any Gold or Silver Lace, Threed, or Buttons. LIKE AS His Majesty, with consent foresaid, strictly prohibits and discharges all Merchants and other Persons whatsoever, to import into this Kingdom, any forraign Holland-Linnen, Cambrick, Lawn, Dornick, Damesk, Tyking, Bousten, or Damety, Tutted or Stripped Holland, Calligo, Selesia, or *East-India* Linnen, & all other Forraign Cloaths & Stuffs, made of Linnen or Cottoun, Wool or Lint: (noways eomprehending Flannen, Arras hangings, Forreign Carpets, and made Beds of Silk, Damesk-hangings, Chairs and Stools conform thereto) all forraign Silk or Woollen Stockings, all forraign Laces made of Silk, Gimp or Threed, all forraign Laces or point, of any sort or colour, all forraign made Gloves, Shoes, Boots, or Slippers, all wearing Cloathes made abroad for Men, Women, or Children, (excepting wearing Cloathes and Linnens brought home by Persons for their own use, who have been Abroad, and used by them, and made of such Cloathes, Stuffs, and Furniture as are by this Act allowed to be worne within this Kingdom.) WITH CERTIFICATION, that all such Goods as shall be imported contrary hereto, and contrary to the saids Proclamations, shall be burnt and destroyed, and the Importers or Resseters thereof fined in the value of the saids Goods. And the Tacksmen, or Collectors of the Customs, Surveyers, Collectors, Waiters or their Servants, are hereby strictly required, and commanded, to search for, seize upon, apprehend, burn and destroy any of the saids prohibited Goods that shall happen to be imported contrary to this Act; With certification to them if they failzie, and suffer the saids prohibited Goods to be imported, either by tolerance or connivance, they shall not only amit and loose their places, and for ever be ineapable to serve in that or any such Publick charge, but also tynd in the value of the Goods that through their fault or neglect, shall happen to be imported; and any Merchant, or other person, who shall inform against any of the Farmourers, Collectors, Sutveyers, or Waiters, for neglect of their Duty in the Premiss, and prove the same, shall have their Fynes for their reward. LIKE AS, His Majesty RATIFIES, and APPROVES all Acts already made for the encouragement of the Manufacturies of this Kingdom, and encouragement of Strangers to come thereto, and set up their severall Callings therein:

and anent the Weaving and Bleaching of Linnen cloath, declaring, that if any Strangers shall come, or be brought into this Kingdom by Natives to set up, work, and teach his Art of making of Cloaths, Stuffs, Stockings, Soap, or any kinde of Manufactory, That he shall enjoy the benefit of Law, and all other priviledges that a Native doth enjoy: with power to set up Manufactories, either in Burgh or Land-ward, as they shall think fit, and there to dwell; and exercise their Trade, without any stop or trouble; and that they shall have liberty and freedom of Trade, and to buy and purchase Lands, and Heretages, and all other Goods moveable and immoveable, and all other priviledges, liberties, and capacities that do belong to any Native Subject, born within this Kingdom. And For the Farther encouragement of Manufactories, all Oyl, dying Stuffs, forraign Wool, Lint, and Flax, Pot-ashes, or any other Materials whatsoever useful for Manufactories, that shall be imported, are hereby declared to be free of Custom and Excise, and all other publick Dues in all time coming; and that all Cloaths, Stuffs, Stockings, or any other Commodities to be made, and exported by them, shall be free of all Custom and Excise, for the space of nineteen years after the date hereof. And it is farther declared, that any Stock employed, or to be employed, for erecting and entertaining any Manufactories, the same shall be free of all private and publick Taxes whatsoever, and all quartering and leyving of Souldiers; and all the Servants of the saids Manufactories shall be free of watching, warding, Militia, or Levies during their actual service therein, for the space of seven years after the date hereof. WITH POWER to the Masters, Erectors, or entertainers of Manufactories, to meet for making of Ordinances for the Right ordering of their Servants, sufficiency of their Stuffs, Cloaths, and others, and appointing Visitors of their Works. AND HIS MAJESTY, with consent foresaid, RATIFIES and APPROVES the 43. Act of the 1. Session of His Majesties 1. Parliament, and the 46. Act of the same Session of Parliament, discharging the exporting of Linnen yarne, Worsted, Woolen yarne, raw or unwaked Cloaths (except Plaiding, Fingram, and Galloway white) under the pain of Confiscation thereof; And the Act of Parliament ordaining, that Linnen of the price of Ten shillings *Scots* the eln, or above, be not under the breadth of an eln and two inches, and that the same be taken up by the Selvedge and not by the Ridge, and so presented to the Mercat, and that the same be bleached without Lime, under the penalty of Confiscation of the Linnen otherways taken up, and bleached, and imprisonment, and Fyning of the persons transgressors, not exceeding the value of the Linnen. LIKE AS it is hereby ORDAINED, that hereafter, all Linnen brought to Mercat for publick Sale, be made up of Peeces and half Peeces, and that the Peece contain Twenty four elns, and the half Peece twelve elns, and that it contain not one eln more or less, under the pain of confiscation thereof. And that all Fingram, Plaiding, Linnen, and Woolen Droggats, to be made in time coming, shall be of the breadth of three quarters and an nail, all Searges an eln and two inches, and the length of the Peece to be fifty, or fifty two elns to the whole Peece, and the half thereof to the half Peece, under the penalty foresaid, and that all the saids Peeces, whether Linnen or Woolen, be taken up in Folds, eln or three quarters long, and that none of them be rolled, that thereby the sufficiency of the whole Peece, may be known, and that the same be not stretched by the rolling, whereby the measure will not hold out; and that under the penalty foresaid, for all such Cloath otherwise taken up and presented to the Mercat. AND His Majesty, with ADVICE and CONSENT foresaid, DOETH Authorize the Lords of His Privy Council, to declare these Manufactories already set up, or that hereafter shall be set up, to be such, to the effect they may enjoy the Priviledges, Liberties, and Immunities granted by the saids Acts of Parliament. AND for the more effectual execution of this Act, His Majesty with advice foresaid, ORDAINS the Collectors of the Assessment and Excise, and their Sub-Collectors, Farmourers and Collectors of Customs, and Waiters in Burgh or Land, at every Term to give upon Oath, to the Judges ordinary upon the place by Sea or Land, and Justices of Peace, Lists of all those whom they have seen and observed to transgress this Act. And it is hereby declared, that the one half of the Penalties aforesaid, shall belong to themselves, and the other half shall be collected by them for His Majesties use, tryal being first taken, and the persons found guilty by the saids Judges ordinary, or the Justices of Peace, and such contraveners as they shall not give information of, that the one half of the Fynes shall belong to any other person who shall discover them: And in case the saids Collectors of Assessment and Excise, Farmourers, and Collectors of Customs, or Waiters shall by connivance, or otherways Failzie to give up the saids Lists as aforesaid, they shall loose their Places, and be incapable of that Office for ever. IT IS alwayes hereby provided, That no persons contravening this Act, shall be lyable to the saids Penalties, unless they be found guilty within the space of three Months after Dilation in manner foresaid; But prejudice alwayes to any other person who shall discover the contraveners, and furnish probation against them, of the one half of the penalties, whensoever they shall discover them, they being alwayes discovered and found guilty, within the time and in manner foresaid. AND it is hereby DECLARED, That this present Act, is, and shall be in place of any former sumptuary Law, in relation to Apparel.

XIII.

ACT Concerning Declinatours.

September. 13. 1681.

OUR SOVERAIGNE LORD, Considering that by the 112. Act 14. Parliament of King James the Sixth, It is expressly Statute and Ordained, that no Senatour of the Colledge of Justice, Ordinary, or Extra-ordinary, shall sit or vote in the causes of their Father, Brother, and Son. **DOETH** with advice and consent of His Estates of Parliament, **STATUTE** and **ORDAIN**, That this declinatour shall for the future be farther extended to degrees of affinity, as well as consanguinity, So that in all time coming, No Senatour of the Colledge of Justice, Ordinary, or Extra-ordinary, shall sit or vote in causes, where the pursuer, or Defender, is either Father, Brother, or Son in Law to him; And also that he shall not sit, or vote, in any cause, where he is Uncle, or Nephew, to the pursuer, or Defender. **AND** it is hereby declared, That this Act shall be extended to the Lords of Privy Council, and Exchequer, and the Commissioners of the Justiciary, and to all other Judges and Judicatures in the Kingdom, who may be declined where they are related to the party Pursuer, or Defender, in the degrees foresaid.

XIV.

ACT Restraining the exorbitant expence of Marriages, Baptisms, and Burials.

September. 13. 1681.

OUR SOVERAIGNE LORD, Considering the great hurt, and prejudice, arising to this Kingdom, by the superfluous expence bestowed at Marriages, Baptisms, and Burials. **FOR** repressing of which abuse in time coming, **HIS MAJESTY** with advice and consent of his Estates of Parliament, **DOES** Statute and **ORDAIN**, That Marriages, Baptisms, and Burials, shall be solemnized, and gone about, in sober, and decent manner. **AND** that at Marriages, besides the married persons, their Parents, Children, Brothers, and Sisters, and the Family wherein they live, There shall not be present at any contract of Marriage, Marriage, or In-lawe, or meet upon occasion thereof, above four Friends on either side, with their ordinary domestick Servants, and that neither Bride-groom, nor Bride, nor their Parents, or Relations, Tutours, or Curatours, for them, and to their use, shall make above two changes of raiment, at that time, or upon that occasion. Certifying such persons as shall contraveen, if they be landed persons, They shall be lyaible in the fourth part of their yearly valued rent, and those who are not landed persons, in the fourth part of their moveables, Burgeses, according to their condition and means, not exceeding five hundred merks Scots, and mean Craftsmen and Servants, not exceeding one hundred merks: And if their shall be any greater number of persons then afore said, in any House or Inn, within Burgh, or sub-urbs thereof, or within two miles of the same, where Penny-weddings are made, That the Master of the House shall be fined in the sum of five hundred merks Scots. **AND** It is **STATUT** and **ORDAINED**, That at Baptisms upon that occasion, besides the Parents, Children, Brothers, and Sisters, and those of the Family, there shall not be present above four Witnesses. **AND** **FARTHER** His Majesty with consent foresaid **STATUTES**, and **ORDAINS**, That their shall not be invited to Burials, any greater number of persons then these following, *viz.* To the Burial of Noblemen, and Bishops, and their Wives, nor above One hundred Noblemen and Gentlemen: To the Burial of a Baron of quality, not above Sixty, and other landed Gentlemen, not above Thirty. And that the Mourners at the Burials of Noblemen, and Bishops, and their Ladies, doe not exceed Thirty, and at the Burials of Privy Counsellors, Lords of Session, Barons, Provests of Burghs, and their Wives, the number of Mourners, doe not exceed Twenty four, And at the Burials of all other Landed Gentlemen, and Citizens within Burgh, they doe not exceed the number of Twelve. And prohibits, and discharges the using, or carrying of any Pencils, Banners, and other Honours, at Burials, except only the eight Branches to be upon the Pale, or upon the Coffin, where there is no Pale, under the foresaid penalties respective, in case they contraveen. **AND** **IT IS** **STATUTE**, and **ORDAINED**, That there be no Mourning Cloaks used at Burials, nor at any other time, under the pain of One hundred pounds Scots.

XV.

ACT Against Assassinations.

September, 13. 1681.

THE KING'S Most Excellent Majesty Considering, that notwithstanding Assassination be a Crime of a high nature inconsistent with, and wholly destructive to all human society: Yet such are the

the pernicious principles, and wicked practices of several persons, That they doe assert, and maintain these villanous, Impious, and horrid Doctrines, and principles. THEREFORE, HIS MAJESTY, With advice and consent of the Estates of Parliament DOETH STATUTE, and ORDAIN, That not only all such persons who shall assassinate. But that all who shall maintain, or assert, That it is lawful to kill any man upon difference in opinion, or because they have been employed in the service of the King, or tinsel of Life, Lands, and Goods. AND Remembring with horror, the execrable murder of that most Reverend, & Worthy Prelat James late Arch-Bishop of Sanct-Andrewes, Lord Primat of Scotland, (who deserved so well of this Church, and Monarchy, for his eminent services to both) DOE Ordain the Sherriff of Fife and his deputs. To make weekly searches in these places, where it is, or may be, suspected these Assassins doe reside, that they may be brought to Justice, and exemplatly punished. And likewise ordains all other Sherriffs, and Magistrates, upon Information that those Assassins are within their bounds, To make search for and apprehend them, that they may be brought to Justice. AND DOE hereby Ratifie the former Acts of Council against such as shall resset those Murderers.

XVI.

ACT Concerning the Jurisdiction of the Admiral Court.

September 14. 1681.

OUR SOVERAIGNE LORD, Considering that the clearing and establishing the Jurisdiction of the High Admiral of this Kingdom, will greatly tend to the advancement, and encouragment of Trade, and Navigation. THEREFORE, His Majesty, with advice and consent of the Estates of Parliament, DOETH Ratify and approve the 15. Act of the 12. Parliament of King James the Sixth, in the whole Heads, Clauses, and Articles of the same. And Decerns, and Declares, the High-Court of Admiralty to be a Sovereigne Judicature in it self, and of it's own nature to Import summar execution. And STATUTES and DECLARES, That the said High Admiral, as he is His Majesties Leive-tenant, and Justice General upon the Seas, and in all Ports, Harbours, or Creeks of the same, and upon Fresh waters, or Navigable Rivers below the first bridges, or within the flood marks, so far as the same does, or can at any time extend; So the said High Admiral hath the sole Priviledge and Justification, in all Maritim and Sea-faring causes, forreign and domestick, whether civil or criminal whatsoever within this Realm, and over all persons as they are concerned in the same. And Prohibits, and Discharges all other Judges to meddle with the decision of any of the said causes in the first instance, except the Great Admiral, and his Deputs allennarly. And STATUTES, ORDAINS and DECLARES, that it is the Priviledge of the said High Admiral, to cause parties become enacted, and find Caution, not only for compearance, but for performance, of the Acts and Sentences of his Court, and that he may punish all breakers of his arreastments, and resisters of his Officers, in the Execution of his precepts, and apply the fines, and americiaments to his own use, conform to the Laws of the Kingdom. And farther STATUTES and DECLARES, that the High Court of Admiralty is a supreme Court, and that the Decrets and Acts of all other Inferiour Courts of Admiralty, are subject to the review, and reduction, of the said High Court of Admiralty. AND for the more ready and quick dispatch of Justice, in Maritim, and Sea-faring causes, forreign and domestick, whether Civil or Criminal within this Realm, and over all persons in so far as they are concerned in the same, both to Natives and Strangers, OUR SOVERAIGNE LORD with advice and consent foresaid Prohibits and Discharges all Advocations in the foresaid causes, from the said Court of Admiralty to the Lords of Session, or any other Judges whatsoever in all time coming, and that no suspension or other stop to the Execution of the Decrets, or Acts, of the said Court of Admiralty, be past by the Lords of Session, at any time hereafter, except by the whole Lords, in *praesentia*, in time of Session, and by three of the saids Lords the time of Vavance met together to that effect: And that if any suspensions, or stops shall happen to be past in manner foresaid, the same be summarly discussed upon a Bill, and be Priviledged and exceemed from the ordinary course of the Roll: And if upon discussing thereof, the same shall be found to have been unjustly, and maliciously raised, That the said High Court of Admiralty, may upon the Application made by the Parties concerned, Modifie, and Decern the Damages they have sustained by the saids suspensions, and stops of execution of thcir Acts and Decrets, attour the expences of plea before the Lords of Session, which is to be modified by the saids Lords of Session. AS ALSO His Majesty with advice and consent foresaid, STATUTES and ORDAINS, That it shall be lawful and competent to the said Court of Admiralty, to review their own Decrets and Sentences, if there be just occasion for the same. And His Majesty with advice and consent foresaid DECERNs and DECLARES, That it is the sole Right and Priviledge of the High Admiral, and his Deputs, the Judges of the High Court of Admiralty, To grant passes, and safe conducts to all Ships; And Inhibits and Discharges, all others to grant the same, as they will be answerable upon their highest perill. And His Majesty with advice and consent foresaid Casses, Annuls, and Rescinds, all and whatsoever Laws, Acts of Parliament, or Customs, contrary to, or any wayes inconsistent with this present Act.

ACT

XVII.

ACT Concerning the Sale of Bankrupts Lands.

September, 14. 1681.

OUR SOVERAIGNE LORD, Considering, that when the Estates and Lands of Bankrupts are affected with Adjudications, Comprisings, and other real Rights, exceeding their value, It oftentimes falls out that the Creditors do not agree to sell the Lands, whereby such as have small sums upon such securities, cannot command any part thereof, and such Estates do oftentimes become ineffectual to many Creditors. THEREFORE, His Majesty, with consent of His Estates of Parliament, DOTH authorize, and empower the Lords of the Session (upon a Process at the instance of any Creditor having a real Right) To cognosce, and try the value of such Estates, where the Heretor is notoriously Bankrupt, and the Creditors in possession of the Estate, and to value the same according to the true worth thereof, in its Rents, Casualties, Rights, and Holdings, according to the use and custom of the Country where the Lands ly, And to commissionat persons to sell these lands, and Estate, or any part thereof, at the said rates, or more, as can be had for the same, with consent of the debtor, where there is a legal reversion competent to him, and without his consent where there is no legal: And ordains the said sale to be by a publick Roup, not being under the rate, and price, appointed by the Lords of Session; and that the Roup be made after publick intimation at the Mercat-crofs of the head Burgh of the Shire where the Lands lyc, and at the head Burgh of the Bailliary, Stewartry, or Regality, if they ly within the same, and at the Paroch Kirk where the Lands ly, and at six other adjacent Paroch Kirks, (to be named by the Lords of Session) at the dissolving of the Congregation, on a Sunday after the forenoon's Sermon, by letters of intimation under the Signet, upon the Lords deliverance: Which letters shall specially express the time, and place of the Roup; And the Creditours having real rights and in possession shall be specially cited, upon Twenty one dayes, and all other persons concerned, whether within or without the Kingdom, at the Mercat-crofs of the head Burgh of the Shire, Stewartry, or Regality, and at the Mercat-crofs of *Edinburch*, and Peer and Shoar of *Leith* upon sixty dayes, and a copy of the said intimation shall be affixed at all the places foresaid, expressing the Lands to be Rouped, the price appointed by the Lords of Session, and the time, and place of the Roup. Which alienation so made, and reported to the Lords, and by their warrant registrat in the Books of Council and Session, HIS MAJESTY, with consent foresaid, DECLARES, to be as effectual upon payment of the price, as if the same were made by the Debitor, and all the Apprieters, Adjudgers, or other Creditors, who are so cited, and have any rights affecting the saids Lands, and that a Signature shall pass thereupon in Exchequer, and a warrant for charging the Superior to enter the Purchaser, upon payment of a years rent, DECLARING alwaies that the price which shall be gotten for the saids Lands conform to the Roup shall be distribut by the Commissioners appointed to sell the Lands, or by the Purchaser of the same, amongst the Creditours proportionally, according to their several sums, rights, and diligences, as they are, or shall be ordered, and found preferable by the saids Lords, whether the saids Creditors have compeared, or not.

XVIII.

ACT Asserting His Majestie's Prerogative in point of Jurisdiction.

September 16. 1681.

THE ESTATES of Parliament considering that all Government, and Jurisdiction within this His Majesties Ancient Kingdom of *Scotland*, does originally reside in his Sacred Majesty, his lawful Heirs, and Successours: And though His Majesty, and his Royal Predecessours, have bestowed Offices, and Jurisdicions, upon several of his well deserving subjects, yet these are not privative of his Jurisdiction, They doe therefore, in a dutiful, and humble Recognizance of His Majesties Royal Right, and Prerogative as to this point, DECLARE, that notwithstanding of these Jurisdicions, and Offices, His Sacred Majesty may by himself, or any commissioned by him, take Cognizance, and Decision, of any cases; or causes, he pleases.

XIX.

ACT Concerning the Oaths of Minors:

September 16. 1681.

OUR SOVERAIGNE LORD, and Estates of Parliament, taking to their serious consideration, the great abuses which may be committed against Minors, within twenty one yeats of Age compleat, by

by causing them subscribe Bonds of borrowed Money, Contracts of Alienation of their Lands, Dispositions, Discharges, and other Writs of Importance, and ratifie the same by Oath, swearing that they shall never come in the contrary, thereby depriving them of all the benefite of Revocation, Reduction, and Restitution *in Integrum*, allowed to them by the Laws of this Kingdom, where such Oaths are not made. IT IS THEREFORE Statute and Ordained, by the King's Majesty, with advice and consent of the saids Estates, That no such Oaths shall be exacted in time coming; And in case of Contravention, Declares the Contract to be void and null, and that no Execution shall pass thereupon, And Declares the Eliëitor, or Exactor of the Oath to be Infamous: And it is hereby declared, that it shall be competent to any Person related to the Minor, to obtain the saids Writs to be declared void and null, be way of Action, exception, or reply.

XX.

ACT Concerning Bills of Exchange.

September. 16. 1681.

OUR SOVERAIGNE LORD, Considering how necessary it is for the flourishing of Trade, That Bills or Letters of exchange be duely payed and have ready Execution, conforme to the Custom of other parts, DOETH THEREFORE, with advice and consent of his Estates of Parliament, STATUTE and ORDAIN, that in case of any Forraign Bill of Exchange, from or to this Realm duely protested for not acceptance, or for not payment, the said Protest having the Bill of Exchange, prefixed, shall be Registrable within six Moneths after the date of the said Bill, in case of non-acceptance, or after the falling due thereof, in case of non-payment, in the Books of Council and Session, or other competent Judicatures, at the instance of the person to whom the same is made payable, or his Order, either against the Drawer, or Indorser, in case of an protest for non acceptance, or against the Acceptor, in case of a protest for non-payment, to the effect it may have the Authority of the Judges thereof, interponed thereto, that Letters of Horning upon a simple charge of six dayes, and others executorial necessary may pass thereupon, for the whole sums contained in the Bill, as well Exchange, as Principal, in forme as effects, sicklike, and in the same manner, as upon registrat Bonds, or Decrets of Registration, proceeding upon consent of Parties. PROVIDING alwayes, That if the saids Proteests be not duely Registrat within six Moneths, in manner above provided, Then and in that case, the saids Bills and Proteests, are not to have Summar Execution, but only to be pursued by way of Ordinary Action, as accords. AND FARTHER, It is hereby STATUTE, and ENACTED, That the sums contained in all Bills of Exchange, bear Annual-rent, in case of not acceptance from the date thereof, and in case of Acceptance, and not payment, from the day of their falling due, ay and while the payment thereof. AND FARTHER His Majesty with advice foresaid, hereby Declares, That notwithstanding of the foresaid Summar Execution provided to follow upon Bills of Exchange, for the sums therein contained, in manner above specified; Yet it shall be leasom to the party charger to pursue for the exchange, if not contained in the saids Bills, with re-exchange, damage, interest, and all expences, before the Ordinary Judge, or in case of Suspension, to cek the same to the Charge at the discussing of the said Suspension, To the effect, that the same may be liquidat, and Decree given theretofore, either against the party principal, or against him and his Cautioners, as accords.

XXI.

ACT Concerning the Election of Commissioners for Shires.

September. 17. 1681.

OUR SOVERAIGNE LORD, Considering, the great delay in dispatch of publick Affairs in Parliament, and Convention of Estates, occasioned by the contraverted Elections of Commissioners for Shires: FOR preventing whereof, and for clearing the orderly way of Election of the saids Commissioners in time coming. THEREFFORE His Majesty, with advice and consent of His Estates of Parliament, STATUTES and ORDAINS, That none shall have vote in the Elections of Commissioners for Shires, or Stewartries, which have been in use to be represented in Parliament and Conventions, but those who at that time shall be publickly Inset in property, or superiority, and in possession of a Fourty shilling Land of old extent holden of the King or Prince, distinct from the Few Duties in Few Lands, or where the said old extent appears not, shall be inset in Lands lyable in publick Burden for His Majestie's supplies for Four hundred pounds of valued Rent, whether Kirk-lands, now holden off the King, or other Lands holding Few, Waird, or Blench off His Majesty, as King or Prince of Scotland, And that Apprisers or Adjudgers, shall have no vote in the saids Elections during the legal reversion, and that after the expiring thereof, the Appriser or Adjudger first Inset shall only have Vote, and no other Appriser or Adjudger coming in *pari passu*, till their shares be divided, that the extent or valuation thereof may appear; And that during the
legal

legal the Heretor having right to the Reversion shall have vote: And Likewise proper Wodsetters, having Lands of the holding, extent, or valuation foresaid, which Rights to vote proceeding upon expired comprising, adjudication, or proper Woodset, shall not be questionable, upon pretence of any order of Redemption, payment, and satisfaction, unless a Decree of Declaratour, or voluntar Redemption, Renunciation, or resignation be produced, and that appearand Heirs being in possession by vertue of their Predecessors Infeftment of the holding, extent and valuation foresaid, And likewise Liferenters, and Husbands for the Freeholds of their Wives, or having right to a Liferent by the Courtese of the saids Liferenters, claime their Vote, otherwayes the Fiar shall have Vote, but that both Fiar, and Liferenter shall not have Vote, unless they have distinct Lands, of the Holding, Extent; or Valuation foresaid, but that no person Infeftor relief, or payment of fums, shall have Votc, but the granters of the saids Rights, their Heirs, or Successors. LIKEAS His Majesty ORDAINS, the whole Free-holders of each Shire, and Stewartry, having election of Commissioners, To meet and convene at the head Burghs thereof, and to make up a Roll of all the Freeholders within the same, whether lying within Stewartries, not having Commissioners, or Bailiarics of Royalty, or Regality, or without the same, upon the first Tuesday of *May* next to come, according as the same shall be intrusted to be of the holding, extent or valuation foresaid, containing the Names and Designations of the Fiares, Liferenters, and Husbands, having right to vote for the same, in manner above written, and expressing the extent, or valuations of the saids Free-holders, with power to continue, or Adjourn their Meetings untill the said Roll for Elections be fully compleat. LIKEAS, The saids Free-holders shall meet and convene, at the Head Burghs of the saids Shires, & Stewartries *respectively*, at the Michaelmas head Court yearly thereafter, and shall revise the said Roll of Election, and make such alterations therein, as have occurred since their last Meeting, from time to time; which Roll for Election shall be insert in the Sheriff, or Stewart books, particularly appointed for that end, according as they shall be stated each Michaelmas Court; And at the Election of Commissioners, either at the Michaelmas Court, or at the calling of Parliament, or Conventions, the saids Free-holders shall meet and convene at the Head-Burgh of the Shire, or Stewartry in that Rowm, where the Sherriff or Stewart Court useth to be held, betwixt mid-day, and two afternoon, which Rowm shall be patent to them, and all others removed, but whom they call, and the first or second Commissioner last Elected, or in their absence the Sherriff or Stewart Clerk shall ask the Votes who shall preside, and who shall be Clerk to the Meeting, and in case any alteration have happened in the said Roll of Elections since the last Meeting, the persons then coming to have right to Vote, shall be insert in the Roll, and there shall no objection be admitted against any Insert in the said Roll as said is, but what shall be propounded before they begin to vote to Election: And if the Objecters shall not be cleared, and acquiesce, they shall take Instruments containing their Objections against the admitting to, or excluding any person from the foresaid Roll: AND It is Hereby Declared, that no other Objection shall be competent in Parliament or Convention, but what shall be contained in the Instruments taken, as aforesaid: And in case Objections be made when a Parliament or Convention is not called, a particular Diet shall be appointed by the Meeting, and intimat to the Parties contravening, to attend the Lords of Session, for their determination, who shall determine the same at the said Diet summarly according to Law, upon Supplication without farther Citation. And it is hereby Declared, that Horning for a civil Cause, or Non-residence, shall be no sufficient Objection, but that the Minority being instantly verified shall be a sufficient Objection, or the not taking the *Teff* appointed by the sixth Act of this present Parliament, which is hereby ordained to be subscribed by all the Voters in Presence of the Meeting; before they proceed to the Election, and recorded in the Sherriff Court Books, and so returned with the Commission to the Clerk of Register. And if the Persons Objected against, shall appear at the Parliament, or Convention, and instruct the Right to Vote, the Objecter shall pay their expences, and be farther Fined in Five hundred Merks: And if the Objection be sustained in Parliament, the Objecters appearing shall have their expences, and the Party Objected against shall be Fined in Five hundred Merks. And to the effect that sufficient advertisement may be given to all parties having Vote in Election, who are to elect at the calling of a Parliament, or Convention, the Sherriffs and Stewards, are hereby ordained to make Publication of the Call and Diet of the said Parliament, and Convention, and of the Diet appointed for Election, and that at the Head-Burgh of the Shire or Stewartry, upon a Mercat day betwixt ten and twelve in the Forenoon; And also shall make the like Intimation at each Paroch Kirk, on Sunday immediatly thereafter, which Diets for Election, shall at least be twelve dayes before the Meeting of Parliament, or eight dayes before the meeting of a Convention, that the Commissioners elected may have sufficiency of time to keep the Diet of the Parliament or Convention. LIKEAS His Majesty with consent foresaid, STATUTES and ORDAINS, the whole Heretors, Liferenters, and Wodsetters, within each Shire, and Stewartry, to contribute for the charges of the Commissioners thereof, according to their valuation, except only those who hold of Noblemen, or Bishops, or Lands belonging to Burrows Royal in Burgage: And also to the expences of the Foot-Mantles.

XXII.

ACT Appointing the Quorum of the Justice Court in time of Vacance.

September 17. 1681.

OUR SOVERAIGNE LORD, and Estates of Parliament, DOE STATUTE and ORDAIN, that in time of Vacance of the Session, Three of the Commissioners of Justiciary, shall be a sufficient *Quorum*, who shall meet at *Edinburgh* in the Moneth of July yearly, any thing contained in the sixteenth Act of the Third Session of his Majesties second Parliament contrary thereto notwithstanding.

XXIII.

ACT In favours of the University of Sanct- Andrewes, Appointing halfe a Moneth's Cests to be raised for their use.

September 17. 1681.

OUR SOVERAIGNE LORD Considering the small and incompetent provisions and sallaries, at present posselt by the Masters, and Professours, in his famous and Ancient University of Sanct- Andrewes; Whereby learning is in great hazard to languish, and decay: DOETH for encouragement, and advancement of Learning, with advice and consent of his Estates of Parliament, STATUTE and ORDAIN, That halfe a Moneths Cests be Imposed upon the Land-rent of this Kingdom, to be payed into the Cash-keeper, with the second terms payment of the Cests in the years 1682 and 1683; And the money being payed in as aforesaid, shall be stocked in for the use of the University fore said, and divided in it's just proportions, to the severall Masters, and Professours in the severall Colledges therein, by the advice and authority of his Majesties Privy Council.

XXIV.

ACT Ordaining Bread, and Butcher-Flesh, to be sold by Weight.

September 17. 1681.

OUR SOVERAIGNE LORD, and Estates of Parliament, Considering how necessary it is for the good of the subjects, That Bread and Flesh, should be within Burgh and Land sold in retail by Weight, and no otherwayes. DOE THEREFORE Statute and Ordain that in all time coming, Bread, and all Butcher-Flesh, as Beeff, Veall, Lamb, and Swine-flesh, shall be sold by Weight, when the same is sold in retail, and no otherwayes, under the pain of One hundred pounds Scots, *toties quoties*.

XXV.

Additional ACT, Concerning the Test.

September 17. 1681.

OUR SOVERAIGNE LORD and Estates of Parliament DOE hereby STATUTE and ORDAIN that the Test appointed by the sixth Act of this Parliament, to be taken by all persons in publick Trust, shall be taken by the Admiral-deputs, Judges of the High Court of Admiralty, and all Members of that Court, and all particular Admiral-deputs within the Kingdom: The Director of the Chancellery, and all Writers in that Office; The Writter to, and under keeper of the Privy Seale, Surveyers, Waiters for the King's Customs and Excise through the Kingdom, The King's Sollicitor, the Lyon Clerk, and by all such as shall be commissioned to the Convention of Burrows, at their first *Sederunts* in their Courts, and in the said convention; And ORDAINS all Captains and other Commissionat Officers of the Train-bands in Burghs, and such as have any voice in Electing of Deacons of Trades within Burghs, and the Clerks to Trades, to take the said Test before the Magistrats of the respective Burghs, and the Deacons of the saids Trades respective before their respective Elections. And also ORDAINS all persons who shall be named Commissioners for revaluations, or rectifying valuation of Lands, to take the fore said Test, under the pains contained in the said Act of Parliament: And that all persons who have heretable Offices from the King, nor mentioned in the fore said Act, shall take the fore said Test, in presence of the Lords of Exchequer betwixt and the first of January, wherein if they fail, They shall lose their Offices, and casualities thereof during their lifetime.

ACT

XXVI.

ACT Concerning Publick Debts.

September 17. 1681.

OUR SOVERAIGNE LORD Considering that diverse Noblemen, Barrons, and Burrowes, during the time of the late troubles, and Rebellion, did give their bonds for several great sums of money; Which albeit bearing for Borrowed money, were employed for the use of the Publick, and for security whereof; the pretended authority for the time, did by Acts of pretended Parliaments, during these troubles, bind and oblige the Estates of the Kingdom, to warrant, and relieve the Members of the saids Committees, and all other Persons whatsoever, who had given bonds or security, for any sums employed for the use of the Publick, And that upon the rescinding of these pretended Parliaments, HIS MAJESTY and Estates of Parliament, after his happy Restauration, in Anno 1661, for security of all such persons bound in these Bonds, did by an Act in that Parliament, suspend all execution, as well Real as Personal against the saids Persons, or their Heirs upon the foresaid Bonds, till the next Parliament: AND also in the subsequent Parliament holden in the year 1669, did continue the foresaid suspension, ay and while the foresaid Debts should be considered in Parliament. AND HIS MAJESTY now Considering, that the sums contained in the saids Bonds, granted by the foresaid persons, were employed for the use of the Publick, during the time of the said Rebellion, and that the saids persons by the rescinding of the foresaid Parliaments, are cut off from the Benefit of any reliefe granted, or contained, in any of the saids pretended Acts in their favours. THEREFORE, the King's Majesty, with advice and consent of the Estates of Parliament, by this present ACT, Exoners, and perpetually discharges, the saids Noblemen, Barons, and Burrowes, and all others granters of the saids Bonds, their Heirs, Executors, and Successours, of the saids Debts, and Bonds granted thereupon, and of all diligence, Pursute, Action, or Execution thereupon competent, as well Real as Personal, bygone or in time coming, And declares them and their foresaid, quit and free thereof for ever. PROVIDING alwaies that no Persons shall have the Benefit of this Act unless they take the *Test* appointed by the sixth Act of this present Parliament. DECLARING that the principal Debitour in these Bonds taking the *Test*, the Cautioner shall be free, and if the Principal refuse to take the *Test*, the Cautioner taking the same, shall be free as to his part. EXCEPTING alwaies the Heirs, Executors and Successours of the deceased Duke of *Rothes* late Lord Chancellour, who in Respect of his Eminent Loyalty and Service to His Majesty, are hereby absolutely exonered and discharged of the saids Debts, without necessity of taking the foresaid *Test*, upon the account foresaid alennary; AND ALSO EXCEPTING Minors who shall not be obliged to take the *Test* upon the foresaid account, Untill they attain to the years of Majority. And in Regard there were Debts contracted by the Earles of *Cassile* and *Loubian* and others with them in the year 1650. for his Majesties Service. For which they granted their own Bonds, and which are mentioned in an Act of Parliament past in their favours, in the year 1661; HIS MAJESTY with consent foresaid Discharges all Action and Execution for the sums contained in these Bonds against the saids Earles and Others, who were bound with them and their Successours, in Respect the same is a publick Debt, The money having been Borrowed for His Majestie's service as said is.

XXVII.

ACT Anent the Prices of French and Spanish Salt.

September 17. 1681.

OUR SOVERAIGNE LORD Out of his Princely care to encourage the Manufacturies and other publick Works of this his Ancient Kingdom, and to prevent the Unnecessary Importation of foreign commodities and the exorbitant prices that may be exacted from the Leiges. THEREFORE His Majesty with advice and consent of the Estates of Parliament, DOETH Erect and Declare All the Salt-works of this Kingdom to be free and publick Manufacturies: Endowing them, with all the Priviledges, Liberties, and Immunities, granted by Law in favours of any Manufactory, within this Kingdom. AS ALSO HIS MAJESTY Considering that the In-land Salt of this Kingdom, is sufficient for all other uses except the curing of Fishes, and Beeff exported, And that the foreign Salt which shall be employed for the use of the Nation, may be furnished at the rates following: THEREFORE His Majesty with advice and consent foresaid, DOETH Statute, and Ordain, That all Importers of French Salt, or Retailers thereof, at the places, or Ports, where the same is imported, shall not upon any pretence whatsoever, exact more from the Leiges, then Five pounds *Scots* for the *Lunithgow* Boll

Boll of French Salt, Including the Forty Shillings per Boll to his Majesty for Excise; And that Importers and Retailers of Spanish Salt, shall not exceed six pounds for the *Linlithgow* Boll thereof, including likewise the Excise, under the penalty of One Hundred pounds Scots, *Toties quoties*, for each Boll they shall sell above the rates forefaids, the one half thereof to his Majesty's use, and the other half to the Discoverer, who shall have power to pursue the Importers, who shall contravene this Act before the Judges Ordinary. IT IS ALWAIES hereby DECLARED, That this Act shall be but prejudice of His Majesties Prerogative asserted by the Twentieth and sixt Act of the Third Session of His Majesties first Parliament, And that His Majesty may alter the saids rates, upon such occasions as shall seem necessary to him, In His Royal Wisdom.

XXVIII.

ACT Salvo jure Cujuslibet.

September 17. 1681.

OUR SOVERAIGNE LORD, Taking to consideration, that there be many Acts of Ratifications, and others past and made in this Session of Parliament, in favours of particular Persons, without calling, or hearing, of such as may be thereby concerned, or prejudged: THEREFORE His Majesty with advice and consent of the Estates of Parliament, STATUTES, and ORDAINS, That all such particular Acts, and Acts of Ratification past in manner forefaid, shall not prejudice any Third party of their lawful Rights, nor of their Actions, and defences competent thereupon, before the making of the saids particular Acts, and Acts of Ratification; And that the Lords of Session, and all other Judges of this Kingdom, shall be obliged to Judge betwixt parties, according to their several Rights standing in their Persons, before the making of the saids Acts: All which are hereby expounded, and declared, to have been made *Salvo jure Cujuslibet*. EXCEPTING alwaies, the Act past in this present Parliament, discharging persons of bonds given by them in the time of the late Rebellion, for sums employed for the use of the publick, which is declared to be no ways comprehended herein.

XXIX.

ACT, Of Adjournment.

September 17. 1681.

THE KING'S MAJESTY, Declares this Parliament Current, and Adjourns the same, To the first day of March next, One thousand, six Hundreth, eighty and two years. AND ORDAINES all Members of Parliament, to attend that day; And that there be no new Elections, of Commissioners, from Shires, or Burghs, except upon the death of some of the present Commissioners.

THO: MURRAY. Cl., Reg.

F I N I S.

A
T A B L E

Of the Printed A C T S.

- 1 **A**CT Ratifying former Laws securing the Protestant Religion.
- 2 Act asserting the Right of Succession to the Imperial Crown of this Kingdom.
- 3 Act for a voluntary offer of a new Supply to His Majesty.
- 4 Act for securing the Peace of the Country.
- 5 Act concerning Probative Witnesses in Writs and Executions.
- 6 Act anent Religion, and the Test.
- 7 Act discharging the Summer Session.
- 8 Act for continuation of the Excise.
- 9 Act against Personal Protections.
- 10 Act concerning Wives Terces.
- 11 Act concerning the Registration of Seisings, and Reversions, of Tenements within Burgh.
- 12 Act for encouraging of Trade and Manufacturies.
- 13 Act anent Declinatours.
- 14 Act for restraining the exorbitant expence of Marriages, Baptisms, and Burials.
- 15 Act against Assassinations.
- 16 Act concerning the Jurisdiction of the Admiral Court.
- 17 Act concerning the Sale of Bankrupts-lands.
- 18 Act asserting his Majesties Prerogative in point of Jurisdiction.
- 19 Act concerning the Oaths of Minors.
- 20 Act concerning Bills of Exchange.
- 21 Act Concerning the Election of Commissioners for Shires..
- 22 Act appointing the Quorum of the Justice Court, in time of Vacance.
- 23 Act in favours of the Universty of St. Andrewes, appointing halfe a Moneths Cess to be raised for their use.
- 24 Act ordaining Bread, and Butcher-Flesh, to be sold by Weight.
- 25 Additional Act concerning the Test.
- 26 Act concerning Publick Debts.
- 27 Act anent the prices of French, and Spanish Salt.
- 28 Act Salvo jure Cujuslibet.
- 29 Act of Adjournment.

F I N I S.

A
T A B L E

Of the Acts, and Ratifications, past in this first Session, of His Majesty's Third Parliament, and which are not here Printed.

- P**roteftation by some Noblemen, and Others, Commissioners from Shires, and Burghs, concerning their precedencie in the Rols of Parliament.
- His Majesty's Letter to the Parliament, With the Parliament's Answer.
- Act for yearly Fairs, and weekly Mercats, to some Noblemen, and Others, with some Protestations against the same.
- Act in favours of the Laird of *Langtoun*, for changing a high way near to the Houfe of *Langtoun*.
- Act in favours of the Laird of *Langtoun*, for Registrating in the records of Parliament, a Charter granted by King *Robert* the Second, to his Predecessours, of the office of Heretable Principal Usher to the Parliament.
- Act in favours of the Earl of *Airley*, against Master *John Dempster* of *Pitliver*, anent a Prescription.
- Act anent the Election of Commissioners within Burghs Royal, for Parliaments, and Conventions.
- Act in favours of the Town of *Edinburgh*, anent the Conduit of water brought thereto.
- Act discharging the theiking of Houses within the Town of *Edinburgh*, and some Other Burghs Royal, with Straw, Bent, or Heather, and appointing the same to be done with Lead, Scailie, or Tile.
- Act anent the Mortification made be *Thomas Mudie*, for building a Kirk in *Edinburgh*.
- Act in favours of the Earl of *Queensberry*, anent a blank Bond given be him.
- Act in favours of the Shire and Town of *Dumfries*, anent a Custom upon the watter of *Nith*.
- Act anent the Salmond fishing in the watter of *Nith*.
- Act anent the Commissioners sies in the Shire of *Dumfries*.
- Act anent the Lord of *Belhaven*.
- Act declaring the Sugar-works at *Glasgow* to be a Manufactory.
- Act declaring the Woolen-work of the Searge, called *Searge de Neim*, and others Stuffs erected be *James Armour* Younger, to be a Manufactory.
- Act in favours of the Earl of *Winton*, anent the disjunction of the Lands of *Winton*, from *Pencaitland*, and annexing the same to *Tranent*.
- Act in favours of the said Earl, for excoeing of his Coale, and Salt, from bearing any Publick burden.
- Protestation be the Laird of *Ormeftoun* against the same.
- Act in favours of the Lady *Lockhart*, against her Son.
- Act in favours of the Town of *St. Andrewes*, anent their stent, and stent Masters.
- Commission for revising the Laws.
- Act in favours of the Lord *Lyon*.
- Act for Rectification of Valuations, and declaring that Coale, and Salt, is not to bear any part of the Supply.
- Act rescinding some Articles of the Regulation concerning Advocats, Clerks, and Writers.
- Act authorizing His Majesty's privy Council to name and appoint Commissioners of Excise, or Supply in the several Shires.
- Act in favours of the Town of *Inverness*, for exacting a small Custom, at the Bridge thereof.
- Act in favours of the Laird of *Kinnundie*, for exacting a small Custom, at the Bridge of *Dee*.
- Act in favours of the Marquess of *Atbole*, for exacting a small Custom, at the Bridge of *Almond*.
- Act in favours of the Earl of *Marr*, for exacting a small Custom, at the Bridge of *Tillibody*.
- Act in favours of the Littlers of *Edinburgh*.
- Warrant to the Laird of *Hoptoun* for changing a high way, at the Town of *Winchburgh*.
- Act in favours of the Earle of *Queensberry*, for disjoyning the Lands of *Palvadock*, from the Stewatry of *Kirkcudburgh*, and annexing the same to the Shire of *Dumfries*.
- Act in favours of *Mungo Graham* of *Gorthy*.
- Protection to Master *William Dick*, and Sir *Andrew Dick*.
- Recommendation to the Council, in favours of the Town of *Dalkeith*, anent their Bridge.
- Recommendation to the Council, in favours of the Lady *Comiftoun*.
- Reference to the Council anent the Earles of *Caithefs*, and *Broad-Albain*.
- Reference to the Council anent the Towns of *Anstruther-Wester*, *Kibrany*, *Cromarty*, and Others.
- Recommendation in favours of the Lady *Bogie*.
- Ratification in favours of the Duke of *Lennox* and *Richmond*.
- Protestation Sir *John Cochran*, in name of the Earl of *Dundonald*, against the same.
- Protestation Sir *John Cuninghame*, in name of the Lady of *Obryan*, against the said Ratification.

Protection

- Protestation His Majesties Advocat, against the saids two Protestations.
 Ratification in favours of the Marquess of *Atbole*.
 Ratification in favours of the Marquess of *Montrose*.
 Protestation the Earle of *Airth*, against the same.
 Ratification in favours of the Earle of *Argyle*.
 Protestation by the Earle of *Arrol*, against the same.
 Ratification in favours of the Earle of *Perth*.
 Protestation by the Marquess of *Atbol*, against the same.
 Ratification in favours of the Viscount of *Stormount*.
 Ratification in favours of Sir *Alexander Seton*, of *Pitmeddin*.
 Ratification in favours of Sir *Roger Hog*, of *Harcars*.
 Ratification in favours of Sir *George Gordon*, of *Haddo*.
 Ratification in favours of Sir *William Sharp*.
 Ratification in favours of Master *Alexander Gibson*.
 Ratification in favours of Master *Alexander Mackenzie*, of *Garlearch*.
 Protestation the Marquess of *Atbol*, against it.
 Ratification in favours of *David Drummond*, of *Cultmalindie*.
 Ratification in favours of Sir *Donald Baine*, of *Tulloch*.
 Ratification in favours of the *Harmakers*, and *Walkers* of *Edinburgh*.
 Ratification in favours of Master *Roderick Mackenzie*, of *Findone*.
 Ratification in favours of *William Duff*.
 Ratification in favours of the Laird of *Balhouffe*.
 Ratification in favours of *Robert Pringle*, of *Clistoun*.
 Ratification in favours of Sir *William Ker*, of *Greinhead*.
 Ratification in favours of *George Dollas*, of *St. Martines*.
 Ratification in favours of Sir *Archbald Cockburn*, of *Langtoun*.
 Ratification in favours of the Poor of the Town of *Chanrie of Ross*.
 Ratification in favours of *Patrick Smith*, of *Braco*.
 Ratification in favours of Master *John Omev*.
 Ratification in favours of Master *Thomas Skeen* Advocat.
 Ratification in favours of *David Oliphant* of *Cultengubar*.
 Ratification in favours of Master *James Murray*, Minister at *Logi-vait*.
 Ratification in favours of *William Colquhoun*, of *Craigtoun*.
 Ratification in favours of *Robert Boyd*, of *Portoun-cress*.
 Ratification in favours of *Coline Campbel*, of *Ormadil*.
 Ratification in favours of Master *Alexander Forbes*, of *Foveran*.
 Ratification in favours of *Richard Elphinstoun*, of *Airth*.
 Ratification in favours of The Lord *Pitligo*.
 Ratification in favours of the Laird of *Skeen*.
 Ratification in favours of *Francis Dugat*, of *Auchinbive*.
 Ratification in favours of the Laird of *Streichin*.
 Ratification in favours of the Laird of *Ballogie*.
 Ratification in favours of Master *James Elphinstoun*, Witer to the Signet.
 Two Ratifications in favours of *John Graham*, of *Claverhous*.
 Ratification in favours of Master *James Carnegie*.
 Ratification in favours of Master *Patrick Kier*.
 Ratification in favours of *Anthony Murray*, of *Dullarie*.
 Ratification in favours of *John Brown*, of *Gorgy-milne*.
 Ratification in favours of Master *James Brand*, of *Babertoun*.
 Ratification in favours of Lieutenant Colonel *Mayn*, Major *Ogilthorpe*, and Captain *Corrwal*.
 Ratification in favours of Master *Thomas Innes*, and *James Calder*, of *Muirtoun*.
 Ratification in favours of the said *James Calder*.
 Ratification in favours of the Laird of *Moncreiff*.
 Ratification in favours of Mistress *Grissel Mercer*, Lady *Aldie*.
 Ratification in favours of the Marquess of *Hunthie*.
 Ratification in favours of Sir *Charles Maitland*, of *Pitricbie*.
 Protestation the Town of *Aberdeen*, against the same.
 Ratification in favours of the Incorporation of the *Hammer-men* of *Edinburgh*.
 Ratification in favours of the Earle of *Dumfries*, and Lord *Crichtoun*.
 Ratification in favours of Sir *James Dalrymple* of *Stair*, President of the Session.
 Ratification in favours of the Lord *Thesaurer-Deput*.

- Protestation by the Town of *Dundee*, against it.
 Ratification in favours of *Mungo Halden*, of *Glenegies*.
 Ratification in favours of *Walter Riddel*, of *Minto*.
 Ratification in favours of *George Gordoun*, of *Boigs of Dalrey*.
 Ratification in favours of Sir *John Schaw*, of *Greenock*.
 Ratification in favours of the Earle of *Arrol*.
 Ratification in favours of the Earle of *Queensberrie*.
 Ratification in favours of the Lord *Rollo*.
 Two Ratifications in favours of Sir *George Mackeinzie*, of *Rosehauch*, Lord Advocat.
 Two Ratifications in favours of Sir *George Mackeinzie*, of *Tarbet*, and Others.
 Ratification in favours of Sir *David Balfour*, of *Forret*.
 Ratification in favours of The Lord *Register*.
 Ratification in favours of Collonel *James Douglas*.
 Ratification in favours of Sir *William Paterfou*, and Master *Patrick Meinzie*s, Clerks to His Majesties Privy Council.
 Ratification in favours of His Majesties *Smiths*, *Mason*, &c.
 Ratification in favours of *William Craik*, of *Arbigland*.
 Ratification in favours of *Robert Ferguson*, of *Craigdarroch*.
 Ratification in favours of the Incorporation of the Weavers of *Glasgow*.
 Ratification in favours of the Burgh of *Aberdeen*.
 Protestation Sir *Alexander Seton*, of *Pitmeddin*, in name of the Shire, against it.
 Ratification in favours of *Robert Hamilton*, of *Presninen*.
 Ratification in favours of *John Johnstoun*, of *Elshisbeils*.
 Ratification in favours of *James Carnegie*, of *Balnacoon*.
 Ratification in favours of Sir *Patrick Honstoun*, of that Ilk.
 Ratification in favours of *William Hamilton*, of *Orbistoun*.
 Ratification in favours of Sir *Patrick Ogilvie*, of *Boyn*.
 Ratification in favours of some Trades in *Dumbarton*.
 Ratification in favours of *Robert Milne*, of *Barntoun*.
 Ratification in favours of *William Gordoun*, Sherriſt-Clerk of *Aberdeen*.
 Ratification in favours of *Lawrence Oliphant*, Clerk to the Admiſſion of *Nottars*.
 Ratification in favours of the Incorporation, of the Fleſhers of *Edinburgh*.
 Ratification in favours of *Ninian Bannatine*, of *Kaims*.
 Ratification in favours of the Earle of *Roxburgh*, and Others.
 Ratification in favours of *John Hamilton*, of *Combardie*.
 Ratification in favours of The Lord *Elphingſtoun*.
 Ratification in favours of The Burgh of *Glasgow*.
 Ratification in favours of Sir *William Purves*.
 Ratification of ſeveral Acts, and Decrees of His Majesties Privy Council, anent the new buildings, at the entry to the *Parliament-Houſe*.
 Ratification in favours of Sir *Charles Halket*, of *Pitfirren*.
 Ratification in favours of The Lord *Nairn*.
 Ratification in favours of *Iames Seton*, of *Touch*.



A C T
Of the CONVENTION of
E S T A T E S
Of the Kingdom of SCOTLAND,

By a noble Lord, John Earl of Rothes, Lord Lesly and Bambreith, &c.
His MAJESTIES Commissioner:

For a free and voluntar offer of a TAXATION to His MAJESTY.

At Edinburgh, the fourth day of August, 1665.



THE Estates of the Kingdom of *Scotland*, conveyed at this time by His Majesties special Authority and Command, Taking to their consideration the great blessings this His Majesties antient Kingdom doth now enjoy under His Royal Government, being thereby delivered from all the miseries and bondage that do accompany the Iron Rod of an Insolent Usurpation, and possessed of all the Liberties and Priviledges of a free People, living under the Royal Scepter of their lawfull Prince, and that, by a full and free exercise of their Religion, with all suitable encouragements thereunto, by an equal and due administration of Justice, and peaceable and secure enjoyment of their Laws, Rights and Properties: Do find themselves obliged in conscience, honour and gratitude, to embrace every occasion, whereby they may witness to the world their just resentments thereof, and their readines to contribute their lives and fortunes for the maintaining and advancing of His Majesties Royal Authority, Power and Greatness; under the protection whereof, the Peace, Freedom and Interest of this Kingdom and Subjects thereof, is, and can only be, secured. And understanding, that His Sacred Majesty is now engaged in a War with the Inhabitants of the *United Provinces*, for the maintenance of His own Honour, and the Peace and Trade of His Kingdoms, and that thereby a new opportunity is offered to them to make good their professions of their zeal and affection to His Majesties service. Therefore, the Estates of the Kingdom, in a due sense of His Majesties Honour and Interest, and of their own duty, Do, with humble, loyal and cheerful hearts, for themselves, and in name of the whole Kingdom, whom they do represent, make humble and free tender to His Majesty of a Taxation, which they do humbly beseech His Majesty would be graciously pleased to accept of, and which is to be payed in manner, and at the terms following;

That is to say, the Dukes, Marquesses, Earls, Viscounts, Lords, and Commissioners of Shires, for the Temporal Estate, Have granted, that there shall be uplifted of every Pound-land of old extent within this Kingdom, pertaining to Dukes, Marquesses, Earls, Viscounts, Lords, Barons and Free-holders, and Fewers of His Majesties proper Lands, the sum of fourty shillings money, at every one of the five terms following, *viz.* The sum of fourty shillings at the term of Whitsonday, in the year of GOD, one thousand, six hundred, sixty six years; The sum of other fourty shillings at the term of Whitsonday, one thousand, six hundred, sixty seven years; The sum of other fourty shillings at the term of Whitsonday, one thousand

land, six hundred, sixty eight years; The sum of other forty shillings at the term of Whitsonday, one thousand, six hundred, sixty nine years; And the sum of other forty shillings at the term of Whitsonday, one thousand, six hundred, seventy years, being the last term. And the Archbishops and Bishops, for the Spiritual Estate, Have granted, that there shall be uplifted of all Archbishopricks, Bishopricks, Abbacies, Priors, and other inferior Benefices within this Kingdom, at every one of the five terms above-specified, the just Taxation thereof proportionally, according to the sum of forty shillings money, now imposed upon the Pound-land, as they have been accustomed to be taxed unto in all time by-gone, when the Temporal Lands of this Kingdom were stinred only to thirty shillings the Pound-land of old extent, with the addition of a fourth part more: And the same Taxation to be payed at every one of the five terms above-specified. And the Commissioners of Burghs, for their Estate, Have granted, that there shall be uplifted of all the Burghs of this Kingdom, at every one of the five terms above-specified, the just Taxation thereof proportionally, according to the sum of forty shillings money now imposed upon the Pound-land, as they have been accustomed to be taxed unto in all time by-gone, when the Temporal Lands of this Kingdom were stinred only to thirty shillings the Pound-land of old extent, with the addition of a fourth part more, to be payed at the respective terms above-written. And in regard, that His Majesty hath erected sundry Prelacies, and Temporal Lordships, whereby the owners thereof may claim to be taxed with the Barrons of the Temporal Estate, and thereby His Majesty would be defrauded of a great part of the said Taxation: Therefore the saids Estates Ordain, that all erections of Prelacies and other small Benefices, in whole or in part, in Temporal Lordships, shall, in payment of the said Taxation, pay to the Collector thereof, so much of the same Taxation (*pro rata*) as if they were no wayes erected, and as they were subject to do before the erection of the same. And sicklike, it is Statute and Ordained, that all dissolved Benefices within this Kingdom, in whole or in part, shall be subject in payment of so much of the same Taxation (*pro rata*) as they would have been subject to pay though the same had not been dissolved: And that those parties, who have gotten any part or portion of any Prelacies, or other inferior Benefices, dissolved, and new Securities made unto them by His Majesty, of that part and portion thereof so dissolved, shall be subject in payment of the Taxation thereof to the Prelat or other beneficed Person, for his relief of the same Taxation, as they would have been so the same had not been dissolved; notwithstanding of any condition contained in the Insetments and Securities made by His Majesty to them in the contrary thereof.

And further, His Majesty, with advice and consent of the said Estates; Declares, that the Lands and Teinds, belonging in property to the ordinary Lords of the Session, the Advocats, Clerks, Writers to the Signet, and other Members of the Colledge of Justice, and all few duties payable to them out of the Lands whereof they are Superiours; all Benefices given, disposed and mortified, for entertainment of Universities, Colledges, Schools or Hospitals (the Vassals holding of the saids ordinary Lords of the Session, and other Members of the Colledge of Justice, and of the said Universities, Colledges, Schools and Hospitals, being always lyable in payment of this Taxation, for their Lands so holden, as others of His Majesties Subjects) all modified Stipends, and Vicarages where they are a part of the said modified Stipend; all Parsonages, Vicarages belonging to Ministers serving the Cure, where the said Parsonages and Vicarages do not exceed the value appointed by the Acts of Parliament for a modified Stipend, are, and shall be free from payment of any part of this present Taxation; And discharges and disannuls all Priviledges and Immunities, whereby any person may conceive himself free of the payment of any part of this present Taxation, except as above excepted. And Ordains the saids Senators of the Colledge of Justice, and other Members thereof, and the persons, in whose favours any Lands, Teinds or Superiorities have been given, disposed and mortified, for entertainment of Universities, Colledges, Schools or Hospitals, to send in to the Collector-general of the Taxation, or Clerk thereof, a note under their hands, threescore dayes before the first terms payment of this Taxation, of the Lands, Teinds, and Few-duties belonging to them, as said is, within what Shire they lie; and if they be Kirk-lands, what Benefice they hold of. And also Ordains, the Archbishops and Bishops, to send in to the said Collector or Clerk, betwixt and the time foresaid, a note under their hands, of the Parsonages and Vicarages belonging to Ministers serving the Cure within their respective Diocesses, which do not exceed the proportion allowed by the Acts of Parliament for a modified Stipend.

And for the more speedy and effectual in-bringing of the Spiritual Mens part of this said Taxation, Ordains Letters to be directed as formerly, charging all and sundry Archbishops and Bishops, Abbots, Priors; as likewise all Noblemen and others, in whose favours the erection of any Prelacy or other inferior Benefice, or any part or portion thereof, be it in Lands, Kirks or Teinds, or in whose favours the Patronage of any Benefice, Kirks or Teinds, are past; And all other beneficed Persons contained in the taxed Rols, their heretable Baillies, Chamberlains, Factors and Intromettors with their Rents and Livings, personally or at their dwelling places, and by open Proclamation at the Mercat-Crosses of the head Burghs of the Sheriffdoms, Stewarries and Bailleries, where the said Prelacies, erected Lordships, and small Benefices lyes, if they be within this Kingdom: And if they be without the Kingdom, by open Proclamation, at the Mercat-Cross of *Edinburgh*, Peir and Shore of *Leith*, upon threescore dayes warning, to make payment of that sum, that they, and ilk one of them, are taxed unto, for every one of the saids five terms, to the Collector-general of the said Taxation, appointed, or to be appointed by His Majesty, or His Deputies and Officers in His Name, having His Power and Commission to receive the same, at the particular terms above-written, under

the pain of Rebellion, and putting of them to the Horn, and if they failzie therein at the by-passing of every one of the said terms, to denounce the disobeyers Rebels, and put them to the Horn, and to Escheat, &c. And that the Prelats and beneficed Persons, and such Noblemen and others, in whose favours the Erections and Patronages above-written are past, for their relief have Letters as formerly, charging their Vassals, Sub-vassals, Ladies of Terce, Coniunct-fiars, Life-renters, Proper-wod-setters, who are not accountable for the *superplus* of the Rents, Fewers, Tacksmen and Pensioners, to make payment of their part of the said Taxation, ilk one of them, (*pro rata*) according to the sum they shall be taxed unto, to the saids Prelats, and other beneficed Persons, and to the said Noblemen and others having power to receive the same, within twenty dayes next after the Charge, under the pain of Rebellion, &c. And if they failzie, &c. to denounce, &c. and escheat, &c. and to poynd and distreinzie therefore, as they should think most expedient: Providing alwayes, That the first termes payment of the said Taxation be ever past, before the next termes payment be charged for. And the Estates Declares, That the production of sufficient Hornings against the said Vassals, Fewers, Tacksmen and Pensioners, shall be a relief to the saids Prelats, Lords of Erections and beneficed Persons; and shall exoner them (*pro tanto*) from payment of the said Taxation: Providing, That the same Hornings, with their Taxt Rols authentickly made and subscribed by the said Prelats, Lords of Erections and other beneficed Persons, and by their Fewers, Vassals, Tacksmen and Pensioners, in manner hereafter prescribed, containing the particular sum which each one of them are taxed unto; be delivered to the Collector of the same Taxation, within the space of threecore dayes after every terme: otherwayes, he shall be no wayes obliged to receive the same, neither shall the Prelat, Lord of Erection nor beneficed Person, be exonered by production of the same at any time thereafter.

And further, that the said Prelats, and such Noblemen and others, in whose favours the Erections and Patronages above-written are past, and all other beneficed persons, may have their relief of their Vassals, Sub-vassals, Ladies of Terce, Coniunct-fiars, Life-renters, Fewers, Wodsetters foresaid, Tacksmen and Pensioners, to the greater ease and less trouble to the said Vassals and others foresaid: And to the effect, that every one proportionally may pay his part of the said Taxation, according to the quantity and avail of the free Rent which he hath of his Beneficce, Lands, Penfions, Kirks, and Feind-heaves pertaining to him, as well Prelat, Lord of Erection, Patron and other beneficed Persons themselves, as the Fewer, Tacksmen and Pensioner; It is thought Expedient, Statute and Ordained, That the said Prelats and others above-rehearsed, every one of them severally, shall convey his whole Fewers, Vassals, Tacksmen and Pensioners, at the particular places hereafter designed: They are to say, The Archbishop of *St. Andrews* at the City of *St. Andrews*, the Archbishop of *Glasgow* at the City of *Glasgow*, the Bishop of *Edinburgh* at the City of *Edinburgh*, the Bishop of *Orkney* at the Town of *Kirkwall*, the Bishop of *Caitness* at the Town of *Durnock*, the Bishop of *Ross* at the Town of *Charry of Ross*, the Bishop of *Murray* at the Town of *Elgin*, the Bishop of *Aberdeen* at the Burgh of *Aberdeen*, the Bishop of *Briehen* at the Burgh of *Briehen*, the Bishop of *Dunkell* at the Town of *Dunkell*, the Bishop of *Dumblam* at the Town of *Dumblain*, the Bishop of *Galloway*, at the Town of *Wigtoun*, the Bishop of *Argyll* at the Town of *Inverary*, the Bishop of the *Isles* at the Burgh of *Rothesay in Bute*, the Abbot of *Icolmkill* at the Burgh of *Rothesay*, the Prior of *Ardbhattan* at the Burgh of *Rothesay*, the Abbot of *Fairn* at the Burgh of *Tayn*, the Lord *Beuley* at the Burgh of *Inverness*, the Lord of *Kinlofs* at the Burgh of *Forres*, the Prior of *Pluscarden* at the Burgh of *Elgin*, the Lord of *Dier* at the Town of *Peterhead*, the Prior of *Fryy* at the Town of *Turrif*, the Prior of *Monymusk* at the Town of *Monymusk*, the heretable Bailie of the Lordship of *Arbroth* at the Burgh of *Arbroth*, the Lord of *Scoon* at the Burgh of *Pertb*, the Lord *Cowper* at the Town of *Cowper* in *Angus*, the Prior of *Reskenneth* at the Burgh of *Forfar*, the Collector of this present Taxation in place of the Priors of *Charterhouse*, the Seat now vacand, at the Burgh of *Pertb*, and the like in other cases where any Seats are vacand, at the places appointed by this present Act; the Prior of *Elcho* at the Burgh of *Pertb*, the Prior of *Strapbilland* at the Kirk of *Comry*, the Lord of *Inchaffray* at the Burgh of *Pertb*, the Prior of *Inchmacbomo* at the Burgh of *Sterling*, the Bailie of the Regality of *Dumfermling* at the Burgh of *Dumfermling*, the Lord of *Balmernoch* at the Burgh of *Cowper* in *Fife*, the Lord *Lyndoris* at the Burgh of *Cowper* in *Fife*, the Masters of *St. Leonards* Colledge in *St. Andrews* for the Priory of *Portmock* at the Burgh of *Cowper* in *Fife*, the Prior of *Pettenweym* at the Burgh of *Pettenweym*, the Lord of *St. Colmb* at the Burgh of *Inverkeitibing*, the Lord of *Culrofs* at the Burgh of *Culrofs*, the Abbot of *Cambuskenneth* at the Burgh of *Stirling*, the Lord *Torphichan* at the Burgh of *Linlithgow*, the Prior of *Maxwell* at the Burgh of *Linlithgow*, the Lord *Newbottle* at the City of *Edinburgh*, the Priores of *Haddingtoun* at the Burgh of *Haddingtoun*, the Lord of the Temporal Lands of the Priory of *North-berwick* at the Burgh of *North-berwick*, the Patron and Parson of the Kirk of *Kilconchar*, dissolved from the Priory of *North-berwick*, at the Town of *Ely*; the Patron and Parson of the Kirk of *Largo*, dissolved from *North-berwick*, at the Town of *Largo*; the Patron and Parson of the Kirk of *Mayboll*, dissolved from *North-berwick*, at the Town of *Mayboll*; the Patron and Parson of the Kirk of *Logie*, dissolved from *North-berwick*, at the Burgh of *Stirling*; the Lord of *Kelfo* at the Town of *Kelfo*, the Lord of *Coldingham* at the Town of *Eymouth*, the Lord of *Dryburgh* at the Town of *Dryburgh*, the Prior of *Eccles* at the Town of *Dunee*, the Prior of *Coldstream* at the Town of *Dunee*, the Lord of *Jedburgh* at the Burgh of *Jedburgh*, the Lord *Melrose* at the Town of *Melrose*, the Lord of the *Paislay* at the Town of *Paislay*, the Lord *Blantyre* at the City of *Glasgow*, the Lord and Bailie of the

Temporal Land of *Kirkwinning*, dissolved from the Abbacy of *Kirkwinning*, at the Burgh of *Trwining*; the Abbot of *Corfs-Ragwel*, at the Town of *Mayboll*, the Prior of *Whitborn* at the Burgh of *Whitborn*; the Abbot of *Saulfer* at the Burgh of *Whitborn*, the Prior of *St. Mary-Ile* at the Burgh of *Kirkcudburgh*, the Lord of *Dundrenmand* at the Burgh of *Kirkcudburgh*, the Lord of *Glenlufs* at the Burgh of *Wigtoun*, the Abbot of *Tungland* at the Burgh of *Wigtoun*, the Abbot of *New-abbay* at the City of *Edinburgh*, the Abbot of *Holywood* at the Burgh of *Dumfries*, the Prior of *Canaby* at the Burgh of *Aman*, the Baron and Bailly of the Barrony of *Broughtoun*, dissolved from the Lordship of *Holy-rud-bouse*, at the City of *Edinburgh*; the Heretors of the hundred Pound-land of the Barrony of *Munkland*, dissolved from the Lordship of *New-bote*, at the City of *Glasgow*; the Minister of *Felfoord* at the Burgh of *Air*, the Minister of *Scotlandwell* at the City of *St. Andrews*, the Minister of the Crofs-Kirk of *Peebles* at the Burgh of *Peebles*, the Parron and Parion of the Kirk of *Dundee*, dissolved from the Abbacy of *Lindores*, at the Burgh of *Dundee*; And all other beneficed Persons at the Paroch Kirks of their particular Benefices: and that they convene to the effect above-written, upon the twenty fifth day of *October*, in this present year of God, one thousand, six hundred, sixty five years, which is declared to be the precise day appointed for all their Vassals, Fewers, Tack-men and Pensioners to keep the said Meeting; and that no further citation of summoning shall be requisite, then this Proclamation, and publication of this present Act at the Mercat-crosses of the head Burghs of this Kingdom.

As also it is Declared by His Majesty and His said Estates, That if any Vassals, Sub-Vassals, Fewers, Tack-men of Teinds, Pensioners, or any other Justly bound to make relief to Prelat, Lord of Erection, Parron or other beneficed person, of any part of the said Taxation, shall send any Procurator in his name sufficiently authorized to the said Meeting; the same shall not only excuse the principal Parties absence, but the Procurators shall be admitted in all things, and received to do and perform in the distribution of the said Taxation, what could, or lawfully might, have been done by him who sent him. It is likewise Declared, that the Prelat, Lord of Erection, Patron, or other beneficed Person, impeded by disease, or diverted upon some other necessary occasions, from attending that Meeting, having his absence supplied that day by a sufficient worthy person, whom he shall authorize and appoint to that effect, shall be as lawful as if he were personally present himself; and the party so authorized shall be admitted and received in all things, to do and perform in the distribution of the same Taxation, what could, or lawfully might, have been done by him who sent him.

It is further Statute and Ordained, That at the said day of Meeting, the saids Prelats, Lords of Erection, Parrons and other beneficed Persons, shall by themselves, or by their Procurators lawfully authorized as said is, fence and hold Court, call by name and surname upon every one of their Vassals, Sub-vassals, proper Woodsetters, Fewers, Tack-men of Teinds, Pensioners and others obliged to relieve them of any part of the same Taxation, and lawful time of day being bidden, to shew to their said Vassals, Fewers, Tack-men and Pensioners, or their procurators comparing for them, the quantity of the Taxation imposed upon their Prelacy, erected Lordship or other Benefice, authentickly subscribed by the Clerk of the same Taxation; and they all (at the least so many of them as shall convene for that effect, with consent of the most part) shall distribute the same, to be payed by every man, as well as by the Prelate, Lord of Erection and present possessors of small Benefice, for the free rent that every one of them hath of their Prelacies, erected Lordships and small Benefices, as by the Vassal, Fewer, Tack-man and pensioner, according to the great and small quantity of the free Rent which every one of them hath either of their Lands, Teinds or Pensions: With certification to any of the saids persons, Fewers, Vassals, Tack-men and pensioners, that compare not by themselves or their Procurators, at the day and place above-specified, to the effect foresaid; that such as shall convene with the saids Prelats, Lords of Erection, Patrons or other beneficed Persons, or their Procurators, shall proceed in the equal distribution of the same Taxation, as well amongst them that are absent, as present; and shall make and subscribe an authentick Tax-roll thereupon; the Teinds valued since the year, one thousand, six hundred, twenty seven years, being stinted and estimat without respect to the said Valuations, sicklike, and in the same manner, with the addition of a fourth part, as they were for the Taxation granted in the year, one thousand, six hundred, thirty three years, and to be taxed accordingly. And in case that none of the saids Vassals, Fewers, Tack-men and Pensioners, shall convene at the day and place above-specified, to this effect, by themselves or their Procurators, but shall wilfully absent themselves from the said meeting; it shall be lawful for the saids Prelats, Lords of Erection, Patrons and other beneficed persons, being present by themselves or their Procurators, at the day and place above-specified, to make, set down and subscribe the same Tax-roll; And in case any of the saids Prelats, Lords of Erection, Patrons or other beneficed persons, shall not convene by themselves or their Procurators at the day and place above-specified, particularly designed to every one of them; it shall be lawful for the saids Vassals, Fewers, Tack-men and Pensioners, at the least so many of them as shall convene by themselves or their Procurators, to make, set down and subscribe the said Tax-roll; which Tax-roll shall contain the particular sum that every one shall be found justly to be addebted to pay, the parties name addebted to pay the same, and the cause wherefore the same ought to be payed. And being so set down, either by the Prelat, Lord of Erection, Patron and other beneficed person, or their lawfull Procurators, with so many of their Vassals, Sub-vassals, Fewers, Tack-men of Teinds, Pensioners and others obliged to relieve them of any part of the same Taxation,

tion, as shall convene with them to this effect; and in case that none shall convene with them, the said Roll being then set down by the Prelat, Lord of Erection, Patron or other beneficed Person, or their lawful Procurators, or in case of their absence, being set down, made and subscribed by the most part of the said Vassals, Fewers, Tacksmen and Pensioners, by themselves or their Procurators, as shall convene themselves for this effect; His Majesty and the said Estates Declares to be as lawfull in all respects, as if the whole number of persons having interest therein had convened, made, set down and subscribed the same; which Taxt-roll being so set down, made and subscribed in manner above-written (and no otherwayes) and delivered to the Clerk of the Taxanon; His Majesty and the said Estates, Ordains him to give warrant for giving of Letters of relief thereupon; discharging him, in any case, to give warrant for giving of Letters of relief upon any Roll presented to him, not made and authentickly subscribed in form above-written, as he will answer to the contrary upon his perill.

It is likewise Statute and Ordained, That Tacksmen of Teinds shall have their relief of their Sub-tacksmen, *pro tanto*; respect being had to the gressum payed by the said Sub-tacksmen. And in regard that divers Kirks have been of new erected, and several augmentations of Ministers Stipends granted since the year, one thousand, six hundred, twenty seven years, to the diminution of the Spirituality: It is therefore Statute and Ordained, That where Kirks have been of new erected, or any augmentations of Ministers Stipends granted since the time foresaid, out of the Teinds belonging to Archbishops, Bishops, or other beneficed Persons, or to any Nobleman or other, in whose favours the Erection of any Prelacy, or other inferiour Benefice, in whole or in part, has been made and past, the Collector of the Taxation shall allow and deduce to the saids Archbishops, Bishops, or any other beneficed Persons, or Nobleman and other Persons, out of whose Teinds the Stipends of the new erected Kirks, and the foresaid augmentations have been granted, and who have gotten no prorogation in recompence thereof, such a proportion of the said Taxation as shall be esseind to the proportion of the said Stipend or Augmentation granted out of their Teinds: Which Stipend & Augmentation, what the same amounts to, shall be arrested by the Bishop of the Diocess; Providing, that the whole Teinds of the saids Benefices be stinted proportionally, as they were for the Taxation granted in the year, one thousand, six hundred, thirty three years, with a fourth part more.

And for in-bringing of the Barrons and Free-holders part of the same Taxation, and of the Fewers & Rent-tellers of our Sovereign Lords proper Lands, their part thereof; Ordains Letters to be directed as formerly; charging all and sundry Sheriffs, Stewarts, Baillies, their Deputies, Clerks, Fewers, Chamberlains, and Receivers of our Sovereign Lords proper Lands; That they, and every one of them, within the Bounds of their proper Offices, raise and uplift the sum of forty shillings money of this Realm, of every Pound-land of old extent, lying within the bounds of their Jurisdictions, for every one of the saids five terms above-specified, and in-bring and deliver the same to the Collector foresaid, or to his Deputies and Officers in his name, having his power to receive the same, at the particular terms above specified, under the pain of Rebellion, &c. And if they failzie, at the by-passing of every one of the said terms, to denounce & escheat, &c. And Declares, That no Privilege or Immunity shall be of any force to stop the execution of the Law against them upon the premises; And for their relief, that Letters be directed as said is, charging all and sundry Dukes, Marquesses, Earls, Viscounts, Lords, Barrons, Free-holders, Fewers, and Rent-tellers of our Sovereign Lords proper Lands, personally, or at their dwelling places, and by open Proclamation at the Mercat-crofs of the head Burgh of the Sheriffdom, Stewartrie or Bailiery where their Lands lye, if they be within the Kingdom: And if they be without the Kingdom, by open Proclamation at the Mercat-crofs of *Edinburgh*, *Perth* and *Shore of Leith*, upon threescore dayes warning, to make payment to the said Sheriffs, Stewarts, Baillies, their Deputies and Clerks, Chamberlains and Receivers of our Sovereign Lords proper Lands, every one of them for their own parts *respective*, of the said sum of forty shillings money foresaid, for every Pound-land of old extent pertaining to them, for every one of the said five terms payment, within twenty dayes next after they be charged thereto, under the pain of Rebellion, &c. And if they failzie, &c. to denounce and escheat, &c. And if need be, That the saids Sheriffs, Stewarts, Baillies, their Deputies and Clerks, Chamberlains and Receivers of our Sovereign Lords proper Lands, poynd and distreine the readiest Goods and Gear, being upon the saids Lands, therefore, as they shall think most expedient. And that the saids Noblemen, Barrons and Free-holders, Fewers and Rent-tellers of our Sovereign Lords proper Lands, have Letters for their relief, as said is, to charge their Vassals, Sub-vassals, Ladies of Terce, Conjunctions, Proper-woodsetters and Life-renters, to make payment of their parts of the said Taxation, within twenty dayes next after the charge, under the pain of Rebellion, &c. and if they failzie, &c. to denounce, &c. and escheat, &c. And if need be, that they poynd and distreine therefore: Providing alwayes, that the first terms payment of the said Taxation be ever past before the next term be charged for.

And also Declares, That where any Goods are poynded within any of the Isles of this Kingdom for payment of any part of this Taxation, the apprising of the saids Goods, at the Paroch Kirk of the Lands where they were poynded, shall be as valid and sufficient, as if they were appristed at the head Burgh of the Shire. And in case any person, lyable in payment of the Taxation, within the Shires of *Inverness*, *Ross*, *Argyll*, *Caitness*, *Sutherland*, *Orkney* and *Zetland*, shall not make payment of the respective sums due by them, within twenty dayes after they are denounced, then to be further lyable in payment of the double of the sums due, and all execution to pass against them therefore: And recommends to the Lords of His Majesties

Privy

† †

Privy Council, to take such further course for in-bringing of the Taxation, payable out of the fore-named Shires, as they shall think fit.

Likeas, His Majesty, taking to His gracious consideration the grievance represented to His Highness, by divers of His Subjects, within the Shires of *Lanerick, Air, Ranfrew, Dumbartoun, Bute, Argyl, Wigtoun, Dumfries* and *Peebles*, anent the high extent of their Retours, Doth, with consent of His said Estates, Declare, That as to the present Taxation, the Pound-lands of the whole Temporal Lands within the saids Shires of *Lanerick, Air, Ranfrew, Dumbartoun, Bute, Argyl, Wigtoun, Dumfries* and *Peebles*, with the Stewarries and Bailleries lying within the same, shall only be taxed and pay as if they were Merk-lands: But that the said Retours shall stand and pay as formerly, to all other intents and purposes.

And for in-bringing of the Burroughs part of the same Taxation, Ordains Letters to be directed, charging the Provost and Baillies of ilk Burgh to make payment of the Tax and Stent thereof to the Collector-general aforefaid, his Deputies and Officers in his name, having his power to receive the same, at the particular terms above-specified, under the pain of Rebellion, &c. And if they failzie, &c. to denounce and escheat, &c. And for their relief, that Letters be directed, charging the Provost, Baillies and Council within each Burgh to convene, and elect certain persons to stint their neighbours: And the said election being made, to charge the persons elected, to accept the charge upon them in setting of the said stint upon the Burgeses and Inhabitants of every Burgh, and to convene and set the same, and make a Stint-roll thereupon as effectis, within twenty four hours next after their charge, under the pain of Rebellion, &c. And if they failzie, &c. to denounce and escheat, &c. And siclike, the said Stint-roll being made and set down; as said is, to charge the Burgeses, In-dwellers and Inhabitants within ilk Burgh, to make payment of their part of the said Stint to the said Provost and Baillies, conform to the Tax-roll to be given out thereupon, within three dayes next after the charge, under the pain of Rebellion, &c. And if they failzie, &c. to denounce and escheat, &c. And if need be, that the said Provost and Baillies, poynd and distreinzie therefore, as they shall think most expedient. It is alwayes provided, that no person whatsoever be stinted or taxed within Burgh, except according to the avail and quantity of his Rent; Living, Goods and Gear which he hath within Burgh; no wayes respecting his Lands nor Possessions which he hath to Land-ward, for the which he will be obliged to pay Taxation to other Officers: Providing alwayes, that the first terms payment of the said Taxation be ever past before the next term be charged for.

Attour, His Majesty and the saids Estates, Decerns and Declares, That the charges to be given for payment of the said Taxation, shall be executed before the terms of payment above-specified, for every terms payment particularly by it self; and that the denunciation of the Horning, following thereupon, shall not be executed untill the term of payment be bypast, and twenty dayes thereafter; Which denunciation so following, upon the charges given before the saids terms of payment, His Majesty, with consent foresaid, Decerns and Declares to be valid and sufficient.

And His Majesty, with consent of the said Estates, Ordains the Lords of Session to be only Judges to all Suspensions to be craved and suited by any of our Sovereign Lords Liges touching the said Taxations: Which Suspensions, the saids Estates find may be granted, upon lawfull and equitable reasons to be considered by them; and discharges all other Judges within this Kingdom of granting of any Suspensions thereanent. With power to the saids Lords to delegat five at the least of their ordinary number, as they shall think expedient, to sit, cognosce and decide the said Suspensions in time of vacancy, if need be.

And lastly, The Kings Majesty, Declares, in favours of all His Subjects, lyable in payment of this Taxation, that they shall not be holden to produce their discharges or Receipts of the said Taxation, from, and after, the term of Whitsonday, one thousand; six hundred, seventy three years; unless where diligence hath been used by denunciations against them; before the elapsing of the said term of Whitsonday, one thousand, six hundred, seventy three years: And Ordains all Commissions granted to Sub-collectors, for up-lifting and in-bringing of the said Taxation, to be insert and registrat in the Books of Council and Session; And these presents to be printed and published at the Mercat-crofs of *Edinburgh* and other places needfull, where-through none pretend ignorance of the same.

F I N I S.



A C T
Of the CONVENTION of
E S T A T E S

Of the Kingdom of SCOTLAND,

By a noble Lord, John Earl of Rothes, Lord Lesly and Bambreith, &c.
His MAJESTIES Commissioner:

For a new and voluntar offer to His MAJESTY, of seventy two thousand pounds
Monethly, for the space of twelve Monerhs.

At Edinburgh, the 23. day of January, 1667.



THE Estates of the Kingdom of *Scotland*, being by His Majesties Authority met together at this time, and taking to their consideration the great happines this Kingdom doth enjoy under His Majesties Royal and Wise Government; with His Majesties Fatherly care and tendernesse for all the Concerns thereof, express in every instance wherein His Majesty could have the least opportunity to manifest the same: And especially, in so seasonably provyding for their security, by the Forces raised this last Summer by His Royal Command, and maintained hitherto at His own Charge; of whose courage, fidelity and usefulness this Kingdom hath had a recent and cleat demonstration. And withall, understanding that His Majesty is still engaged in a just and necessary War; against so many powerful Enemies, who will probably endeavour the Invading of His Majesties Dominions: Do conceive themselves obliged in Conscience, Honour and Duty to provide all futable remedies for defence of the Kingdom against all Forraign Invasion, and other Enemies whatsoever: And therefore the Convention of Estates for themselves, and as the Representatives of the Kingdom, do revive and renew all the former engagements of the late Parliament, and meeting of the Estates, for the tender of their lives and fortunes, for the maintenance of His Majesties Royal Greatness, Authority and Government in Church and State, as it is now asserted and established by the Laws of the Kingdom. And in order to the entertainment of these Forces, which have been by His Majesties care so seasonably raised for defence of the Kingdom, or shall hereafter be raised by His Majesties warrant; They do humbly beseech His Majesty may be graciously pleased to accept their unanimous, willing and chearful offer of a new supply of threescore and twelve thousand pounds Monethly, for the space of twelve Monerhs, to commence from the first day of this current Monerh of January. And the Estates do declare, that this supply is over and above the former supplies of four hundred, and fourscore thousand pounds, granted by the late Parliament to His Majesty yearly, during His Lifetime: And the other supply of one hundred, and thirty three thousand pounds, granted by the late Convention yearly, for the space of five years: And which new supply of threescore twelve thousand pounds Monethly, is ordered to be raised and payed by the severall Shires and Burghs of this Kingdom, according to the Valuations in the year of God, one thousand, six hundred, and sixty, and at the proportions underwritten, *respective*:
That is to say;

*

The

- The Sheriffdom of *Edinburgh*, the sum of three thousand, one hundred, eighty three pounds, and eight shillings.
- The Sheriffdom of *Haddington*, the sum of two thousand, seven hundred, eighty two pounds, and six shillings.
- The Sheriffdom of *Berwick*, the sum of two thousand, eight hundred, thirteen pounds, and one shilling.
- The Sheriffdom of *Roxburgh*, the sum of three thousand, six hundred, eighty six pounds, seventeen shillings, and six pennies.
- The Sheriffdom of *Selkirk*, the sum of nine hundred, four pounds, and nine shillings.
- The Sheriffdom of *Peebles*, the sum of one thousand, forty two pounds, and eight shillings.
- The Sheriffdom of *Lanerk*, the sum of three thousand, ninety one pounds, and twelve shillings.
- The Sheriffdom of *Dumfries*, the sum of two thousand, seven hundred, twelve pounds, and seventeen shillings.
- The Sheriffdom of *Wigton*, and *Stew of Kirk*, two thousand, six hundred, seventy nine pounds, and six shillings.
- The Sheriffdom of *Air*, the sum of three thousand, eight hundred, seventy pounds, and five shillings.
- The Sheriffdom of *Dumbarton*, the sum of seven hundred, sixty four pounds, and ten shillings.
- The Sheriffdom of *Bute*, the sum of three hundred, eight pounds, eight shillings, and three pennies.
- The Sheriffdom of *Renfrew*, the sum of one thousand, three hundred, fifty three pounds, and seven shillings.
- The Sheriffdom of *Strivling*, the sum of one thousand, seven hundred, fifty four pounds, four shillings and six pennies.
- The Sheriffdom of *Linlithgow*, the sum of one thousand, one hundred, sixty nine pounds, and eighteen shillings.
- The Sheriffdom of *Perth*, the sum of five thousand, thirty eight pounds, and fourteen shillings.
- The Sheriffdom of *Kincardine*, the sum of nine hundred, eighty four pounds, and one shilling.
- The Sheriffdom of *Aberdeen*, the sum of four thousand, seventy seven pounds, and nineteen shillings.
- The Sheriffdom of *Inverness* and *Rofs*, the sum of two thousand, five hundred, ninety pounds, and nineteen shillings, to be proportioned and divided betwixt them, according to the division, in the year, one thousand, six hundred, and sixty.
- The Sheriffdom of *Nairn*, the sum of two hundred, seventy seven pounds, and sixteen shillings.
- The Sheriffdom of *Cromarty*, the sum of sixty eight pounds, and five shillings.
- The Sheriffdom of *Argyle*, the sum of one thousand, nine hundred, forty seven pounds, ten shillings, and nine pennies.
- The Sheriffdom of *Fife* and *Kinross*, the sum of five thousand, one hundred, seventy two pounds.
- The Sheriffdom of *Forfar*, the sum of three thousand, two hundred, seventy three pounds, and fifteen shillings.
- The Sheriffdom of *Bamff*, the sum of one thousand, one hundred, fifty pounds, and four shillings.
- The Sheriffdom of *Suberland*, the sum of three hundred, thirty six pounds.
- The Sheriffdom of *Caithefess*, the sum of five hundred, ninety nine pounds, and five shillings.
- The Sheriffdom of *Elgme*, the sum of one thousand, fifty nine pounds, and five shillings.
- The Sheriffdom of *Orkney* and *Zetland*, the sum of one thousand, eighty eight pounds, and ten shillings.
- The Sheriffdom of *Clackmannan*, the sum of three hundred, fifty two pounds, seven shillings, and three pennies.

B U R G H S.

- The City of *Edinburgh*, the sum of four thousand, three hundred, and twenty pounds.
- The Burgh of *Perth*, the sum of four hundred, and eighty pounds.
- The Burgh of *Dundee*, the sum of eight hundred, and forty pounds.
- The Burgh of *Aberdeen*, the sum of eight hundred pounds.
- The Burgh of *Strivling*, the sum of one hundred, thirty two pounds.
- The Burgh of *Linlithgow*, the sum of two hundred, and sixteen pounds.
- The City of *S. Andrews*, the sum of three hundred & twenty six pounds.
- The City of *Glasgow*, the sum of seven hundred and eighty pounds.
- The Burgh of *Air*, the sum of one hundred, sixty eight pounds.
- The Burgh of *Haddington*, the sum of two hundred, & sixteen pounds.
- The Burgh of *Dysert*, the sum of one hundred, sixty eight pounds.
- The Burgh of *Kirkaldy*, the sum of two hundred, eighty eight pounds.
- The Burgh of *Monrofs*, the sum of two hundred, and forty pounds.
- The Burgh of *Cowper*, the sum of one hundred, thirty two pounds.
- The Burgh of *Anstruther* Easter, the sum of ninety six pounds.
- The Burgh of *Dumfries*, the sum of two hundred pounds.

- The Burgh of *Inverness*, the sum of two hundred, sixty four pounds.
 The Burgh of *Burnt-Island*, the sum of one hundred, thirty two pounds.
 The Burgh of *Immerkeitben*, the sum of sixty pounds.
 The Burgh of *Kingbourn*, the sum of fifty four pounds.
 The Burgh of *Brechen*, the sum of seventy two pounds.
 The Burgh of *Irwin*, the sum of one hundred, and twenty pounds.
 The Burgh of *Iedburgh*, the sum of one hundred, and eight pounds.
 The Burgh of *Kirkcudbright*, the sum of ninety six pounds.
 The Burgh of *Wigton*, the sum of eighty four pounds.
 The Burgh of *Pectenweem*, the sum of eighty pounds.
 The Burgh of *Dumfermling*, the sum of one hundred, and two pounds.
 The Burgh of *Anstruther Wester*, the sum of thirty six pounds.
 The Burgh of *Selkirk*, the sum of fourscore pounds.
 The Burgh of *Dumbarton*, the sum of seventy two pounds.
 The Burgh of *Renfrew*, the sum of forty eight pounds.
 The Burgh of *Dunbar*, the sum of one hundred, thirty two pounds.
 The Burgh of *Lanerk*, the sum of seventy two pounds.
 The Burgh of *Arbroth*, the sum of fifty four pounds.
 The Burgh of *Elgin*, the sum of eighty pounds.
 The Burgh of *Peebles*, the sum of sixty pounds.
 The Burgh of *Creel*, the sum of one hundred, thirty two pounds.
 The Burgh of *Tayne*, the sum of sixty pounds.
 The Burgh of *Cabrofs*, the sum of fifty four pounds.
 The Burgh of *Banff*, the sum of forty pounds.
 The Burgh of *Whitborn*, the sum of twenty four pounds.
 The Burgh of *Forfar*, the sum of twenty four pounds.
 The Burgh of *Rotbesay*, the sum of thirty six pounds.
 The Burgh of *Nairne*, the sum of twenty four pounds.
 The Burgh of *Ferris*, the sum of thirty six pounds.
 The Burgh of *Rutherglen*, the sum of twenty four pounds.
 The Burgh of *North-berwick*, the sum of twenty four pounds.
 The Burgh of *Cullen*, the sum of eighteen pounds.
 The Burgh of *Lawder*, the sum of forty two pounds.
 The Burgh of *Kintore*, the sum of twelve pounds.
 The Burgh of *Kilreay*, the sum of eighteen pounds.
 The Burgh of *Annan*, the sum of twelve pounds.
 The Burgh of *Lockmaben*, the sum of twelve pounds.
 The Burgh of *Sanguibar*, the sum of twelve pounds.
 The Burgh of *Galloway*, the sum of six pounds.
 The Burgh of *Dingwall*, the sum of twelve pounds.
 The Burgh of *Dornoch*, the sum of eighteen pounds.
 The Burgh of *Queens-Ferry*, the sum of fifty four pounds.
 The Burgh of *Portrose*, the sum of thirty pounds.
 The Burgh of *Cromartie*, the sum of thirty pounds.
 The Burgh of *Inverurie*, the sum of eighteen pounds.
 The Burgh of *Weik*, the sum of twenty pounds.

AND that they pay in the same to such as His Majesty shall appoint, at the terms following; To wit, betwixt and the first day of May, for the Moneths of January, February and March; Betwixt and the first day of August, for the Moneths of April, May and June; Betwixt and the first day of November, for the Moneths of July, August and September; And betwixt and the first day of February, one thousand, six hundred sixty eight yeas, for the Moneths of October, November and December. And it is hereby Declared, That all persons having real Estates of Lands, Teinds, Annualrents due by Infeftments, Feudalties, Tack-duties, and others of that nature, are, and shall be lyable to the foresaid supply, unless the granters of the saids Rights be obliged to relieve the receivers thereof of publick Burdens, and all other Impositions of this nature. Excepting alwayes such real Rights and Infeftments of Annualrents as are secured to the Creditors by their Debtors, for which they have only their ordinary Annualrent free, which are hereby declared not to be lyable to any part of this supply: Excepting also all Rents belonging to Colledges and Hospitals, providing this exemption of Colledges and Hospitals shall not burden the Shires for any Rent mortgaged to them since the year, one thousand, six hundred, fifty six. And to the effect this supply so cheerfully offered to His Majesty by His good Subjects, may be equally and justly laid on, proportioned and raised upon all persons lyable, and who have any real Rent in Lands, Teinds, or otherways within the said Shires

Shires and Burghs belonging to them; And that no person may have just reason to complain that they pay more then their just proportion, The Kings Majesty, with advice of His Estates, doth hereby nominat and appoint the Lords of His Majesties Privy Council, and the Senators of the Colledge of Justice within the several respective Shires where any part of their Lands and Estates doth ly; And also the persons underwritten within the several Shires, to be Commissioners to the effect after specified, *viz.*

For the Sheriffdom of Edinburgh.

Lord Ramsay, Walter Lord Torphichan, James Lord Forrester, Sir John Nicolson of Lef-waid, Sir Alexander Dalmahoy of that Ilk, Sir John Foulcs of Ravillstoun, Sir John Cowper of Gogar, Sir William Purves of Woodhoullie, Patrick Hamiltoun of Preston, Mr. John Young of Lany, Mr. Alexander Gibson of Adistoun, Mr. Robert Smith of Southfield, Patrick Scot of Langthaw.

For the Sheriffdom of Haddingtoun.

George Earl of Winton, Alexander Viscount of Kingstoun, Robert Hamiltoun of Presmennan, Sir James Hay of Linphim, Patrick Brown of Colsten, George Hoom of Foord, Mr. John Hay of Aberlady, Mr. Cornelius Inglish of East-barnes, Francis Kinloch of Gilmertoun, Mr. John Dowgall of Nunland, John Jossie of West-pans, Mr. Cornelius Ainhly, John Hay of Baro.

For the Sheriffdom of Berwick.

Alexander Earl of Hoom, William Lord Mordingtoun, Sir Archibald Cockburn of Langtoun, George Hoom of Wedderburn, Alexander Hoom of Ayton, Sir Patrick Hoom of Polwart, Alexander Don of Newton, Alexander Hoom of Linthill, Mr. Hary Hoom Commissar of Lawder, James Cockburn of that Ilk, George Hoom of Kaimbs, Sir Robert Sinclair of Longfarmacus, Sir Hary Hoom of Hardrig.

For the Sheriffdom of Roxburgh.

Lord Newbottle, Charles Ker of Abbotroule, Robert Ker of Crailinghall, Sir Andro Ker of Greenhead, Wauchop of Niddrie younger, Sir Francis Scot of Thirlestane, Pringle of Stichell, Mr John Scot of Langthaw, Alexander Don of Newtoun, Robert Pringle of Clifton, Francis Scot of Mangerton, Hary Ker of Linton, Maine Bailly to the Earl of Haddington.

For the Sheriffdom of Linlithgow.

George Earl of Winton, Walter Lord Torphichan, Walter Dundafs of that Ilk, Sir Walter Seaton, James Cornwa of Benhard, Thomas Drummond of Richartoun, William Sharp of Houstoun, Robert Hamiltoun of Dechmond, James Dundafs of Mortoun, John Hamiltoun of Bengoni, Thomas Hamiltoun of Parklie, Alexander Livingstoun of Craigingat, Mr. George Norvel.

For the Sheriffdom of Perth.

Patrick Earl of Kinghorn, David Earl of Ethie, David Viscount of Stormouth, David Lord Catdrofs, Campbel of Glenurquhie, of Gorthie, Sir James Drummond of Mackany, Murray of Lachlan, Patrick Murray of Killor, Mr. Collin Campbel of Aberuchall, Sir John Drummond, Sir Thomas Stewart of Garintullie, Sir Gilbert Stewart.

For the Sheriffdom of Kincardin.

Viscount of Arbutneth, Master of Hackertoun, Sir Alexander Carnagie of Pittarow, Sir David Carnagie Fiar of Pittarie, David Ramsey Younger of Balmanc, Mr. David Falconer of Glenferquhar, Andro Arbutneth of Feddis, Sir John Allardis of that Ilk, John Graham of Creigh, Sir George Ogilbie of Barras, Alexander Bennerman of Alsick, Captain William Keith Sheriff-Deput of Kincardin.

For the Sheriffdom of Aberdeen.

Charles Earl of Aboyne, Lord Fyvie, Sir John Keith, Sir John Gordon of Haddo, Frazer of Philorth Elder, Sir Alexander Urquhart of Cromertie, Sir James Baird of Auchmedden, John Gordon of, Sir William Gordon of Lefmore, Forbes of Watertoun, Adam Urquhart of Meldrum, Frazer of Philorth Younger, Elphingtoun of Ilack.

For the Sheriffdom of Inverness.

Earl of Murray, Lord Macdonald, of Macloud, of Moydort
Younger, Alexander Fraser Tutor of Lovit, Donald Macdonald of Castleroun, Alexander Gordon of Arra-
douel, John Forbes of Coloden, William Mackintosh of , Hugh Fraser of Foyer, Hugh Fraser of
Belladrum, Alexander Mackintosh of William Mackintosh of Borlonie.

For the Sheriffdom of Ross.

Kenneth Earl of Seaforth, Sir George Mackenzie of Tarbert, David Ross of Balnagoun, John Monro
Younger of Foulis, Sir George Mackenzie Advocate, Collin Mackenzie of Ridcastie, Malcolm Ross of
Kindeisse, Collin Mackenzie of Kilroy, Roderick Mackenzie of Ferburn, Alexander Bayne of Knockbayne,
Hugh Monro of Tenith, Robert Leslie of Findraffe, Kenneth Mackenzie of Coul.

For the Sheriffdom of Nairn.

Sir Hugh Campbel of Calder, Hugh Ross of Kiltavock, John Hay of Park, Thomas Dumber of Grange,
Hugh Ross of Ciava, Alexander Brodie of Lethin, Alexander Dumber of Boath, William Sutherland of
Kingsterie, Alexander Urquhart of Kinnewdie, Simon Fraser of Innerallachie, John Ross of Broadlie, James
Grant of Moynes, John Ross of Blackhill.

For the Sheriffdom of Cromartie.

Sir John Urquhart of Cromartie, John Urquhart of Kinbachie, Hugh Dollas of Fermtoun, Mr. Hugh
Anderson of Udoll, William Grant of Aidoch, John Grant of Rifolis, George Dollas of St. Martins,
James Dollas of Balblair.

For the Sheriffdom of Argyle.

Sir Allan Macklane of Dowart, John Campbel of Glenurquhy Younger, Collin Campbel of Lochnanel,
Donald Campbel of Barbreck, John Campbel Captain of Dunstaffnage, George Campbel of Aird, Donald
Campbel Captain of Craignieith, Ronald Mac-Alaster, Captain of Tarbert, John Campbel Captain of Car-
rick, Angus Mac-Donald of Largie, Hector Macklaine of Turleyk, Duncan Campbel Baillie of Jura, the
Baillie of Kintyre for the time being.

For the Sheriffdom of Fife.

David Lord Carnagy, Sir James Halket, Sir Henry Wardlaw, Sir John Weymes, Sir Philip Anstru-
ther, Sir John Leslie, Sir Alexander Martine, Gibson of Dury, John Malcolm of Balbedy,
Sir Thomas Gourlay, Lundsey of Wolmiston, of Farthar, Andrew
Bruce of Earleshal.

For the Sheriffdom of Forfar.

Patrick Earl of Kinghorn, James Earl of Airlie, George Earl of Panmure, David Earl of Ethie, Sir
John Carnegie of Bayfick, Sir David Ogilvie of Innerquhartie, John Ogilvie of Portmoucis,
Lindsey of Edyell, Lyon of Brigton, Sir John Wood of Bonnyton, David Fodthringham of
Pourie, James Mauld of Melgum, John Garden of Latoun.

For the Sheriffdom of Bamff.

Earl of Finlater, Lord Bamff, Sir Alexander Urquhart of Cromartie, Sir Patrick O-
gilvie of Boynd, Sir James Baird of Achmedden, Sir Alexander Abercumbie of Birkinboge, James Gordon
of Rothemay, John Ogilvie of Kempeairne, Mr. John Abercumbie of Glafhaugh, Mr. Walter Innis of
Auchluncard, John Gordon of Thornibank, William Robertson of Newfead, Thomas Ogilvie Chamber-
lain to the Earl of Airlie.

For the Sheriffdom of Selkirk.

John Murray of Phillip-hauch, Thomas Scot of Whitflair, Sir Thomas Ker of Fairnillie, John Riddel
of Hayning, James Pringle of Yair, Patrick Murray of Deuchar, Sir Francis Scot of Thirdestane, William
Scot of Hartwood-myres, Thomas Scot of Todrig, Patrick Murray Baillie to the Dutches of Buccleugh,
William Scot of Tufhtelaw, Andro Scot of Bowhill.

For the Sheriffdom of Peebles.

Lord Rutherford, Sir William Murray of Stainhope, Archibald Murray of Blackbarony Younger, John Vetch of Dawick Younger, James Nefmith of Posfo Younger, Mr. John Hay of Hayfoun, William Horsburgh of Horsburgh, William Broun of Steinfoun, Adam Murray of Cardoun, Mr. John Dickson of Whitelaid, the Laird of Kirkurd Younger, Charles Balfowre of Kailzie, George Broun of Scotflun.

For the Sheriffdom of Lanerk.

Earl of Wigton, Gawin Earl of Carnwath, Sir Robert Hamilton of Silvertounhil, Gawen Hamiltoun of Raploch, Sir John Whitefoord of Miltoun, John Bannatyne of Corhoufe, Mr. John Harper of Cambusnethen, James Hamilton of Woodhall, John Moorheid of Braidilholme, James Cleland of that Ilk, William Ingles of Eastheils, William Baillie of Littlegill, William Anderfon Provost of Glasgou.

For the Sheriffdom of Nithisdale.

Robert Earl of Nithisdale, Gawin Earl of Carnwath, Sir Robert Dalvel of Glennae, Sir James Johnston of Westerhal, Robert Ferguffon of Craigdarroch, William Dowglas of Mortoun, Robert Lawrie of Maxwelltoun, John Johnston of Ellic-Sheils, John Greerfon of Capenoch, James Johnston of Corthead, Francis Scot of Mangerton, Hugh Sinclair of Ingleftoun, John Alison of Glencorfe.

For the Sheriffdom of Wigton.

James Earl of Galloway, Alexander Lord Gairlies, Sir Andro Augnew of Lochnaw, Sir David Dumbar of Baldone, Macculloch of Myretoun, Thomas Dumbar of Mochrun, Patrick Macdouel of Logan, Uchtred Mackdouel of Freuche, William Maxwel of Munreith, Andro Houston of Gartland, George Stewart of Tonderglie, William Stewart of Eggrines, William Lin of Large.

For the Stewartry of Galloway.

Robert Earl of Nithisdale, Alexander Viscount of Kenmure, John Lord Harris, Robert Master of Harris, John Harris of Mabic, Sir David Dumbar of Baldone, Alexander Mihi of Bahuglie, Roger Gordon of Trochane, Edward Maxwell of Woodhead, John Dumbar of Macheimoir, William Grierfon of Bargatten, Robert Maxwel of Heffilwood, George Maxwel of Munches.

For the Sheriffdom of Ayr.

James Earl of Lowdoun, William Earl of Kilmarnock, Alexander Lord Montgomery, John Lord Bargany, William Lord Cochrane, William Master of Cochrane, Colonel James Montgomery of Colfield, Sir John Cochrane of Ochiltrie, Sir Thomas Wallace of Craigie-Wallace, Mr. John Cunningham of Lambrughton Advocat, David Boyl of Kelburn, John Mure of Auchindreine, Alexander Fergufon of Kilkerrane Elder.

For the Sheriffdom of Dumbarton.

Earl of Wigton, Sir John Colquhoun of Lufs, John Naper of Kilmahew, William Semple of Fulwood, Aulla McCalla of Ardincaple, William Bountine of Ardoch, Captain of Carrick, John Campbell of Ardintoun, George Noble of Kipperminchoch, Mr. James Fleming, James Fleming of Grange, Robert Boyd of Donnie.

For the Sheriffdom of Bute.

Sir Dougal Stewart Sheriff of Bute, Sir Robert Montgomery of Skelmerlic, Ninian Bannatyne of Kams, David Boyl of Kelburn, Mr. John Stewart of Afnock, John Hamilton Baillie of Arran, William Hamilton of Coats, William Campbell of Solunt, James Stewart of Amberfmore, David Ramsey Commissar of the Isles, Robert Hamilton of Drumlabora, John Stewart of Galachan, James Stewart of Kilumluck.

For the Sheriffdom of Renfrew.

Alexander Earl of Glencairn, Alexander Lord Montgomery, Lord Ross, William Lord Cochrane, William Master of Cochrane, Patrick Houston of Houston, Archibald Stewart of Blackhal, John Shaws of Greinoch Elder and younger, Come-ius Crawford of Jordan-hil Elder, Scot of Scotfoun Elder, Pollock of Over-Pollock, Mr. Hugh Montgomery of Silverwood Sheriff-Depute.

For the Sheriffdom of Striviling.

Alexander Lord Almond, David Lord Cardrose, Lord Elphinstoun, James Lord Forrester, John Buchannan of that Ilk, Murray of Polmais, Sir Alexander Hope, Alexander Monro of Bearcraigs, Charles Ereskine of Alva, Seaton of Touch, Sir Robert Elphinstoun of Quarrel, Mr. Andro Oswald of Deders, Sir Mungo Stirling of Glorat.

For the Sheriffdom of Sutherland.

Lord Strannaver, Lord Reay, Lord Duffus, Sir Robert Gordon of Embo, Angus Macky of Banskay, Robert Gordon of Rogart, Robert Gray of Skibo, Robert Gordon of Carrel, Patrick Dumbar of Sidderoy, John Gordon of Midgarthie, Gilbert Gray of Over-Skibo, James Sutherland of Shyberskaige, John Gordon in Innernaver.

For the Sheriffdom of Caithness.

Sir William Sinclair of Mey, William Sinclair of Rarter, William Sinclair of Dumbeath, John Sinclair of Prims, Murray of Penitland, David Murray of Clairden, Robert Monro of Porlonie, Alexander Sinclair of Telstaine, David Sinclair of Dune, Mr. James Innes of Sandsfaid, James Sinclair of Asfert, Francis Sinclair of Stic-Caice, Walter Innes of Ortout.

For the Sheriffdom of Elgin.

Sir Robert Innes of that Ilk, Robert Cumming of Altyr, James Brodie of that Ilk, Sir Ludovick Gordon of Gordonstoun, or his Brother Mr. Charles, Sir Robert Dumbar of Grangehil, Sir Robert Innes of Mortoun, Thomak McKeenzie of Plufcarden, Patrick Dumbar of Bennafterrie, Sir Alexander Innes of Copstoun, Alexander Dowglas of Spaynic, Walter Kincairn of Coubine, Lieutenant Colonel Patrick Grant, Tutor of Grant, Andro Leslie of Boigs.

For the Sheriffdom of Orkney and Zetland.

For Orkney, Andro Bishop of Orkney, Patrick Blair of Little-Blair, Archibald Stewart of Burray, Mr. Patrick Graham of Rothelholm, William Dowglas of Egilshaw, James Baiky of Tankernes, Arthur Buchannan of Sound, Commissar, John Buchannan of Sandset, William Young of Cattleyards, John Elphinstoun of Lopnes, George Balkous of Pharay, David Craigie of Overfanday.
For Zetland, Colonel William Sinclair, John Sinclair of Quandail, James Sinclair of Scallaway, Andro Bruce of Munes, Captain Middelstoun, William Bruce of Soundburgh, Magnus Moat of Oldberie.

For the Sheriffdom of Clackmannan.

John Earl of Mar, Sir Henry Bruce of Clackmannan, Charles Erskine of Alva, David Bruce of Kennet, Mr. William Sharp of Tillibodie, John Keirie of Sherdils, Mr. Thomas Naper Baillie of Alloway, Patrick Burn of Sheridel, Mr. Francis Masterton of Parkmilne.

AND for the Burghs, the Magistrats of the same for the time being, with power to them to choose Stent-Masters within their respective bounds. Which Commissioners are hereby ordained to accept and discharge their trust, as they will be answerable. And are at their acceptation thereof to take the Oaths of Allegiance, and for doing their duty faithfully in the matter of this Administration, and to sign the Declaration appointed by Act of Parliament to be signed by all persons in Publick Trust: And which Commissioners are hereby impowered to call for, and consider the Valuations of all Lands, Teinds, and other real Estate within their respective Shires and Burghs; And such as they shall find just and equal, that they approve thereof, and appoint the same to be the rule for levying and raising this present supply. And where Lands, or Teinds, or other real Estate, did the time of former Valuations pertain to, and were in the hands of one person, and are since dismembered and disposed to several persons in parcels, so that the value of each parcel by it self cannot be known by the former Valuations, the Commissioners are hereby impowered in this and all other cases of that nature, or where they shall find any just cause by inequality to value of new again. As also, to value the Rents of all Archbishopricks, Bishopricks, and other Benefices, in so far as they exceed the ordinary value of modified Stipends: Provided alwayes that notwithstanding of the Valuation thereof within the Shire where there is any such Lands, Teinds, or other real Rent, the total and proportions above-specified of the said Shires continue without any alteration; And that after the Valuation of the said Benefices, a proportional abatement and ease effectuall to the proportion payable out of the said Benefices be granted to the Heretors and others within the said Shires, lyable in payment of the said supply; and that

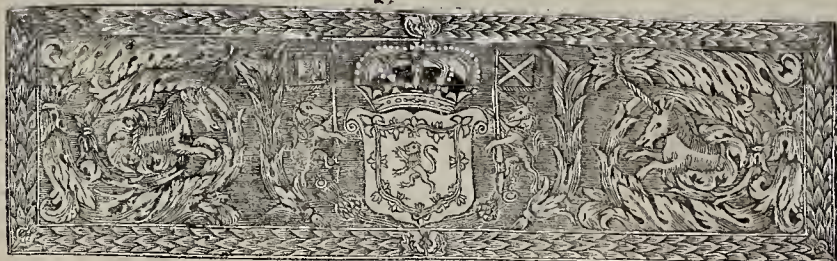
from the first day of January instant. And where any Complaint or Representation shall be made of the Valuations by any persons concerned, that the Valuations are unequal, and that the Lands and other real Estate and Rents within the Shires or Burghs, are either over, or undervalued; The Commissioners are hereby impowred to hear and determine upon the saids Complaints, and upon trial, to rectifie all such Valuations as they shall find unequal. And they are to take course that all persons within the Shires and Burghs be equally and proportionally burdened: And in order hereunto, all persons who conceive themselves griev'd by former Valuations, are hereby appointed and warranted to make application to the Commissioners of the respective Shires and Burghs where their Estates ly, betwixt and the tenth day of April next: And the saids Commissioners, or *Quorum* thereof (which is hereby declared to be the Major part) are ordained to proceed and determine thereupon, and to perfect and close their Valuations betwixt and the first day of June next. And their first meeting to be the second Wednesday of March, at the head Burgh of the Shire, and thereafter to adjourn their meeting to such diets and places as they shall think fit. It is alwayes provided, that this supply for the first three Moneths, to be levied and paid according to the Valuations already made: But after that any of the saids Valuations shall be rectified, the supply is then to be payed according to the said rectification. And those persons whose Valuations shall be rectified, are in the first end of the next payment to have retention of what they shall have payed more then their just proportion in the former Moneths: And these persons who shall be found to have been undervalued, shall after the rectifying of the Valuations pay their proportions accordingly; and what they shall have payed less then their just proportions for the former Moneths, they shall also pay the same to the Collector, for relief of those that payed more then their proportions. It is alwayes understood, that the total proportion upon the whole Shire shall remain intire, without any alteration or diminution. And further, the saids Commissioners are hereby impowred to call before them all persons concerned, and to direct Precepts, if need beis, against Parties and Witnesses; and to take Oaths, and use all other means of tryal, and to call for their assistance, information and advice, all such persons within the Shire or Burgh as they shall think fit, and if any shall refuse, the Commissioners are to represent the same to the Lords of His Majesties Privy Council, that they may be censured for their contempt. And the saids Commissioners are also hereby impowred to prescribe and set down such Rules and Orders within the respective Shires and Burghs, as may be most effectual for the speedy and easie raising, leavying, and bringing in of the said supply, and ordering and doing every thing that may concern the same: And particularly, with power to them to choose their own Collectors for in-gathering of the said supply, for whom they are to be answerable, and to allow them and their Clerks such Fees, to be payed by the Shires and Burghs, as they shall think fit. And which Collectors and Clerks are to take the Oaths, and sign the Declaration foresaid. And the Kings Majesty doth with advice and consent of His Estates, ordain all execution real and personal to pass at the instance of the Collector General, and the Collectors of the respective Shires and Burghs, against all persons deficient in payment of their proportions, as formerly: And also, impowers the Commissioners by their Officers, to Arrest, Poynd and Distrenzie the Goods, and Imprison the Persons of the Deficients, ay and while they make payment of their just proportions and necessary expences. And for the more ready and effectual payment, doth also impower the Commissioners and Collector General to Quarter upon Deficients, with this express *provisò*, that every Horse-man that shall be upon the place, shall have only free single Quarter allotted to them upon the persons Deficient, or be Quartered in Burghs or Villages, as the Commissioners shall appoint; and in that case to have fifteen shillings Scots a-day, from the time of presenting the Order to the Collector, and their stay upon the place, or eight shillings for their own Diet, and the Commissioners to cause provide every Horse with twenty pound weight of sufficient Straw, and three fourth parts of Oats in the twenty four hours, if the Horse-men cannot conveniently provide themselves in the places where they ly: And each Foot-man to have four shillings Scots, or their Diet, as the Commissioners shall order; and the Commander of the Party, Horse or Foot, to have only double Quarter, or pay of an Horse-man or Foot-man as he serves. And declares, that in order to the Quarters, and matters relating to the in-bringing of this supply, any three of the Commissioners shall be a *Quorum*, and who are impowred to proportion upon, and raise from the Deficients the expence and charge of their deficiency. And the Kings Majesty considering, That the Land and real Rent of the Kingdom, is lyable to His Majesty for this supplie, and that the said Land-rent is under many other great burdens, and His Majesty being desirous to ease the same so far as is possible: Doth therefore, and for relief thereof, with advice of His Estates, Statute and Ordain, that all persons, Inhabitants within the several Shires, past fifteen years of Age (excepting Archbishops, Bishops, Noblemen, Barons, Heretors, Liferenters, and Beneficed Persons, bearing burden for their real Estates, and all Beneficed Persons, whose Benefices exceed not the ordinary Value of Modified Stipends; all Stipendary Ministers, School-Masters, Readers, Precentors and their Wives and Children: And also excepting the Colledge of Justice, and Members thereof; Officers of the Mint, and their Wives, Children and Servants) be Taxed, and pay in to the Heretors and others lyable for real Rent, under whom they live, and for their relief, the sums of Money after-mentioned, for this year, one thousand. six hundred, sixty seven; *viz.* Each Gentleman above the quality of a Tennant, the sum to be appointed by the Heretor, not exceeding six pounds Scots for himself, his Wife and Children; And each Tennant and other Inhabitant, above the quality of a Tradfman, Cotter, or Servant, for themselves and their Wives, any sum not exceeding four pounds Scots; And each Tradfman, Cotter, or Servant,

Servant, any sum not exceeding the sum of twenty shillings Scots : And the Burghs Royal are for their relief hereby impowered to Taxt all their Burgeſſes, conſtant Inhabitants, Tradſmen and Servants, conform to the above-mentioned Rules, excepting, as is before excepted, in relation to the Shires. And it is Ordained that the Heretors ſhall have the ſame Execution for raiſing of the ſaid ſums, as for their Mails and Duties ; And the Burghs, as for other Publick Dues payable to the ſaid Burghs. And further, The King's Maſteſty being willing to give all poſſible eaſe and encouragement to the Heretors and others lyable in payment of this ſupply out of the Land-rent, which will be impoſſible for them to pay, if they ſhould likewiſe be for the time ſtraitned for payment of their Debts: Therefore the King's Maſteſty doth hereby, with Advice and Conſent of His Eſtates, ſuſpend and diſcharge all perſonal Execution for payment of any Principal Sum above one thouſand pounds Scots, due before the Date hereof by any perſons having viſible and real Eſtates, untill the Term of Whitſonday, one thouſand, ſix hundred, ſixty nine years: Excepting alwayes all ſuch Sums and Bonds given for the ſame, as are due for the payment of His Maſteſties Annuity, Cuſtomes, Few-duities, Taxations, and other Dues belonging to His Maſteſty, which are no wayes comprehended under this Suſpenſion ; but all Execution is to paſs for payment thereof as formerly, notwithstanding that the Bonds given for the ſame, grant the receipt of borrowed Money. And it is hereby declared, that the Suſpenſion above-written is granted with this expreſs condition, that the Debtors make payment of one years Annualrent yearly, within twenty dayes after the ſame is due, during the time foreſaid, otherwiſe ſhall loſe the benefit of this Suſpenſion. It is alſo declared, that this Suſpenſion is but prejudice of all Execution, real and perſonal (except Attreſſments upon Rents) for bygone Annualrents, due at, and before *Martimas* laſt ; And in caſe that any Creditor ſhall think fit to ſecure himſelf further, as to the payment of the Sums due to him, by real Execution, in that caſe the Debitor is hereby obliged to give his Creditor ſufficient real ſecurity : And, if notwithstanding thereof, the Creditor ſhall uſe further real Execution, the ſame is to be upon his own charges ; but if the Debitor ſhall reſuſe to give ſufficient real ſecurity, then the diligence that is to be done by the Creditor, ſhall be upon the Debtors charge and expence. And further, His Maſteſty for ſatiſfaction of His good Subjects, is graciously pleaſed to declare, that all Officers and Souldiers, Horſe and Foot, ſhall make due and punctual payment of their Quarters, Local and Tranſient, according to the Rates to be eſta- bliſhed therean by the foreſaid Commiſſioners : And in caſe the Souldiery have not ready Money for de- fraying their Quarters, that then their Quarters be ſtated betwixt the Quarter-maſters or other Officers, and any two of the Commiſſioners, and the Compts being ſtated and ſited, that they be allowed by the reſpe- ctive Collectors, in the firſt end of what is due by the Shire or Burgh where the ſaid Quarters are owing ; providing the ſaid Quarters exceed not two parts of their Pay ; and which ſtated Accounts are to be allowed to the reſpective Collectors, by the Collector General, and to be by him retained off the firſt end of the Troops or Companies Pay : And in caſe the Officers do remove before the Accounts can be ſtated, in that caſe the Collectors of the Shires and Burghs are to retain what after tryal the Commiſſioners ſhall find reſt- ing, till the Accounts be ſtated in manner foreſaid ; and the ſaid retention for Quarters to Commence from the firſt of January, inſtant. And alſo, that no perſon lyable in any part of this ſupply ſhall be holden to produce their Diſcharges, or Receipts of the ſame, after the firſt day of February, one thouſand, ſix hundred ſeventy one years, unleſs where diligence hath been done by Denunciations before the Elapſing, the ſaid firſt of February, one thouſand, ſix hundred, ſeventy one years. And the Convention of Eſtates, being deſirous that ſome courſe be taken for the ſpeedy and effectual in-bringing of the Taxation granted to His Maſteſty by the late Convention, Therefore Ordains and Appoints, that what is yet remaining unpaid of the ſaid Taxation, the ſamin ſhall be brought in (after Legal diligence firſt done by thoſe who are autho- rized for in-bringing the ſame, and the diſcuſſing of Suſpenſions raiſed, or to be raiſed therean) by Quar- tering in the manner preſcribed for raiſing this preſent ſupply.

And Ordains theſe preſents to be Printed and Published.

F I N I S.





A C T
Of the CONVENTION of
E S T A T E S,

Of the Kingdom of *SCOTLAND*,

Holden at *Edinburgh*, from the 26 day of *June*, to the 11. of *July*, 1678.

By His Grace John Duke of *Lauderdale*, *Marquess of March*, *Earl of Lauderdale*,
Viscount Maitland, *Lord Thirlestane*, *Muffelburgh and Boltroun*, &c.

His MAJESTIES *Commissioner*, &c.

For a new and voluntar offer to His MAJESTY, of Eighteen Hundred Thousand
Pounds *Scots*.

At *Edinburgh*, the tenth day of *July*, 1678.



THE CONVENTION of Estates of the Kingdom of *Scotland*, by His Majesties Authority and Command, at this time assembled, Considering the great happiness, peace, and tranquility they enjoy under His Majesties Royal Government; and His Fatherly Care for this His Ancient Kingdom, in being so watchful over all its Concerns; And that as all Kings and Estates do at present carefully secure themselves and their people, by providing against all such forraign Invasions and Intestine Commotions, as may make them a prey to their enemies: So it is not fit that this Kingdom should only of all others, remain without Defence, in a time wherein these dangerous Field-conventicles, declared by Law, *Rendezvouses of Rebellion*, do still grow in their numbers and insolencies, against all which the present Forces cannot in reason be thought a suitable Security. And considering the many frequent and renewed professions this Kingdom hath made, with their lives and fortunes to serve His Majesty, in the maintenance of His Honour, and Greatness; And that there is a new opportunity offered to them to make good the professions of their zeal, dury, and affection In recognisance whereof, and in humble acknowledgement of the same, & that His Majesty may be the better enabled to raise more Forces for securing this His Ancient Kingdom, against all forraign Invasions & Intestine Commotions; And to the end, they may be maintained by equal & regular wayes: And to let the world see the unanimous affection of this His Maj. Ancient Kingdom, for the maintenance of His Majesties Royal Greatness, Authority, & Government, in Church & State, as it is now asserted, & established by the Laws of the Kingdom, & in order to the entertainment of such forces, as His Majesty shall raise for the defence thereof; The CONVENTION of ESTATES of this Kingdom, for themselves, and in name of, and as representing this His Majesties Ancient Kingdom, do humbly beseech His Majesty would be graciously pleased to accept the unanimous, ready, and cheerful offer, & humble tender

of a

of a new supply, of *Eighteen Hundred thousand Pounds Scots Money*, to be raised and payed forth of the Shires and Burghs of this His Majesties Ancient Kingdom, in the space of five years, according to the present valuations; and that as twenty five Moneths Cefs, in the whole, being five Moneths yearly, amounting to *three Hundred and sixty thousand Pounds Scots*, ilk year, at two terms in the year, by equal portions; beginning the first terms payment, being *One hundred and four score thousand Pounds*, at the Feast and Term of Martimas next to come, for the half year immediatly preceeding, commencing from the Term of Whitson-day last in this year of God, One thousand, six hundred, seventy and eight years, and so forth to continue, and paying termly the foresaid sum, of *one hundred and four score thousand Pounds Scots*, until the Term of Whitsonday, One thousand, six hundred, eighty and three years *inclusive*, which is hereby declared to be the last term of the saids five years, within which space, the said sum of *Eighteen hundred thousand Pounds Scots*, is due and payable; and that at the proportions underwritten *respective*, being five Moneths Cefs yearly, by the foresaid space of five years, which is two Moneths and one half Moneths Cefs for every Term; That is to say;

The Sheriffdom of *Edinburgh*, the sum of three thousand, one hundred, and eighty three pounds, eight shillings Scots money, Monethly, for the saids five Moneths, for ilk year, during the said space of five years. The Sheriffdom of *Haddington*, the sum of two thousand, seven hundred, eighty two pounds, and six shillings.

The Sheriffdom of *Berwick*, the sum of two thousand, eight hundred, thirteen pounds, and one shilling. The Sheriffdom of *Roxburgh*, the sum of three thousand, six hundred, eighty six pounds, seventeen shillings, and six pennies.

The Sheriffdom of *Selkirk*, the sum of nine hundred, four pounds, and nine shillings.

The Sheriffdom of *Peebles*, the sum of one thousand, fourty two pounds, and eight shillings.

The Sheriffdom of *Lanerk*, the sum of three thousand, ninety one pounds, and twelve shillings.

The Sheriffdom of *Dumfries*, the sum of two thousand, seven hundred, twelve pounds, and seventeen shillings.

The Sheriffdom of *Wigton*, and *Stewartrie* of *Kirkcudburgh* two thousand, six hundred, seventy nine pounds, and six shillings.

The Sheriffdom of *Air*, the sum of three thousand, eight hundred, seventy pounds, and five shillings.

The Sheriffdom of *Dumbarton*, the sum of seven hundred, sixty four pounds, and ten shillings.

The Sheriffdom of *Bute*, the sum of three hundred, eight pounds, eight shillings, and three pennies.

The Sheriffdom of *Renfrew*, the sum of one thousand, three hundred, fifty three pounds, and seven shillings.

The Sheriffdom of *Strivling*, the sum of one thousand, seven hundred, fifty four pounds, four shillings and six pennies

The Sheriffdom of *Linlithgow*, the sum of one thousand, one hundred, sixty nine pounds, and eighteen shillings.

The Sheriffdom of *Perth*, the sum of five thousand, thirty eight pounds, and fourteen shillings.

The Sheriffdom of *Kincardine*, the sum of nine hundred, eighty four pounds, and one shilling.

The Sheriffdom of *Aberdeen*, the sum of four thousand, seventy seven pounds, and nineteen shillings.

The Sheriffdom of *Inverness* and *Ross*, the sum of two thousand, five hundred, ninety pounds, and nineteen shillings, to be proportioned and divided betwixt them, according to the division, in the year, one thousand, six hundred, and sixty seven.

The Sheriffdom of *Nairn*, the sum of two hundred, seventy seven pounds, and sixteen shillings.

The Sheriffdom of *Cromarty*, the sum of sixty eight pounds, and five shillings.

The Sheriffdom of *Argyle*, the sum of one thousand, nine hundred, fourty seven pounds, ten shillings, and nine pennies.

The Sheriffdom of *Fife* and *Kinross*, the sum of five thousand, one hundred, seventy two pounds.

The Sheriffdom of *Forfar*, the sum of three thousand, two hundred, seventy three pounds, and fifteen shillings.

The Sheriffdom of *Bamff*, the sum of one thousand, one hundred, fifty pounds, and four shillings.

The Sheriffdom of *Suberland*, the sum of three hundred, thirty six pounds.

The Sheriffdom of *Caitness*, the sum of five hundred, ninety nine pounds, and five shillings.

The Sheriffdom of *Elgine*, the sum of one thousand, fifty nine pounds, and five shillings.

The Sheriffdoms of *Orkney* and *Zetland*, the sum of one thousand, eighty eight pounds, and ten shillings.

The Sheriffdom of *Clackmannan*, the sum of three hundred, fifty two pounds, seven shillings, and three pennies, Scots money.

B U R G H S.

The City of *Edinburgh*, the sum of four thousand pounds.

The Burgh of *Perth*, the sum of four hundred, sixty two pounds.

The Burgh of *Dundee*, the sum of seven hundred, thirtie two pounds.

The Burgh of *Aberdeen*, the sum of eight hundred, and forty pounds.

- The Burgh of *Striveling*, the sum of two hundred, and sixteen pounds.
 The Burgh of *Linlithgow*, the sum of two hundred, and four pounds.
 The City of *S. Andrews*, the sum of two hundred, seventy eight pounds.
 The City of *Glasgow*, the sum of one thousand, four hundred, and forty pounds.
 The Burgh of *Air*, the sum of two hundred, and eight pounds.
 The Burgh of *Haddingtown*, the sum of two hundred, & sixteen pounds.
 The Burgh of *Dyfert*, the sum of ninety six pounds.
 The Burgh of *Kirkaldy*, the sum of two hundred, seventy six pounds.
 The Burgh of *Monrofe*, the sum of two hundred, twenty eight pounds.
 The Burgh of *Cowper*, the sum of one hundred, and twenty pounds.
 The Burgh of *Anstruther Easter*, the sum of twenty four pounds.
 The Burgh of *Dumfreis*, the sum of two hundred pounds.
 The Burgh of *Inverness*, the sum of two hundred, and sixteen pounds.
 The Burgh of *Burnt-Island*, the sum of one hundred, thirty eight pounds.
 The Burgh of *Inverkeithen*, the sum of forty eight pounds.
 The Burgh of *Kinghorn*, the sum of fifty four pounds.
 The Burgh of *Brechen*, the sum of sixty six pounds.
 The Burgh of *Irwin*, the sum of one hundred, and eight pounds.
 The Burgh of *Ledburgh*, the sum of one hundred, and eight pounds.
 The Burgh of *Kirkcudbright*, the sum of ninety six pounds.
 The Burgh of *Wigton*, the sum of fourscore four pounds.
 The Burgh of *Pettenweem*, the sum of fourscore pounds.
 The Burgh of *Dumfermling*, the sum of ninety six pounds.
 The Burgh of *Anstruther Wester*, the sum of thirty pounds.
 The Burgh of *Selkirk*, the sum of fourscore pounds.
 The Burgh of *Dumbarton*, the sum of sixty pounds.
 The Burgh of *Renfrew*, the sum of forty eight pounds.
 The Burgh of *Dumbar*, the sum of seventy two pounds.
 The Burgh of *Lanerk*, the sum of seventy two pounds.
 The Burgh of *Arbrothock*, the sum of fifty four pounds.
 The Burgh of *Egim*, the sum of one hundred, and twenty pounds.
 The Burgh of *Peebles*, the sum of seventy two pounds.
 The Burgh of *Crail*, the sum of one hundred, and eight pounds.
 The Burgh of *Tayne*, the sum of forty two pounds.
 The Burgh of *Culreps*, the sum of forty eight pounds.
 The Burgh of *Bamff*, the sum of forty eight pounds.
 The Burgh of *Whithorn*, the sum of twelve pounds.
 The Burgh of *Forfar*, the sum of twenty four pounds.
 The Burgh of *Rothesay*, the sum of thirty six pounds.
 The Burgh of *Nairne*, the sum of eighteen pounds.
 The Burgh of *Forres*, the sum of thirty pounds.
 The Burgh of *Rutberglen*, the sum of eighteen pounds.
 The Burgh of *North-berwick*, the sum of six pounds.
 The Burgh of *Cullen*, the sum of twelve pounds.
 The Burgh of *Lawder*, the sum of thirty six pounds.
 The Burgh of *Kintore*, the sum of twelve pounds.
 The Burgh of *Kibreany*, the sum of twelve pounds.
 The Burgh of *Amund*, the sum of twelve pounds.
 The Burgh of *Lochmaben*, the sum of twelve pounds.
 The Burgh of *Sanguhar*, the sum of twelve pounds.
 The Burgh of *Galloway*, the sum of six pounds.
 The Burgh of *Dingwall*, the sum of twelve pounds.
 The Burgh of *Dornoch*, the sum of eighteen pounds.
 The Burgh of *Queens-Ferry*, the sum of sixty pounds.
 The Burgh of *Forterose*, the sum of thirty pounds.
 The Burgh of *Cromartie*, the sum of thirty pounds.
 The Burgh of *Innerurie*, the sum of eighteen pounds.
 The Burgh of *Weik*, the sum of twenty pounds.
 The Burgh of *Inverbervy*, the sum of six pounds.
 And the Burgh of *Kirkwall*, the sum of sixty pounds Scots money.

IT is alwayes hereby provided, that if the proportion payable at the *Martimas* yearly, be payed before the last of *November* the said year, and that the proportion payable at *Whitsonday*, be payed before the last of *June*, the same shall be sufficient. And it is hereby Declared, That all persons having real Estates of Lands, Teinds, Annualrents due by Infestments, Tack-duties, Few-duties, and others of that nature, are, and shall be lyable to the foresaid supply, unless the granters of the saids Rights, be obliged to relieve the receivers thereof, of publick Burdens, and all other Impositions of this nature; Excepting alwayes such real Rights and Infestments of Annualrents as are secured to the Creditors by their Debtors, for which they have only their ordinary Annualrent free, which are hereby declared not to be lyable to any part of this supply: Excepting also all Rents belonging to Colledges and Hospitals, provided this exemption of Colledges and Hospitals, shall not burden the Shires for any Rent mortified to them, since the year, one thousand, six hundred, fifty six. And it is hereby declared, That the Rents of the Arch-bishopricks, and Bishopricks, shall be lyable in a proportion of this Supply, according to the present Valuation. And to the end the foresaid Supply may be duly Raised and Payed, the Kings *Majesty*, with Advice of His Estates, doth Nominat, and Appoint, the Lords of His Majesties Privy Council, the Senators of the Colledge of Justice, within the severall and respective Shires, where any part of their Lands or Estats ly: And also the persons underwritten, within the severall Shires, to be Commissioners to the effect after-specified, *viz.*

For the Shire of Edinburgh.

The Earl of Louthian, the Earl of Dalhousie, the Viscount of Oxford, the Lord Torphichen, the Lord Forrester, Richard Maitland of Over-gogar, Sir Archibald Primrose of Caringtoun, Sir John Wauchope of Niddrie, Sir John Nicolson of that Ilk, Sir John Couper of Nether-gogar, Sir John Foulis of Raveltoun Younger, Sir William Purves of that Ilk, Sir Mark Cals of Cockpen, Sir William Sharp of Stony-hil, Mr. Alexander Gibson of Pentland, the Laird of Dalmahoy Younger, Sir William Binning of Walyfoord, Patrick Hamiltoun of Little-prestoun, Sir John Young of Leny, Robert Baird of Sauchtounhal, Mr. James Rothead of Innerleith, John Skeen of Halyards, John Hall of Graycruik, John Biggar of Wolmet, James Dundas of Arnistoun, Sir William Murray of Newtoun, Sir James Ramslay of Whitehil, Sir William Murray of Dreghorn, Mr. David Watson of Sauchtoun, John Cunningham of Woodhal, James Dick of Priestfield, John Brown of Gorgymiln, Alexander Henderfon Portioner of New-haven, Little of Over-libbertoun, Scot Bailzie of Dalkeith, Brand of Babertoun younger, the eldest Bailzie of Musselburgh, William Baird younger of Newbaith, John Foulis younger of Ratho, Mr. James Deans of Woodhoufly, Charles Scot of Boningtoun, Sir James Foulis of Collingtoun to be Conveener.

For the Shire of Haddingtoun.

The Earl of Roxburgh, John Earl of Tweeddale, Alexander Viscount of Kingtoun, the Viscount of Oxford, the Lord Yester, the Lord Elibank, Sir William Ruthven of Dunglass, Francis Kinloch of Gilmertoun, Sir James Hay of Linplum, Sir Robert Hepburn of Keith, Sir Alexander Morison of Prestoun-grange, John Seaton of St. Jermans, Hepburn of Smeatoun, Mr. Thomas Hay, of Bailie of Lamingtoun, Richard Cockburn of Clerkingtoun, Adam Hepburn of Humbie, Patrick Brown of Colstoun, Sir Robert Sinclair of Stevinstoun, Bannatine of Newhal, William Murray of Spot, Robert Hamiltoun of Presmenin, David Oswald of Eastbarns, Sydsers of Ruchlaw, John Pringle of Wood-head, Congletoun of that Ilk, Seaton of Garletoun, Seaton of Barns, Sir William Primerofs of Chester, William Robertson Bailzie of Prestoun, David Hepburn of Randerstoun, Mr. George Purves portioner of Belhaven, Sir Robert Sinclair of Lochend, Sir William Hamiltoun of Prestoun, Sir John Nisbit of Dirlertoun, Sir Andrew Ramslay of Wauchtoun, William Baird younger of Newbaith, John Wedderburn younger of Gosfoord, Sir James Stampfield of New-milnes, James Home of Gamelsheils, Robert Archison of Sydsers, Alexander Douglas of Blaikerstoun, Hepburn of Beenstoun, Mr. John Bain of Pitcairly, Robert Hepburn of Beerfoord, Haliburtoun of Eglefcairn, Fletcher of New-cranstoun, Major Banks of Lenchy, Hepburn of Craig, John Auchmoutie of Carvet, the Laird of Colstoun Corveener.

For the Shire of Berwick.

The Earl of Home, Sir Archibald Cockburn of Langtoun, Sir John Nicolson of Cockburnspeth, Sir James Cockburn of that Ilk, Sir Alexander Don of Newtoun, Sir Hary Home of Herdrigs, Sir Alexander Home of Rentoun, Sir William Purves of that Ilk, the Laird of Wedderburn, the Laird of Eccles, Alexander Home of Linthil, Mr. James Rothead of Darnchaster, the Laird of Edingtoun, Sir James Cockburn of Ryfelow, Sir William Scot younger of Harden, Sir Laurence Scot of Eymouth, the Laird of Prander-gaist, the Laird of Lambertoun, the Laird of Billie, the Laird of Wedderly, the Laird of Tofts, Mr. Alexander Swintoun of Merfingtoun, the Laird of Longformacus younger, Patrick Boig of Burnhouses, the Laird

Laird of Earnslaw, the Laird of Blaikertoun, the Laird of Kaimes, Mr. Patrick Home of Brownsbank, the Laird of Halyburtoun, the Laird of Mandertoun, James Peter of Chappel, the Laird of Bassenden, the Laird of Moristoun, the Laird of Thornydykes, the Laird of Greweldikes, David Home of Newton, the Bailzie-depute of Lauderdale, the Earl of Home Sheriff, Conveener, or the Sheriff-depute.

For the Shire of Roxburgh.

The Earl of Roxburgh, the Earl of Louthian, the Earl of Tarras, the Lord Cranstoun, the Lord Jedburgh, the Master of Cranstoun, Sir Thomas Ker of Cavers, Robert Ker of Gairshaw, Henry Medowgal of Niskertoun, John Rutherford of Edgarstoun, Mr Gilbert Eliot of Craigend, John Ker of Frogden, William Ker of Sunderlandhal, Henry Ker of Lintoun, Robert Pringle of Stichel, Robert Pringle of Cliftoun, Sir John Scot of Ancrum, Sir Alexander Don of Newtown, Andrew Ker of Littelden, John Rutherford Provest of Jedburgh, Mr. Charles Ker of Abursrule, Sir William Eliot of Stobs, Sir Francis Scot of Thirlestane, Walter Scot of Harwood, Charles Murray of Hadden, Wauchop of Niddrie younger, Andrew Plumber of Middlested, George Rutherford of Fairingtoun, Francis Pringle of Rolvistoun, the Bailzie of Kelfo, Mr. Archibald Dowglas tutor of Cavers, Robert Scot of Horsliehil, William Eliot of Grainge, Patrick Scot of Longirtoun, John Halyburtoun of Morislaw, Mr George Scot of Bonraw, Thomas Rutherford of Cousnath, Uchtred Medowgal of Hakburn, Henry Eliot of Harwood; Thomas Scot of Whitflaid, Henry Ker of Graden, Sir John Scot of Ancrum Conveener.

For the Shire of Selkirk.

The Earl of Traquair, the Lord Elibank, James Murray of Philiphaugh, John Riddel of Haining, Thomas Scot of Whitflaid, Patrick Murray of Dewchar, Thomas Scot of Todrig, John Riddel of Muflie, George Pringle of Torwoodlie, Alexander Pringle of Whitebank, Hugh Scot of Gallowshiels, Ker of Sunderland-hal, Sir William Scot younger of Harden, Pringle of Blindie, the Laird of Middlested, Gideon Murray of Sundhope, the Duke of Buccleuch's Bailzie for the time, the Laird of Philiphaugh to be Conveener.

For the Shire of Peebles.

The Earl of Traquair, the Earl of Tweeddale, the Lord Yester, William Hay of Drumallier, Sir Archibald Murray of Blackbarony, Sir William Murray of Stenhope, John Veitch of Dawick, Sir Michael Nasmith of Posfo, John Veitch younger of Dawick, Robert Hunter of Polmud, William Horsburgh of that ilk, John Murray of Romanno. Mr. John Dickfone of Whitflait, Alexander Bailie of Callends, Mr. John Hay of Haystoun, John Hay younger of Haystoun, William Brown of Stevingstoun, John Porteous of Halkshaw, George Brown of Scotstoun, James Lawfon of Cairnmuire, George Bailie of Manerhil, William Govan of Cardrona, Robert Burnet of little Ormiltoun, James Hamilroun of Caldecoat, David Murray of Stenhope, James Nasmith of Posfo, Alexander Murray of Halmyre, James Geddes of Kirkurd, Richard Murray of Spittlehaugh, James Murray of Skirding, John Murray of Cringletie, William Burnet of Banns, William Dickfon of Kilbocho, William Murray of Cardon, Sir James Dowglas of Smithfield, James Dowglas his son, James Chisholme of Hairhope, Sir William Murray of Stenhope Conveener.

For the Shire of Lanerk.

The Duke of Hamilton, the Earl of Carnwath, the Lord Blantyre, the Lord Carmichael, Alexander Menzies of Culterawes, Inglis of Eastshiels, Bailie of Walfstoun, George Weir of Blaikwood, Lindsay of Covingtoun, James Lockhart of Cleghorn. Sir William Fleeming of Farm, Mr. Archibald Robertoun of Bedlay, Walter Corbet of Towcorfs, James Dunlap of Gairnkirk, George Luke of Dalbeith, Sir Archibald Stewart of Castlemilk, James Hamilton of Manor-Fleistoun, James Stewart of Torrens, James Hamilton of Woodhal, Claud Murehead of Lauchop, Mr. William Cochran of Roehsoles, Sir Alexander Hamilton of Haggis, Mr. Andrew Hay of Infchnoch, Gawin Hamilton of Raploch, Hamilton of Raploch younger, John Bailie of Shurril, John Bell of Hamiltons-Farm, Sir Robert Hamilton of Silvertounhil, Sir Daniel Carmichael of Maulsly, Sir James Carmichael of Bonnitoun, William Bailie of Lamingtoun, Sir William Hamilton of Prestoun, Sir John Harper of Cambuthem, Sir John Whitefoord of Mylntoun, William Hamilton of Orbistoun, William Hamilton of Wifhaw, Alexander Hamilton of Dalvel, James Hamilton of Aikenhead, James Weir of Stainbyers, William Stewart of Allanroun, Mr. John Bailie of Jervistoun, Thomas Stewart of Cultnefs, James Murehead of Breadifholme, James Cleiland of that ilk, Cromwel Lockart of Lie, Sir William Maxwell of Calderwood, Sir William Lockhart of Carstairs, Walter Lockhart of Kirkstoun, Robert Lockhart of Birkhill, Mr. Robert Bailie of Jerveswood, Mr. Andrew Hay of Craignethem, John Hamilton of Barnecluch, Mr. Archibald Nisbet of Carfin, James Young of Linbank, the Marques of Dowglas Conveener.

For the Shire of Dumfries.

The Earl of Nithisdale, the Earl of Queensberry, Sir Robert Dalryel of Glennac, Sir Alexander Jarden of Aplegirth, Robert Greifson of Lagg, Thomas Kilpatrick of Cloosburne, James Menzies of Enoch, Robert Lawrie of Maxwellton, George Maitland of Eccles, John Dowglafs of Stenhouse, John Grierfon of Capinoch, Robert Forguson of Craigaroch, Robert Maxwell elder of Cairnfaloch, Dougal Maxwell of Cowhill, James Johnftoun of Corthead, John Johnftoun of Easthieles, James Carruthers Stewart of Annand, John Alifon of Glencorfs, Gawin Brown of Bifhoptoun, John Carruthers of Holm-ends, Sir Patrick Maxwell younger of Springkel, Thomas Charteris of Empsfild, the Duke of Buccleuch's Bailzie for the time, the Earl of Queensberry Conveener, or the Sheriff-Depute.

For the Shire of Wigtoun.

The Earl of Galloway, Sir Andrew Agnew of Lochnaw, Sir Godfray McCulloch of Mertoun, Sir John Dalrymple younger of Stair, Sir David Dumbar elder of Baldoon, Dumbar younger of Baldoon, Robert Stewart of Ravingftoun, William Stewart of Cattle-Stewart, James Dumbar of Mochrum, Richard Murray of Brughtoun, William Gordon of Craichlay, Patrick McDougal of Logan, George Stewart of Dindargy, William Stewart of Egernefs, William Lin of Larg, James McDougal of Gillefpick, Sir Andrew Agnew Conveener.

For the Shire of Air.

The Earl of Cassils, the Earl of Dumfries, the Earl of Lowdown, the Earl of Kilmarnock, the Lord Montgomerie, the Lord Crichton, the Lord Cochran, the Lord Cathcart, the Lord Batgenie, the Master of Cathcart, Sir John Cochran of Ochiltrie, the Laird of Blair, Sir John Cunningham of Lambroughroun, the Laird of Cefnock, the Laird of Gadgirth, David Boswell of Auchinleck, William Crichton Sheriff-depute of Air, David Blair of Adamton, the Lairds of Enterkin elder and younger, William Campbell of Glasnock, Campbell of Shankftoun, Archibald Kennedy of Collen, Mr. Thomas Kennedy of Balterfan, Alexander Kennedie of Kilheugie, James Whitefoord of Dunduff, James Crawford of Ardmillan, John Cathcart of Carletoun, John Boyll of Kelburn, Sir Robert Barclay of Pearftoun, the Laird of Skelmorlie, Crawford of Kerfs, Rofs of Galfstou, Mr. James Cunningham of Towre, Sir John Kennedy of Girvan-maines, William Wallace of Shewaltoun, John Schaw of Sornebeg, John Melvain of Grinat younger, Hugh Montgomery of Bridgend, Hugh Blair of Blairftoun, Mr. John Boyd of Trochrig, Sir John Dalrymple younger of Stair, John Mur of Auchindrain, Alexander Fergufon younger of Kilkerran, William Cunningham of Brown-hill, the Laird of Bifhoptoun, David Montgomery of Langthaw, Robert Wallace of Holmftoun, William Wallace younger of Craigie, Kennedy of Kirkunchel, Mr. William Fullartoun of Corsbie, John Hamiltoun of Infchgottrick, the Laird of Blair Conveener.

For the Shire of Dumbarton.

The Earl of Kilmarnock, the Lord Lorn, John Napier of Kilmahev, William Buntine of Airdoch, Archibald Stewart of Scotiftoun, James Fleming of Oxgang, Mr. James Fleming of Barlochan, John Cunningham of Achinbarn, William Deniftoun of Cougrain, Archibald Buchanan of Drumhead, Claud Hamiltoun of Barns, William Stirling of Lav, James Colquhoun of Balvie, David Watfon of Achintofhan, John Colquhoun of Camftroden, John Zuil of Darleir, John Noble Fiar of Ardardan, John Campbell of Carriek, Duncan Mcfarlane of Clackan, Andrew Mcfarlane of Arquhart, William Mcfarlane of Drumfad, Walter Grahame of Calmgad, the Earl of Wigtoun, or Sheriff-depute Conveener.

For the Shire of Bute.

William Duke of Hamiltoun, Hector Bannatine of Kaimes, the Bailzie of Arran, Sir Robert Montgomery of Skelmorlie, John Boyl of Kelburn, Ninian Bannatine of Kaimes, James Stewart of Ambrifmore, Mr. John Stewart of Afcog, William Campbell of Shalint, Archibald Bannatine of Lubas, Robert Stewart of Marknoch, William Stewart of Lenuchail, Donald Mneil of Kilmory, Archibald Stewart of Kilichinlik, Mr. Robert Stewart uncle to the Sheriff of Bute, Ninian Ban-natine of Kaimes Conveener.

For the Shire of Rentrew.

The Lord Montgomery, the Lord Cochran, the Lord Blantyre, the Master of Rofs, Sir Patrick Howftoun of that ilk, Sir Archibald Stewart of Blackhall, Sir George Maxwell of New-wark, Sir Archibald Stewart of Cattlemilk, John Maxwell of Pollock, Cunningham of Craigends, James Brisbane of Bifhop

Bishoptoun, George Howstoun of Johnstoun, William Hamiltoun of Orbistoun, Fleming of
 Barrichan, Sir John Schaw of Greenock, John Schaw his Son, Crawfurds of Jordanhill elder
 and younger, James Bannatine of Kelly, James Dunlap of Houshil, Thomas Crawford of Curtsburn, Gavin
 Cochran Brother to the Earl of Dundonald, Francis Sempie of Beltrees, Colin Campbel of Blythwood,
 John Brisbane of Frierland, Ludovick Stewart of Darnley, John Howstoun of westen Southbar, the Sheriff-
 Depute of Renfrew, Sir Archibald Stewart of Blackhal, Conveener.

For the Shire of Stirling.

The Duke of Hamiltoun, the Earl of Callender, the Lord Fortester, Sir John Stirling of Keir, James Sea-
 roun of Touch, Richard Elphingstoun of Airth, Hadden of Glenagies, Michael Elphingstoun
 younger of Quarrel, William Bruce of Newtroun, James Bruce of Powfoules, Alexander Bruce of Kinnaird, Wil-
 liam Buchanan of Drumnakil, Livingstoun of west Quarrel, Mr. Thomas Napier, William Ed-
 monstoun of Broich, David More of Lecky, David Stirling of Carden, Norman Livingstoun of Milnhils,
 Mefarlan of Kirkstoun, Stirling of Halbertshire, Hugh Paterson of Bannockburn, Captain
 Stirling, Sir Robert Elphingstoun of Quarrel, the Laird of Polmais, John Murray of Livilands,
 Campbel younger of Gargunnoch, Mr. James Hunter of Carsbank, Cunningham
 of Buchan, John Buchanan of that ilk, Alexander Monro of Bearcressis, Alexander Glafs of Sauchy, Mr. A-
 lexander Nairn of Green-yards, Mr. Andrew Oswald of Dalderfe, James Girdlet of Abbotsbaugh, the Laird
 of Hoptoun, Walter Rankine of Orcharstoun, Alexander Livingstoun of Parkhal, Sir William Bruce of Sten-
 houfe, John Bruce of Castlecairy, the Laird of Touch Conveener.

For the Shire of Linlithgow.

The Duke of Hamiltoun, the Viscount of Oxfoord, the Lord Livingstoun, the Lord Torphichen, General
 Dalyle, William Sharp of Howstoun, James Cornwall of Bonhard, Sir Alexander Livingstoun of Craigingath,
 James Hamiltoun of West-port, John Dundas of Maner, George Drummond of Carlowie, James Monteith
 of Oldcathy, Campbel of Kilpont, Richard Elphingstoun of Airth, Alexander Cochran of Barbach-
 lie, Walter Sandilands of Hilderstoun, Sir John Dalrymple of Newlistoun, Mr. John Hay of Woodcokdale,
 Mr. John Fairholm of Craigihil, Sir Archibald Primerofs, of Caringtoun, Robert Hamiltoun of Dechmont,
 James Dundas of Philipstoun, John Hope of Hoptoun, Baillie of Polkenner, Dundas
 of Dudingstoun, Marjoribanks of Balbairdy, Carmichael of Pottishaw, Mr. William
 Dundas of wester Kincavel, James Johnstoun of easter Kincavel, Mr. John Eleis of Eleistoun, Robert Miln of
 easter Binnie, Colonel William Borthwick, the Earl of Linlithgow Conveener.

For the Shire of Perth.

The Marquess of Montrose, the Lord Madcity, the Lord Rollo, the Lord Ruthven, the Lord Bruntisland,
 Sir David Ogilvy of Clova, the Laird of Keir, the Laird of Glenagies, the Laird of Abercainry, Laird of
 Weems, Sir Patrick Kinnaird, the Laird of Gairntully younger, the Laird of Lawers, John Hope of Hoptoun,
 Sir Laurence Oliphant of Gask, Sir William Murray of Ochertyre, the Lairds of Kinlands elder and younger,
 Grahame of Urchil, Sir Colin Campbel of Aberurquhil, Patrick Stewart of Ballachen, the Laird
 of Glenlyon, George Drummond of Blair, Colin Campbel of Munzie, the Laird of Keithick, John Murray
 tutor of Stormont, John Campbel of Edinample, Henry Murray of Lochlan, David Toshoch of Monyvaird,
 Drummond of Comry, George Drummond of Milnab, James Menzies of Culdares, George
 Campbel of Crunan, the Laird of Balgirfo, Robert Campbel of Glenfallor, Drummond of Inner-
 may, Sir Alexander Blair of Balthayock, James Grahame of Monorgan, David Kinloch of Aberbothry, David
 Kinloch of Gowrdy, Fullartoun of that ilk, the Laird of Fittendians, Sir Patrick Threepland of
 Fingask, Patrick Murray of Keillor, Andrew Blair of Inshyray, Mr. John Blair of Batnigle, John Murray of
 Piculan, John Buchanan of Ardinpryor, Patrick Hadden of Lanrek, Mr. James Edmonstoun of Newtroun,
 James Perfon of Kippenrofs, John Drummond of Machany, William Drummond of Cromlix, John Murray
 of Strowan, John Drummond of Pitkellany, James Ramsay of Bamff, James Rattray of John
 ham of Burgowan, James Murray of Arthustain, Mr. Robert Rofs of Innerneathy, Sir George Kinnaird Con-
 veener.

For the Shire of Kincardin.

The Earl of Southesk, the Earl of Middleton, the Earl of Kintore, the Viscount of Arbutneth,
 the Lord Roschil, the Lord Hackertoun, Sir Alexander Frazer of Dors, the Laird of Lowriston, Sir
 Alexander Falconar of Glentarquhar, Sir John Falconar of Bomakelly, Thomas Burnet of Leyes,
 Sir Charles Ramsay of Balmayne, Robert Grahame of Morphy, Bannerman of Ellick.
 John Barclay of Johnstoun, William Rate of Halgreen, Wood of Balbegno, Sir Alexander
 Carney

Carnegy of Pitraro, *Mr.* William Ramfay of Woodstown, Frazer of Kinmundy, *Mr.* James
 Faleoncr of Phefdo, *Major* George Keith of Whiterigs, Menzies of Pitfoddels,
 Irving of Kincoifie, *Mr.* Robert Petrie of Portlethem, *the Laird* of Bogny, *Mr.* James Douglas, George
 Keith of Knox, Robert Keith of Bredeola, Burnet of Glenbervy, Andrew Middleton of Pit-
 garvy, William Barclay of Balmakewen, *the Sheriff-principal* of Kinkardin, or *the Sheriff-depute Conveener.*

For the Shire of Aberdeen.

George *Marquess* of Huntly, *Earl* of Dumfermling, Alexander *Lord* Pitligo, Alexander
Master of Saltoun, William Frazer *son to the Master* of Saltoun, *Sir* George Gordon of Haddo, Alexander
 Irvin of Drum, Adam Urquhart of Meldrum, *Sir* Richard Mairland of Pitriche, James Gordon of Lefmore,
 James Frazer of Tyrie, John Fularton of Dudwick, *Sir* George Gordon *younger* of Geight, John Gordon
 of Fechel *younger*, Elphingstoun of Glack, *Sir* Robert Innes of Pitfoure, Patrick Lesly of Balquhon,
 John Gordon of Knockaspick, Arthur Forbes of Brux, *Mr.* Thomas Gordon of Buthely, James Urchquart
 of Knockleith, Francis Abereromby of Feterneir, *Sir* John Forbes of Craigivar, Adam Gordon of Achanachy,
 Forbes of Lesly, Francis Rofs of Achlossin, Simeon Frazer of Innerallachy, *Mr.* Alexander
 Cuming of Birns, Udny of *that ilk*, George Skeen of Fintry, Patrick Lesly of Kinragie,
Mr. George Nickolson of Clunie, David Edie of Newark, David Tyrie of Drumduy, *Mr.* Patrick Sandilands
 of Cottoun, Patrick Cheine of Ardmurdo, John Gordoun of Achunhoove, George Gordoun of Edinglassie,
 John Lindfay of Tyrie, Gordoun of Badinfeorth, Adam Gordoun of Glenbuket, *Mr.* Alexander
 Forbes of Ardo, James Keith of Tilligony, Skeen of *that ilk*, Robert Udny of Achtreral-
 lan, Alexander Forbes of Ballogie, Patrick Dun of Tarty, William Forbes of Campbel, James Chalmers
 of Balbeithan, *Sir* William Keith of Ludquharn, Thomas Frazer of Streichen, Areskine of Pit-
 rodric, John Forbes of Pitnacaddel *younger*, Gordon of Lefmore *younger*, James Forbes *Tutor*
 of Wattertoun, *Mr.* Thomas Forbes of Rabshaw, *Sir* John Forbes of Monimusk, Burnet
 of Leyes, Burnet of Craigmyle, Burnet of Sachten, Arbuth-
 net of Cairngal, Andrew Frazer of Kinmundie *younger*, George Keith of Lentuth, Morison
 of Bogney, Baird of Achmeddin *younger*, *Sir* Hary Guthrie, Walter Forbes of Blacktoun,
 George Keith of Knock. *The Earl* of Errol, or *Sheriff-Depute* of Aberdeen, *Conveener.*

For the Shire of Inverness.

The Marquess of Huntley, *the Lord* Down, *the Lord* McDonald, John Mcleud of Dunevegan, *Sir* Donald
 McDonald of Slait, Hugh Frazer of Balladrum, Lachlan McIntosh of Torcastle, Donald McIntosh of Kel-
 lachy, *the Laird* of Moydart, John Forbes of Culloden, *the Laird* of Streichin, Hugh Frazer of Kinnaries,
 Lachlan McIntosh of Abivarden, Duncan M'pherson of Cluny, McIntosh of Barlum, Alex-
 ander Bailie of Dinneans, *Sir* Hugh Campbel of Caddel, Thomas Frazer of Bewtort, *the Sheriff-principal*
 of Inverness, or *Sheriff-depute, Conveener.*

For the Shire of Nairn.

Sir Hugh Campbel of Caddel, Hugh Rofs of Kilraoch, Hugh Rofs of Clavock, John Rofs of Bradley,
 Duncan Forbes of Culloden, James Dumbar of Boath, John Hay of Lochloy, Alexander Brody of Lethem,
 John Hay of Brishmonie, Sutherland of Kingstary, Donald Campbel of Boghol, William Campbel
 of Delneis, *Sheriff-depute* of Nairn, *Sir* Hugh Campbel of Caddel *Conveener.*

For the Shire of Cromarty.

The Laird of Cromarty, Alexander Urquhart of Newhal, George Dollas of St. Martines, Hugh Dollas of
 Glenurquhart, Alexander Cluneys of Neilson, Colin Dumbar of Rosafolis, John Urquhart of Newhal *younger*,
the Laird of Cromarty *Conveener.*

For the Shire of Argile.

The Lord Lorn, *the Lord* Neill Campbel, *Sir* Hugh Campbel of Caddel, Donald Campbel of Parbreck,
Sir Duncan Campbel of Aehinbreck, Neil Campbel of Duntroon, Ronald M'alafter of Tarbet, Donald
 Campbel *Captain* of Craigneish, Archibald M'lachlan of Craightarve, Alexander Campbel of Kilmartine,
 Angus Campbel of Kilberrie, Colin Campbel of Glenan, Gory M'alafter of Loup, Walter Campbel of
 Skepniish, M'lachlan *Captain* of Inishconil, Duncan M'corquodail of Phantalownes,
 Collin Campbel of Ardkintlafs, Lachlan M'lachlan of *that ilk*, John Campbel *Captain* of Carrick,
 John Campbel *Captain* of Dinnoon, James Campbel of Glenderovel, Collin Campbel of Otter, Archibald
 Campbel of Orundail, John Campbel of Ardintennie, John M'arther of Arthurhal, *the Bailzie* of Kintyre
 for

for the time, Duncan Campbel Bailzie of Jura, Alexander Campbel of Lochnell, Alexander Campbel Captain of Dunstaffnage, Alexander Campbel of Burchaltoun, Archibald Campbel of Inneraw, John Campbel of Inneryeldes, the Earl of Argyle, or Sheriff-Depute of Argyle, Corveener.

For the Shire of Fyfe,

The Earl of Southesk, the Earl of Balcarras, the Lord Dunkel, the Lord Burnt-Island, the Master of Burleigh, the Laird of Lundy, the Laird of Anstruther, the Laird of Earlethal, Sir William Sharp of Scotiscraig, Sir Michael Balfoure of Denmylne, John Malcome of Balbedie, James Law of Brintoun, the Laird of Wormestoun, the Laird of Forthar, Sir John Aitoun, the Laird of Durie, the Laird of Hal-yards, Mr. David Weymes of Balfarg, James Carmichael, Mr. John Dempster of Pitliver, Mr. James Robertson of Newbigging, the Laird of Fordell, the Laird of Roslyth, Mr. James Cheap of Rossie, the Laird of Pittrevic, John Gedy of St. Nicolas, Sir Charles Halket of Pitfirren, Sir William Bruce of Balcaskie, Sir Alexander Bruce of Broomhal, the Sheriff principal, or Sheriff-depute Corveener.

For the Shire of Bamff.

The Marquess of Huntly, the Earl of Findlater, David Lord Ogilvie, the Master of Saltoun, Sir Patrick Ogilvie of Boyn, Andrew Watson of Perthhead, Sir Alexander Abercromie of Birkinboig, Sir James Baird of Achmedden, Sir Hary Gairnie of Kingward, James Gordon of Rothemay, John Gordon younger of Rothemay, John Ogilvie of Kincardin, Walter Ogilvie of Ragwel, George Gordon of Thornibank, Mr. John Abercromy of Glaffie, James Baird younger of Achmedden, George Gordon of Edinglassie, Lesly of Kinnivy, Hay of Rames, Anderson of Westertoun, Alexander Hay of Armbath, Alexander Ogilvie of Fordland, Alexander Duff of Braco, Alexander Gordon of Arradoul, Alexander Gairn of Troup, George Keith of Northfield, John Innes of Edingeth, Mr. John Lesly of Tulloch, John Campbel of Friertoun, Alexander Abernethy of Achnacloch, Lachlan McIntosh of William Lesly of Burdsbank, the Laird of Auchmedden, Sheriff-principal, or his Deputes to be Corveener.

For the Shire of Forfar.

The Earl of Southesk, the Earl of Panmure, Viscount of Arbutneth, Lord Ogilvie, Lord Rosehil, Sir David Ogilvie of Clova, James Carnagie of Pbinhaven, David Erskin of Dun, Sir David Ogilvie of Innerquarity, the Laird of Pitcur, the Laird of Edzel, Sir John Wood of Bonnitoun, David Fotheringham of Wester-powrie, James Carnagie of Balamoon, John Graham of Fintie, James Creightoun of Rnthven, Sir Francis Ogilvie of Newgrange, John Grahame of Claverhoufe, William Fullartoun of that Ilk, James Grahame of Monorgan, John Ogilvie of Pitmowies, John Ogilvie of Balfour, Patrick Weyntoun of Strickmartine, John Gairden of Laton, John Achterlony of Guynde, John Lyon of Cossens, Laird of Neyoy of that Ilk, William Lyon of easter Ogil, George Lyon of wester Ogil, William Gray of Inner-rightie, John Scrimgeour of Kirktoun, Durhame of Grange, John Ogilvie of Peil, Robert Carnagy of Newgate, Durhame of Ardowny, Mr. Patrick Lyon of Carls, John Carnagy of Cockfoun, Wedderburn of Blackness, John Ogilvie of Colstoun, Ogilvie of Logie, Scot of Logie, Scot of Rossie, Robert Fletcher of Ballinhoe, Lyel of Murhil, the Laird of Oldbar younger, John Ramsay of Acharrach, the Laird of Boysack younger, Sir John Falconar of Galray, the Laird of Findowrie, the Laird of Balyordie, the Laird of Balrownie, Mr. John Lammie of Dinkenny, Yeaman of Dryburgh, Alexander Wedderburn of easter Pourie, Duncan of Lundie, the Laird of Kincaldrum, Bower of Kinnerles, the Laird of Achinleck of that Ilk, the Laird of Dyfart, the Laird of Cairnie, Alexander Murray of Melgum, the Laird of Stracathrow, Carnegie of Balmachie, the Laird of Innergowrie, George Innes of easter Dunoon, David Lyon of Whitewals, Kid of Craigie, Livingstoun of Memufs, Henry Crawford of easter Seaton, Guthrie of wester Seaton, the Laird of Pitcandlie, Thomas Nairn of Bank, Ramsay of Barsbreich elder, Ramsay of Bambreich younger, the Earl of Strathmore Corveener.

For the Shire of Orkney.

The Stewart of Orkney, Robert Stewart of Newark, Kenneth Mckenzie, Hary Grahame of Breknefs, Arthur Baillie of Tankernefs, Mr. Alexander Mckenzie Son to the Bishop of Orkney, Grahame of Grahamshal, the Stewart, or his Depute Corveener.

For Zeatland.

The Stewart of Orkney, Arthur Sinclair of Howes, Laurence Sinclair younger of Quendale, Andrew Bruce Tutor of Munes, William Bruce of Soundburgh, Hugh Sinclair of Burgh, Thomas Lesly of Uftaines, George Monat of Hamnavoe, the Stewart, or his Depute Conveener.

For the Stewartry of Kirkcudburgh.

The Earl of Nithisdail, the Viscount of Kenmuir, Sir David Dumbar of Baldoon, Richard Murray of Brughtoun, Sir Godfray McCulloch of Mertoun, Sir Robert Maxwell of Orcharroun, Alexander McGie of Balmagie, Roger Gordon of Troquhan, Grieron of Bargarton, William McGufflock of Rufco, Thomas Lidderdale of Isles, the Laird of Park, William Gordon of Earlelton, John Muir Tutor of Calfancary, the Stewart principal, or his Depute Conveener.

For the Shire of Sutherland.

The Earl of Sutherland, the Lord Duffus, the Master of Rae, the Laird of Balnagowan, Robert Gordoun of Skibo, William Gordoun of Delfolly, Robert Gordoun of Carrel, John Gordoun of Garty, John Gray of Arbo, William Baillic of Brora, Sir Robert Gordoun of Embo, William Sutherland of Skelbo, John Sutherland of Clyne, John Gordoun younger of Carrell, Robert Gordoun of Rodgait, the Sheriff-Principal, or Sheriff-Depute, Conveener.

For the Shire of Cathness.

Sir William Sinclair of May, John Sinclair of Murthil, William Sinclair of Dumbaith, Mr James Innes of Sandfide, James Sinclair of Feswick, John Sinclair of Brims, William Dumbar of Hemprigs, Francis Sinclair of Stirrak, John Sinclair of Ulbstar younger, David Murray of Clarden, Colin Campbel of Carquhin, David Sinclair of Southdun, Alexander Smart of Wester, Patrick Sinclair of Ulbstar, the Sheriff-depute of Cathness for the time, the Bailzies of Thurlo for the time, the Earl of Cathness, or Sheriff-depute of Cathness Conveener.

For the Shire of Elgin.

James Lord Downe, James Lord Duffus, Sir Robert Innes of that ilk, Alexander Innes of Cockstoun, Alexander Dowglas of Spynie, Thomas Dumbar of Grainge, Sir Robert Dumbar of Graingchil, David Dumbar of Dumphail, James Calder of Muirtoun, Thomas Kinnard of Cowbin, John Cuming of Logie, David Stewart of Newtoun, the Laird of Innes to be Conveener.

For the Shire of Clackmannan.

The Laird of Clackmannan, the Laird of Tullicoultre, the Laird of Tullibody, John Keiry, George Stirling, the Laird of Alva, Master Francis Maltertoun of Parkmiln, the Laird of Clackmannan Conveener.

For the Shire of Ros.

David Ros of Balnagown, John Monro of Foulis, Sir George Monro of Culrain, Colin McKenzie of Reidcastle, Roderick McKenzie of Kinwhillidrum, Mr. Rodrick McKenzie of Findorn, Mr. John Bayne of Delmy, Sir Kenneth McKenzie of Coull, Alexander McKenzie of Coull, younger, George Pateron of Seafield, John Ros of Collace, Alexander McKenzie of gearwall, Donald Bayne of Tulloch, Alexander McKenzie of Kilrane, Kenneth McKenzie of Suddie, Hugh Monro of Newmuire, Sir George McKenzie of Tarbit Conveener.

AND ORDAINS the first meeting of the Commissioners for the several Shires, to be at the Head-burghs thereof, upon Wednesday the fourth day of September next; and appoints the Major part of the saids Commissioners, named for the respective Shires, to be a *Quorum*, at their first meeting, who are to appoint the next dyet of meeting, and the Major part of such as shall meet at the second dyet, or upon advertisement from the Conveener, at any other dyet, to be a *Quorum*: With power to the saids Conveeners, for the saids Shires respective, to call the Commissioners foresaid, at such dyers hereafter as they shall find necessary, for the effectual execution of this Act; and remits to His Majesty's Privy Council, to nominate such other persons to be Commissioners of Assessment, as they shall see cause.

And for the Burghs, His Majesty with advice foresaid, nominats and appoints the Magistrates of the same, for the time being, with power to them to choose Stent-masters, within their respective bounds: Which Commissi-

Commissioners, are hereby ordained to accept and discharge their trust, as they will be answerable; and that at their acceptation thereof, to take the Oaths of Allegiance; and for doing their duty faithfully in the matter of this administration: and to sign the Declaration appointed by Act of Parliament, to be signed by all persons in publick Trust. And His Majesty, with advice foresaid, doth hereby empower the saids Commissioners, to prescribe and set down such rules and orders within the respective Shires and Burghes, as may be most effectual for the speedy and easie raising, levying, and bringing in of the said supply, and ordaining and doing every other thing that may concern the same: And particularly, with power to them to choose their own Collectors, for ingathering of the said supplie, for whom they are to be answerable; and to allow them, and their Clerks, such Fies (to be payed by the Shires and Burghes) as they shall think fit. And which Fies are hereby declared, to be over and above the foresaid supply, and no part of the same: and which Collectors, and Clerks, are to take the Oaths, and sign the Declaration foresaid.

And the Kings MAJESTY, with advice and consent of His Estates, Ordains all execution, real and personal, to pass at the instance of the Collector General, and the Collectors of the respective Shires, and Burghs, against all persons deficient in payment of their proportions as formerly. And also impowers the Commissioners by their Officers, to arreast, poind, and distrenze, the Goods, and imprison the Persons, of the deficientis, ay and while they make payment of their just proportions, and necessary expenses. And for the more ready and effectual payment, doth also empower the Commissioners, and Collector General, to Quarter upon Deficients, with this express *proviso*, that every Horse-man that shall be upon the place, shall have only free single Quarter allotted to him upon the persons Deficient, or by Quartering in Burghs and Villages, as the Commissioners shall appoint to be satisfied, and payed, by the Deficients, and nor by these on whom they are Quartered, except where they themselves are Deficient: and in that case, to have fifteen shillings Scots a day, from the time of presenting the Order to the Collector, upon whom they are to Quarter, until he give them a list of the Deficients, and the sums wherein they are Deficient, and thereafter to Quarter upon the Deficients: And each Dragowner, to have ten shillings Scots a-day: And each Foot-man to have four shillings Scots, or his Diet, as the Commissioners shall order; and the Commander of the Party of Horse, Dragowns, or Foot, to have only double Quarter, or pay of an Horse-man, Dragowner, or Foot-man, as he serves. And declares, that in order to the Quarters, and matters relating to the in-bringing of this supply, any three of the Commissioners shall be a *Quorum*, and who are empowered to proportion upon, and raise from the Deficients, the expence and charge of their deficiency; and to see payment made to these on whom the Souldiers are Quartered, who were not Deficient. And further, His Majesty, for satisfaction of His good Subjects, is graciously pleased to declare, that all Officers and Souldiers, Horse-dragowners, and Foot, shall make due and punctual payment of their Quarters, Local and Transient, as the same shall be appointed by the foresaid Commissioners, according to the Rates of the Countrey: And in case the Souldiers do not pay their Quarters, that the Quarters be stated betwixt the Quarter-masters, or other Officers, and any two of the Commissioners: And the accompts being stated, and fitted, that they be payed, or allowed by the respective Collectors, in the first end of what is due by the Shire, or Burgh, where the saids Quarters are owing, Providing the saids Quarters exceed not two parts of their Pay; and which stated Accounts are to be allowed to the respective Collectors, by the Collector General, and to be by him retained off the first end of the Troops, or Companies Pay. And in case the Officers remove before their Accounts can be stated, in that case the Collectors of the Shires, and Burghs are to retain what after tryal the saids three Commissioners shall find resting, till the Accounts be stated in manner foresaid; and the said retention for Quarters to Commence from the last of November next, in this instant Year, one thousand, six hundred, seventy and eight. And His Majesty, with advice of the saids Estates, doth declare, that no Persons lyable in any part of this Supply, shall be holden to produce their Discharges, or Receipts of the same, after the tenth day of June, one thousand, six hundred, and eighty six Years, unless where diligence hath been done by denunciation, before elapsing of the said tenth day of June, one thousand, six hundred eighty six. And the *Convention of Estates* doth declare, that this supply now granted to His Majesty, is over and above the former Supply, of four hundred, and fourscore thousand Pounds, granted by the Parliament, in the Year, one thousand, six hundred, sixty one, to His Majesty yearly, during His Life-time; and al's by and attour the remainder of any other Supplies, formerly granted, yet resting unpaid. And Ordains these Presents to be Printed and Published.

T H E

LAWS and ACTS

Made in the FIRST

PARLIAMENT

Of Our Most High and Dread SOVERAIGN

JAMES VII.

*By the Grace of GOD, King of SCOTLAND, ENGLAND,
FRANCE and IRELAND, Defender of the Faith.*

Holden at EDINBURGH the 23. of April 1685.

*By His Grace WILLIAM Duke of Queensberry, Marquess of
Dumfries-Shire, Earl of Drumlanrig, and Sanquhar, Viscount of
Nith, Torthorwald, and Ross, Lord Dowglas of Kinmount,
Midlebie, and Dornock, &c. Lord High Treasurer of Scotland.*

*His Majesties High Commissioner for holding this Parliament, by vertue of
a Commission under His Majesties Great Seal of this Kingdom.*

With the special Advice and Consent of the Estates of Parliament.

*Collected and Extracted from the Registers and Records of Parliament, by GEORGE Viscount of
Tarbet, Lord McLeod, and Castle-haven, &c. Clerk to His Majesties Council, Registers, and
Rolls, &c.*



Printed by the Heir of Andrew Anderson, Printer to His most Sacred Majesty, Anno DOM, 1685.

Cum Privilegio.

GOD SAVE KING

JAMES THE SEVENTH.



L A W S and A C T S

Made in the FIRST

P A R L I A M E N T

Of Our most High and Dread SOVERAIGN

J A M E S V I I.

*By the Grace of GOD, King of SCOTLAND, ENGLAND,
FRANCE and IRELAND, Defender of the Faith.*

 Holden at EDINBURGH the 23. of April 1685.

I.
ACT For Security of the Protestant Religion.

April 28. 1685.



OUR SOVERAIGN LORD, with Consent of the Estates of Parliament Convened, Ratifies and Confirms, all the Acts and Statutes formerly past, for the Security, Liberty, and Freedom of the true Church of God, and the Protestant Religion, presently professed within this Kingdom, in their whole Strength and Tenor, as if they were here particularly set down and express.

II.

A Declaration and Offer of Duty by the Kingdom of Scotland, with an Annexation of the Excise to the Crown.

April 28. 1685.



THE ESTATES OF PARLIAMENT now Conveened by His *Majesties* Sovereign Authority, Taking into their Consideration, how this Nation hath continued now upwards of Two Thoulard Years in the unalterd Form of Our Monarchical Government, under the un-interrupted Line of One Hundred and Eleven Kings, whose Sacred Authority and Power hath been upon all signal Occasions, so owned and assisted by Almighty God, that Our Kingdom hath been protected from Conquest, Our Possessions defended from Strangers, Our Civil Commotions brought into wished Events, Our Laws vigorously Executed, Our Properties legally Fixed, and Our Lives securely Preserved; so that We and Our Ancestors have enjoyed those Securities and Tranquillities, which the greater and more flourishing Kingdoms have frequently wanted; Those great Blessings we owe in the first place to Divine Mercy; and in dependance on that, to the Sacred Race of Our Glorious Kings, and to the solid, absolute Authority wherewith they were Invested by the first and fundamental Law of Our Monarchy; nor can either Our Records, or Our Experience instance Our being deprived of those happy Effects, but when a Rebellious Party did by Commotions and Seditious Invasions invade the Kings Sovereign Authority, which was the cause of Our Prosperity, yet so far hath Our primitive constitution, and fundamental Laws prevailed against the Innovations and Seditious of turbulent Men, as that these Interruptions never terminated, but either in the Ruine, or at least the Suppression of these who at any time did Rebel or Rise in Opposition to Our Government. And since so many Ages hath assured to Us the great advantages, which flow down to all Ranks of People from the happy Constitution of Our Monarchy, and that all Our Calamities have ever arisen from seditious Invasions upon these Sacred Rights; THEREFORE, The Estates of Parliament for themselves, and in name of the whole Kingdom, judge themselves obliged to Declare; And they Do Declare to the World, that they abhor and detest, not only the Authors and Actors of all preceding Rebellions against the Sovereign, but likewise all Principles and Positions which are contrary, or derogatory to the Kings Sacred, Supream, Absolute Power, and Authority, which none, whether Persons, or Collective Bodies can participat of, any manner of way, or upon any Pretext, but in Dependance on him, and Commission from him. And as their Duty formerly did bind them to owne and assert the just and legal Succession of the Sacred Line as unalterable by any Humane Jurisdiction; So now, They hold themselves on this occasion obliged for themselves, and the whole Nation Represented by them, in most humble and dutiful manner, to Renue the hearty and sincere Offer of their Lives and Fortunes, to Assist, Support, Defend, and Maintain King *James* the Seventh, their present Glorious Monarch, and His Heirs, and lawful Successors, in the possession of their Crowns, Sovereignty, Prerogatives, Authority, Dignity, Rights, and Possessions, against all Mortals: And withall, to assure all His Enemies, who shall adventure on the Disloyalty of disobeying his Laws, or on the Impiety of Invading his Rights, that such shall sooner weary of their Wickedness, then they of their Duty, and that they firmly Resolve to give their intire Obedience to His *Majesty* without Reserve, and to concur against all His Enemies, Forraign or Intestine, And They solemnly Declare, That as They are bound by Law, so they are voluntarily and firmly Resolved, that all of this Nation, betwixt Sixty and Sixteen, Armed, and Provided according to their Abilities, shall be in readines for His *Majesties* Service, where, and as oft as it shall be His Royal Pleasure to Require them,

And since the Excise of Inland and Forraign Commodities granted to King *Charles* the Second, of ever Blessed Memory, by the 14. *Act* of the *Parliament* 1661, during all the days of his Lifetime, and Prorogate by the 8. *Act* of the *Parliament* 1681, for Five Years thereafter, will shortly Terminat. And the Estates of Parliament Considering the usefulness of this Grant, to Support the Interest of the Crown, Do as the first Evidence of their Sincerity in the foresaid Tender of their Duty, Humbly and Unanimously Offer to His most Sacred *Majesty* King *James* the Seventh, their present Monarch, and to His Lawful Heirs, and Successors, in the Imperial Crown of *Scotland*, the said Excise of Inland and Forraign Commodities, express in the said 14. *Act* of *Parliament* 1661 to be Collected in the manner prescribed by the said 8. *Act* of the *Parliament* 1681, for ever. And His *Majesty*, and Estates of Parliament, by the force of this *Act*, have United, Annexed, and Incorporated; and Unites, Annexes, and Incorporates the same to the Crown of this Realm, to Remain therewith in annexed Property in all Time coming: And in respect that the alteration in the method of Collecting the Inland Excise from what it was by the *Act* 1661, to that prescribed by the 8. *Act*, *Parliament* 1681, will require some time to Establish it in Collection. THEREFORE, His *Majesty*, with Consent of the Estates, Continues the Collection prescribed by the 14. *Act*, *Parliament* 1661, for the said Inland Excise for Six Moneths, from the first of *May* next allanerly,

III. ACT.

III.

ACT Concerning Citations in Processes for Treason.

May 1. 1685.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, Do hereby Ratifie and Approve, the former Custom used by His *Majesties* Commissioners of Justiciary, in proceeding against Pannals already in Prison, and Indicted for Treason, upon Twenty Four Hours; but for the future, His *Majesty* allows such Pannals to be Cited on Fourty Eight Hours; And if the Pannals Represent such Deferences to the Commissioners of Justiciarie within that time, as may need an Exculpation. His *Majestie* with Advice foresaid, allows the saids Commissioners to delay the Trial till the days elapse, to which the Exculpation is to be rais'd.

IV.

ACT Concerning Witnesses in Processes for Treason.

May 1. 1685.



OUR SOVERAIGN LORD, and Estates of Parliament, Do Statute and Ordain, That such as being Cited to be Witnesses in the Cases of Treason, Field, or House Conventicles, or Church Irregularities, do refuse to Depone, they shall be Lyable to be Punished as Guilty of these Crimes respectively, in which they refuse to be Witnesses: It being alwayes hereby Declared, that these Depositions so emitted, shall not militate against the Deponent himself any manner of way.

V.

ACT Declaring it Treason to Take or Owne the Covenants.

May 6. 1685



OUR SOVERAIGN LORD, and Estates of Parliament, Do hereby Declare, that the Giving, or Taking, of the National Covenant, as Explained in the Year 1639. Or of the League and Covenant, (so commonly called) or Writing in Defence thereof, or Owning of them as lawfull, or Obligatory on themselves or others, shall infer the Crime and Pains of Treason.

VI.

ACT obliging Husbands to be liable for their Wives Fynes.

May 6. 1685.



OUR SOVERAIGN LORD, Considering, that the Lords of His Privy Council, and others Commissionated by His *Majestie* and them, have Fyned Husbands for their Wives withdrawing from the Ordinances, Doth with Advice and Consent of the Estates of Parliament, Declare the said Procedure to have been Legal, and Ordains the same to be Observed in all time coming; And Ratifies all Decrees and Sentences granted against Husbands for such Fynes: Reserving alwayes Power to the Lords of His *Majesties* Privy Council, to Absolve, or Mitigate the Fynes of such Husbands as are known to be of Loyal Principles.

VII.

ACT Anent Porterfield of Duchall, And Concealing of Supply given to Rebels.

May 6. 1685:



OUR SOVERAIGN LORD, and Estates of Parliament, Do Ratifie, Approve, and Confirm the Sentence of Forfaulture pronounced by the Commissioners of Justiciary against *John Porterfield*, sometime of *Duchall*, and the Interlocutors, and whole Procedure of the saids Commissioners in that Process. And Declares that the same was conform to the Laws of this Kingdom. And in general, Statutes and Declares, that the Concealing, and not Revealing of Supplys Given to, or Demanded for Traitors Forfaulted for Treason against the Kings Person or Government, is Treason, and to be Judged accordingly.

VIII.

ACT Against Preachers at Conventicles, and Hearers at Field-Conventicles.

May 8. 1685.



OUR SOVERAIGN LORD, Considering the Obstinacy of the Fanatical Party, who notwithstanding all the Laws formerly made against them, Persevere to keep their House and Field-Conventicles, which are the Nurseries and Rendezvouzes of Rebellion. **THEREFORE**, His Majesty, with Consent of His Estates in Parliament, Doth Statute and Ordain, That all such as shall hereafter Preach at such Fanatical, House, or Field-Conventicles; As also, such as shall be present as Hearers at Field-Conventicles, shall be Punished by Death, and Confiscation of their Goods.

IX.

ACT For the more effectual Payment, and Inbringing of His Majesties Rents and Revenues.

May 8. 1685.



OUR SOVERAIGN LORD, and the Estates of Parliament, Considering the great Neglect and Remissness of the Sheriffs, Stewarts, Baillies of Bailliarie, and Regalities, and their Deputs, in their Discovering, Collecting, and Inbringing of His *Majesties* Rents and Revenues Constant and Casual; And of the Feuars and other Vassals, who are lyable for the Rents and Duties of His *Majesties* Property, and the Chamberlains thereof, whereby the Payment of the same is fallen very much in arrear; And the Compting yearly in the moneth of *July*, according to former Acts of Parliament, is greatly neglected. **THEREFORE**, the better to prevent the same for the future, His Majesty, with Advice and Consent of the Estates of Parliament, not only Ratifies and Approves all former Laws and Acts of Parliament made for In-bringing His *Majesties* Rents, and particularly the 15th Act, 3d Session of the first Parliament K. *Charles* the 2d, Ordaining the same to be put in full Execution, Conform to the Tenor thereof; But likewise, further Statutes and Declares, That in all time coming, whatsoever Sheriff, Stewart, Baillie of Bailliarie, or Regality, or their Deputs, or Chamberlains of His *Majesties* Proper Rents *respective*, shall delay, or neglect to Compear and Compt yearly in Exchequer, in the Moneth of *July*, and accordingly receive their *Aques*, and Exoneration of all that can be Charged on them, as due and payable by them to His Majesty; That immediatly after they shall be Charged and Denounced for the same, at the Mercat Cross of *Edinburgh*, Conform to the former-Laws and Practice; And the Horning and Denunciation shall be duely Registred, that Persons so Denounced and Registred, shall *ipso facto*, amit, los and tyme (during their life-time) their Offices of Sheriff-ship, Stewartry, Bailliary, or Chamberlanry, whether the same be Heretable, or during Life, or Pleasure; And it shall not be lawful for them by themselves, or their Deputs, to Exerce, or Officiat therein at any time thereafter; but the same shall vaik and fall in His *Majesties* hands, without any Declarator, or Process of Law: As also that all Feuars, and other Vassals of His *Majesties* Property, who shall neglect, or delay to compear yearly in the said Moneth of *July*, in Exchequer, and make Compt and Payment of the Feu, Blench, or Taxt-ward-duties and others, due

due and payable by them, and receive their *Æquies* and Exonerations thereof accordingly; So as two years thereof shall run together unpaid, and that they shall be therefore Charged, Denounced, and Registrat, as is abovementioned, that immediately after the said Denunciation, and Registration, they shall be lyable for the double of the whole Feu, Blench, Taxt-ward, or other Duties, then due and payable by them, and all Execution shall passe against them therefore, Sicklike as if the same were mentioned, and contained in the Reddenoes of their Insements; And that by and attour, and but prejudice of the penalties formerly Imposed, and payable by the said Non-accomptants, conform to former Laws. And it is further Statute and Ordained, That be holden and obliged, to send Lists from time to time to the Lord High Thesaurer, Thesaurer Deput, or Clerks of Exchequer, of all Wairds and Marriages, as well Simple as Taxt, that shall happen to fall and vaik in time coming, or that are already fallen within their respective Jurisdictions, bearing the time of the Decease of the Person by whom the same vaiks, and of the Successor, and their Age, and whether Married or not; *Ceteris* all such Clerks, as shall not, before the first day of *November* next to come, report in Exchequer the Lists under their hands, of all such bygone Casualties fallen, proceeding the date hereof, and thereafter from time to time, within six moneths after the same shall happen to fall and vaik, if the persons die within the Kingdom; That they shall amit, lose and tyne their Office of Clerk-shipp, to be immediately disposed by these who shall have right thereto, without any Declarator, or other Process whatsoever; And to the effect, they may the better know the tenor of the holding of all Lands within their respective Jurisdictions, His Majesty, with Advice forsaide, Ordains the said Sheriffs, Stewarts, Baillies of Bailliaries, and Regalties, and their Deputs, at the next Michaelmas Head-Court, and at such other Dyets, as they shall think convenient, to cause all the Vassals within their respective Jurisdictions produce before them their Charters, to the effect the Clerks may record the Reddenoes thereof in their Books, who are ordered immediately thereafter to return them to the Parties, without payment of any money for the same. And Ordains Letters of Horning to be directed against those who shall fail to produce their Charters, as laid is: And it is hereby declared, that in all time coming, when poynding is used for the Kings proper Rents, the Apprising of the Goods poynded may be als Legally done upon the Ground of the Lands alienarly, as if the same were Apprifed at the Mercat Cross of the head Burgh of the Jurisdiction, notwithstanding of any Law, or Practice in the contrary.

X.

ACT Concerning Judicial Confessions before the Commissioners of Justiciary.

May 8. 1685.



THE KINGS MAJESTY, and Estates of Parliament, Do hereby Statute and Declare, all Confessions of Parties, after they have received an Incidment in the Case of Treason against the Kings Person or Government alienarly, Emitted before the Commissioners of Justiciary, Sitting in Judgment, and Subscribed by the Pannal, or by the saids Judges, in the Case where the Pannal owns the Confession, as it is Reduced in Writ, and yet either cannot, or refuses to Subscribe, shall be Considered as a Judicial Confession, and shall be as Probative to Assizes, as if the same had been Emitted in presence of the Assize, notwithstanding of the 90. *Act* of the 11. Parliament of King James the Sixth, and

that it Assizes Assoillzie, notwithstanding of such Confessions, they shall be lyable to a Process of Error; and this Law to be of force only to the next Session of Parliament; and the 90. *Act* of the 11. Parliament of King James the Sixth, is to continue in its full force as to all the rest of its Tenor and Contents,

X I.

ACT Obliging Persons to Accept Offices.

May 8. 1685.



OUR SOVERAIGN LORD, With Advice and Consent of His Estates of Parliament, Do hereby Statute and Declare, That if any of His Majesties Subjects within this His Ancient Kingdom, shall Refuse to Accept the Office of Magistrats, Justices of Peace, Constables, Officers in the Militia, or any other Employment laid on them by the King or Council, They shall be Fyneable for their said Contempt, unless they can propone such reasonable Excuses as may satisfie the Lords of His Majesties Privy Council, to whom the Execution of this Act is Remitted; And this without Prejudice of any former Right or Priviledge given to the Royal Burrows for Obliging Burgessees to Accept of Offices and Employments within Burgh.

B

XII. ACT

XII.

ACT of Supply.

May 8. 1685.



THE ESTATES OF PARLIAMENT, Calling to mind the many great Blessings they have, and do enjoy, under the Protection of the Royal Government, and especially by the many Deliverances from the Rebellious Insurrections, and Designs of Fanatical Traitors, from whom they could expect no less then Confusion in Religion, Oppression in their Estates, and Cruelty against their Persons and Families: And that the terrour of His *Majesties* Forces hath been very Instrumental for procuring our present Security; But considering, that not only these Enemies continue their inveterat hatred against King and People, but that their frequent Disappointments have heightened their Malice to Despair; and that the present Forces may be too few to undergo all the Fatigue which His *Majesties* Service, or the Protection of the Countrey doth Require. And to demonstrat. to all Seditious Men, that this Nation is resolved to bestow all they have in the Kings Service, rather than to be exposed to the least of their Insults. Do therefore, for themselves, and the Nation represented by them, Make a hearty and dutiful Offer to His *Majesty* of Two Hundred and Sixteen Thousand Pounds yearly, payable at two Terms, *viz.* *Whitsunday* and *Martinsmas*, each year, beginning at *Whitsunday* next 1685, and so furth Termly, and that over and beside the Five Moneths Cels already Imposed on this Kingdom by the 3. Act of the *Parliament* 1681, whereby there will be Four Moneths Cels payable at each Term hereafter, beginning at *Whitsunday* next 1685. And as a further evidence of their entire Affection to the Sacred Person of His present *Majesty*, they humbly and heartily offer a Continuation and Prorogation of the said Four Moneths Cels termly, from the said Term of *Whitsunday* 1685 *inclusivè*, during all the Terms of His *Majesties* Lifetime (which God Almighty long preserve,) that being the greatest of our Earthly Wishes, as it is the chief of our Temporal Felicity and Glory. And for the better and more speedy inbringing of Payment of the said Eighth Moneths Cels, the Kings *Majesty*, with Advice and Consent of the Estates of Parliament, Nominats, Appoints, and Ordains the Persons underwritten to be Commissioners within the respective Shires, for Ordering and Uplifting of the said Eighth Moneths Cels, *viz.*

For the Shire of Edinburgh.

The Earl of *Lawderdale*, the Earl of *Lothian*, the Viscount of *Oxswird*, the Viscount of *Tarbet*, the Lord *Torphichen*, the Master of *Balmerinloch*, the Lord Advocate, the Lord Justice Clerk, the Lord *Reidsford*, the Lord *Edmingsstoun*, the Lord *Newbyth*, Sir *John Maitland* of Ravelrig, Sir *John Dalnavor* of that ilk, Sir *William Nicolson* of that ilk, Sir *John Fowles* of Ravelstoun, Sir *Alexander Gibson* of Pentland, Sir *John Clerk* of Pennycook, Sir *William Drummond* of Hathorndean, Sir *Patrick Nisbet* of Dean, Sir *John Young* of Leny, Sir *William Murray* of Newtown, *Hugh Wallace* of Inghis-toun, Sir *John Ramsay* of Whitehill, Sir *Robert Baird* of Sauchtounhall, Sir *William Sharp* of Stonyhill, Sir *William Binning* of Wallyford, Sir *James Dick* of Priestfield, *Henry Trotter* of Mortounhall *Thomas Craig* of Riccartoun, *Alexander Nisbet* of Craightintny, *Robert Miln* of Barntoun, *Patrick Hamilton* of Falla, *John Cunningham* of Woodhall, Mr. *Walter Pringle* of Grayeruik, Mr. *James Deans* of Woodhouslie, Mr. *Roderick Mackenzie* of Prestounhall, Mr. *David Watson* of Sauchtoun, *John Fowles* of Ratho, *James Baird* younger of Sauchtounhall, *James Murray* younger of Deuchar, *Charles Murray* of Hadden, Sir *William Hope* of Grantoun, Mr. *James Hunter* of Murrays, the eldest Baillie of *Muscellburgh* for the time, the eldest Baillie of *Dalketh* for the time; The Earl of *Perth*, Sheriff-Principal, Conveener, and in his absence the Lord *Collington*.

For the Shire of Haddingtoun.

The Earl of *Wintoun*, the Earl of *Tweeddale*, Lord *Yester*, Lord *Elbank*, Lord *Belhaven*, Sir *John Sinclair* of Lothead, *Archibald Murray* of Spott, Mr. *Robert Lawder* Portioner of Belhaven, *Archibald Sydejerf* of Roughlaw, Sir *Andrew Ramsay* of Waughtoun, *Francis Kinloch* of Gilmertoun elder, Sir *William Baird* of Newbyth, *Patrick Brown* of Colstoun, *James Dowgall* of Nunland, *Robert Hepburn* of Beertoord, *John Seaton* of Barns, Sir *Robert Sinclair* of Stevinson, Sir *James Stansfield* of Newmils, *Richard Cockburn* of Clerkingtoun, Sir *James Hay* of Linplum, *George Swintoun* of Chesters, Mr. *George Halyburton* of Egglefairney, Sir *John Lawder* of Fountainhall, *George Brown* younger of Colstoun, *Adam Cockburn* of Ormstoun, *Adam Hepburn* of Humbie, *David Hepburn* of Randerstoun, *John Wedderburn* of Gosford, Sir *John Nisbet* of Dirltoun, *William Congleton* of that ilk, Sir *George Suttie* of Balgone, Sir *John Ramsay* of Westerfalside, *John Seaton* of St. Germans, Sir *William Hamilton* of Prestoun, *George Morison* of Prestongrange, *John Sleich* Provost of Haddingtoun, *William McCall* Baillie there, *James Forrejt* Baillie in Dumbar, *Charles Maitland* Baillie in North-Berwick, the Earl of *Wintoun* Conveener, and in his absence *George Brown* younger of *Colstoun*.

For

For the Shire of Berwick,

James Earl of Hume, the Lord Harecras, Mr. Charles Home of Aytoun, Sir William Nicolson of Cockburniel path, Sir John Sinclair of Lonformagus, Sir Alexander Don of Newtoun, Sir John Hume of Burns-bank, John Rentoun of Lambertouth, Sir James Cockburn of Borthwick, Sir Patrick Hume of William Cockburn of West-Winsheil, Mr. Alexander Brown of Thorny-Dykes, William Ramsay younger, er of Edrington, John Edgar of Wedderly, Henry Trotter of Mortounhall, Andrew Ker of Moristoun, of Old Cambus, James Nicolson of Trabroun, John Dunce of Growel-Dykes, John Hall Keams, Joseph Douglas of Edrington, Henry Sinclair of Woudfordland, George Hume of Saint-Leonards, Mr. Patrick Craw of Heugh-head, Charles Swinton younger of Merlinton, James Brown younger of Blackburn, James Pringle of Ruthchester, Thomas Rothead of Whitfumbill, James Peter of Chapel, Thomas Falconer of Kincorth, Mr. James Douglas of Earnslaw, Mr. John Cockburn of Easter-Winsheil, Mr. Duncan Forbes of Uxstoun, John Storch of Grengelt; Sir Archibald Cockburn, elder of Lantoun, or in his absence his eldest Son, Conveener.

For the Shire of Roxburgh.

The Earl of Lothian, the Lord Cranstoun, the Lord Jedburgh, the Lo. Newbottle, Sir William Ker of Greendougal, Sir Francis Scot of Thirlestane, Sir William Elliot of Stobs, Sir William Bennet of Grubit, Henry Meddougall of Mckerstoun, Sir John Scot of Ancrum, Sir Robert Pringle of Stichel, Sir Patrick Scot of La g-newtoun, William Ker of Chatto, Francis Scot of Gorron-berry, John Ker of Frogton, William Scot of Raeburn, Andrew Ker of Little-Dean, Charles Murray of Hadden, Mr. Patrick Don of Advocat, Robert Scot of Horshill, Thomas Meddougall younger of Mckerstoun, John Scot of Rennel bourn, George R. kerford of Fairnintoun, James Don of Smelholm, John Halyourntoun younger of Murchouelaw, Thoma Rutherford of Knowlouth, Gleditoun of that ilk, Andrew Ansley of Black-hill, the Provost of Jedburgh, Robert Fae of Melrois, Robert Elliot of Midlemish, Robert Elliot of Lairistoun, Thomas Scot of Quislet, William Murray younger of Hadden, Mr. Francis Pringle Sheriff deput, William Elliot of Grange, Langludge of that ilk; Sir William Douglas of Cavers, Conveener.

For the Shire of Selkirk.

The Earl of Traquair, the Lord Elibank, Mr. William Hay of Drumelzier, Sir Francis Scot of Thirlstain, James Murray of Philip-hauch, Sir Patrick Murray of Deuchar, Thomas Scot of Whitlaid, John Riddell of Trayning, Hugh Scot of Gallotheils, Alexander Pringle of Yair, James Murray of Deuchar younger, James Scot of Bowhill, Thomas Scot of Todrig younger, William Scot of Braidindouys, Ker of Sunderlandhall, Gordon Murray of Sundhope, Francis Scot of Gilmanfeuch, Andrew Plumber of Middlefeid, John Currier of Howden, William Milkhill, late Baillie in Selkirk, The Laird of Drumelzier Conveener.

For the Shire of Peebles.

James Earl of Mortoun, James Lord Aberdour, Charles Earl of Traquair, John Earl of Tweedale, John Lord Yester, Colonel James Douglas of Skirling, William Hay of Drumelzier, Sir Archibald Murray of black-barony, Sir William Murray of Stainhope, John Vitch of Davick, Richard Murray of Spittle-hauch, James Goddes of Kirkoord, John Hay of Haytoun, William Turret of Burns, James Williams of Cordon, John Brown of Scottoun, John Dykes of Whitlaid, George Hunter of Pollwood, David Plederkith of Islyth, William Burnes of Keilzie, Alexander Horsburgh younger of that ilk, James Nasmyth of Pesse, Alexander Murray of Hallmyre, John Murray of Gingly, John Balfour of Kilzia, Robert Burnet of Little-Orinstoun, William Horsburgh of that ilk, Lawton younger of Cairnmuir, the Provost of Peebles for the time, Alexander Baillie younger of Collands, James Ruffel of Shipperfield, Alexander Hamilton of Coldwall, James Chisholm of Cayhope, Pennicook of Romano, William Morison of Prestoungrange; Colonel James Douglas of Skirling Conveener.

For the Shire of Lanerk.

William Duke of Hamilton, James Marquis of Dowglas, James Earl of Arran, Alexander Lord Blantyre, John Hamilton of Elderhau, John Hamilton of Kilkerrleuch, William Baillie of Littlegill, John Carmichael of Bonington, Alexander Menzies of Culteraloes, Mr. Andrew Brown of Dolphington, James Moorhead of Perliclands, Christopher Baillie of Wallstoun, James Somervell of Gladstones, Sir George Lockhart of Canewath, John Somervell of Spittel, James Lockhart of Cleghorn, the Laird of Lee, Menzies of Castlehill, Gavin Hamilton of Raploch, John Hamilton of Broomhill,

William Hamilton younger of Raploch, *Sir Robert Hamilton* of Silvertoun-hill, *John Robertson* of Ernock, *James Oswald* of Fingaltoun, *John Hamilton* of Barncluth, the Bailies of Hamiltoun for the time, *John Hamilton* of Blantyre-ferm, *Sir William Maxwell* of Calderwood, *Alexander Stewart* of Torrens, *Robert Cunninghame* younger of Gilbert-field, *Sir William Fleming* of Fairholm, The Bailie of the Regality of Glasgow for the time, *Mr. Hugh Corbet* of Hardgray, *Corbet* of Tollerose, *Mr. Archibald Robertson* of Bedlay, *James Dunlop* of Gardenkirk, *Fames Muirhead* of Bradieholme, *William Cleiland* of Faskine, *Cochran* of Kuch-foals, *Alexander Cleiland* of that ilk, *John Hamilton* of Wood-hall, *George Muirhead* of Stevintoun, *Sir John Harper* of Cambushnetern, *William Hamilton* of Wislaw, *Patrick Hamilton* of Green, *Alexander Hamilton* of Dalzell, *William Inghs* of Murdochfoun, *William Cleiland* younger of Hainshaw, The Duke of Hamiltoun Conveener.

For the Sheriffdom of Nithsdail and Dumfreis

William Duke of Queensberry, *James Earl* of Drumlanrig, *John Earl* of Carnwath, *William Earl* of Annandale, *Lord William Douglas*, *Sir Robert Dalzell* of Glenae, *Sir James Douglas* of Kelhead, *Sir Robert Greirson* of Lagg, *Sir Thomas Kirk* Patrick of Ciosburn, *Sir Robert Lourie* of Maxweltoun, *Sir James Johnston* of Wasteraw, *Sir Patrick Maxwell* of Springkell, *Thomas Charters* of Ammifield, *John Carruthers* of Holl-mayns; *William Douglas* of Dornocks; *John Dalzell* younger of Glenae; *John Ferguson* of Craighorroch; *James Johnston* of Corre-head; *Donald Maxwell* of Cowhill; *Robert Maxwell* of Carnalloch; *George Maitland* of Eccles; *John Greirson* of Cappinoch; *William Crichton* of Crawford-toun; *Matthew Hairstains* of Craigs; *John Craik* of Stewartoun; *James Merzies* of Enoch; *James Carruthers*, Chamberlain to the Earl of Annandail; The Sheriff deput of Dumfreis for the time; The Provost of Dumfreis for the times; The Duke of Queensberry Conveener.

For the Sheriffdom of Wigtoun:

The Earl of Galloway, *Robert Stewart* of Reavingstoun, *Sir Andrew Agnew* of Lochnaw, *William Stewart* of Castle-stewart, *Sir Charles Hay* of Park, *Sir Godfrey McCulloch* of Myrtoun, *Sir William Maxwell* of Murreth, *Sir David Dumbair* of Baldoun, *James Dumbair* of Mochrum, *Patrick McDougal* of Logan, *William McDougal* of Gaisland, *John Stewart* of Phisgil, *James Agnew* of Lochnaw, *Sir John Dalrymple* of Stair, *John Blair* of Dunskey, *Andrew Agnew* of Sheuchan, *George Stewart* of Tonderghie, *John Vance* of Barnbarroch, *John Ferguson* of Doweltoun, *James Gordon* of Craiglaw, *William Coultran*, Provost of Wigtoun, *Gilbert Neilson* of Craigcastle; the Earl of Galloway Conveener.

For the Sheriffdom of Air.

The Earl of Dumfreis, the Lord Boyd, the Lord Cochran, the Laird of Craigie, the Laird of Blair, *John Chalmers* younger of Gaitgirth, Major *Thomas Kennedy* of Balterfane, *William Wallace* of Sewaltoun, *Mr. Forie Mackenzie* of Dalvenan Bailie of Carrick, *James Whiteford* of Dunduff, *John Hamilton* of Inchgoterick, *John Wallace* of Cames-skan, *William Stewart* of Showood, *Hugh Wallace* of Galrigs, *Hugh Kennedy* of Donan, *Robert Fullartoun* of Craighal, the Lord Montgomery, the Lord Creichtoun, the Lord Bargany, the Laird of Culzean, *Sir David Cunningham* of Robertland, *Alexander Kennedy* of Kilhenize, *Cathcart* of Carletoun, *Hugh Wallace* of Inghistoun, the Laird of Penultoun, *John Boyd* of Kelburn, *Andrew Brown* of Boghead, *Robert Wallace* of Underwood, *Robert Cranford* of Crawfordstoun, the Provost and Bailies of Air for the time, the Provost of Irwing for the times the Earl of Dumfreis Conveener.

For the Sheriffdom of Dumbartoun.

The Laird of Luff, the Laird of Ardingaple, the Laird of Kilmahew, the Laird of Ardoch younger, the Laird of Colgreen, *Mr. James Smollet* of Stamflat, *Robert Grahame* of Callingade, *Alexander Macaulay* of Durcling, *Gland Hamilton* of Cochnay, *William Bontair* of Mildiving, *Walter Macaulay* of Stuck, *John Kirkmichael*, Chamberlain to the Earl of Wigtoun, the Magistrates of Dumbartoun for the times; the Laird of Orbistoun Conveener.

For the Sheriffdom of Bute.

The Duke of Hamilton His Grace, the Bailie in Arran for the time, the Earl of Eglington, *Ninian Bannatyne* of Kames, *Charles Stuart* of Killcaiton, *John Foyl* of Kellburn, *Mr. John Stewart* of Ascog, *Mr. Robert Stewart* Advocat, *Archibald Stuart* of Kinwhimlick, *Ninian Stewart* of Largiezi, Sheriff-deput of Bute, *Robert Ballantine* of Lewbas, the Magistrats of Rothesay for the time, *Sir James Stewart*, Sheriff of Bute, Conveener.

For the Sheriffdom of Renfrew.

The Earl of Glencairn, the Earl of Dundonald, the Lord Montgomery, the Lord Cochran, the Lord Ross, the Lord Blantyre, the Lairds of Houstoun elder and younger, the Laird of Blackhall, the Laird of Orbistoun, the Laird of Johnstoun, the Laird of Bishoptoun younger, the Lairds of Greenock elder and younger, the Laird of Hellie, the Laird of Barrochan, *Thomas Crawford* of Carburn elder, *Thomas Crawford* of Carburn younger, the Laird of New-wark, the Laird of Over-pollock, the Laird of Scottoun, the Laird of Jordan-hill, younger, *James Oswald* of Fingaltoun, *Colin Campbell* of Blythwood, the Lairds of Bargarran elder and younger, *Robert Hall* of Fullbar, *William Hamilton* of Fergully, *John Hamilton* of Barr, *Robert Lawder* of Auld-houfe, the Laird of Cathcart younger, the Laird of Glanderstoun, the Laird of Dargwell younger, the Provost and Bailies of Renfrew for the time, the Bailies of Paisley for the time, *John Pollock* of Falside, the Lord Montgomery, Conveener.

For the Sheriffdom of Striveling.

The Duke of Hamilton, the Earl of Callender, the Lord Elphinstoun, *Mr. William Livingston* of Kilsyth, *James Seton* of Touch, *John Murrays* of Polmais elder and younger, *Michael Elphinstoun* of Quarrel, *James Bruce* of Pow-fowlis, *Alexander Bruce* of Kinnaird, *James Livingston* of Westquarter, *Archibald Stirling* of Carden, *Hugh Paterson* elder and younger of Bannockburn, *John Stirling* of Craighonnet, *James Forsyth* of Taylortoun, *Robert Bruce* of Achenbowie, *David Moir* of Leckie, *James Edmonstoun* of Broich, *William Buchanan* of Drumakeil, *George Stirling* of Herbert-shire, *Mr. Adam Campbell* of Gargannock, Sir *Hope of Carle*, *Alexander Napier* of Culcreuch, *Sir Charles Areskin* of Alva, *James Bell* of Auchtermony; the Earl of Mar Conveener.

For the Sheriffdom of Linlithgow.

William Duke of Hamilton; *James Earl* of Arran; *George Lord Livingston*; *Walter Lord Torphichen*; *General Dalzel*; *Walter Dundas* of that ilk, *Thomas Drummond* of Riccartoun; *James Cornwall* of Bonhard elder; *Walter Cornwall* of Bonhard younger; *James Hamilton* of Bancrief; *Alexander Hamilton* of Grange; *Patrick Murray* of Livingston; *Alexander Cochran* of Babachlaw; *William Sharp* of Houstoun elder; *Thomas Sharp* of Houstoun younger; *James Dundas* of Philipstoun elder; *James Dundas* of Philipstoun younger; *Sir Alexander Livingston* of Craigingal elder; *Alexander Livingston* of Craigingal younger; *Sir John Dalrymple* of Newlistoun; *Sir William Hope* of Cathies; *John Hamilton* of Dachmont; *Mr. John Fairholm* of Craigiehall, *Mr. John Hay* of Woodcockdale; *George Drummond* of Carlourie; *Alexander Miln* of Carriden; *Robert Miln* of Barn-toun; *John Dundas* of Manners; *Baillie of Polkennet*; the Earl of Linlithgow, Conveener.

For the Sheriffdom of Perth.

James Earl of Perth Lord High Chancellor of Scotland, *John Marquess* of Athol Lord Privy Seal, *Patrick Earl* of Strathmore, *John Earl* of Broad-Albion, *David Viscount* of Stormount, *Andrew Lord Rollo*, *George Lord Kinnaird*, *Patrick Master* of Kinnaird, *Leutenant General Drummond* of Cromlix, *James Graham* of Orcholl, *John Drummond* of Deanstone, *John Hadden* of Glenagies, *Sir John Drummond* of Machinnie, *John Drummond* of Pitkellonie, *Sir Robert Murray* of Abercairny, *Sir Patrick Murray* of Auchtertyre, *Gavin Drummond* of Bellielon, *Sir George Drummond* of Millnab, *Thomas Graham* of Balgown, *Thomas Hay* of Balhouffie, *John Stewart* younger of Cairnully, *George Drummond* of Blair, *David Drummond* younger of Invermay, *Thomas Moncrief* of that ilk, *Mr. Robert Ross* of Invernethy, *Mr. Patrick Ker* of Kilmount, *Mr. Alexander Carnegie* younger of Kinfauns.

Sir Patrick Threepland of Fingask, Patrick Hay of Kirkland, Sir Alexander Lindsay of Evelick, Thomas Blair of Balthaick, Mr. John Blair of Balnyle, Andrew Blair of Inchshiral, Sir John Hay of Murry, Mr. Francis Montgomery of Inchlely, David Kinloch of Bardoeh, James Ramsay of Bamff, James Ogilvie of Clunie, William Stuart of Balid, Thomas Stuart of Stentone, Patrick Stuart of Bellechen, Sir James Campbell of Lawers, Sir John Murray of Drumcairn, Sir Colin Campbell of Abcruchill, Colin Campbell of Monzie, Thomas Stuart of Ladywell, Menzies younger of Weem, David Haliburton of Pitcur, John Gray of Crichtie, Haliburton of Fothrens, James Blair of Ardblair, John Mitchell of Byres, James Grahame of Garvoch, Patrick Smith of Methven, Walter Stuart of Kincarrathie, John Murray of Pitculan, Mr. James Elphinstoun of Comrie, John Buchannan of Arnpriyer, Alexander Stuart of Annat, Mr. David Grahame Tutor of Gorthie, John Murray of Stravan, William Paton of Pannols, John Williamson of Barnhill, John Murray of Arthursfoan, Mr. Patrick Murray of Dollary, Charles Stewart of Rotmell, Alexander Robertson of Struan, Sir William Stirling of Ardoch, Adam Drummond of Meginch, John Stuart of Fafs, Kinloch of Gourdie, Patrick Murray of Keiler, Donald Robertson of Kilachangie, James Stuart younger of Orart, Henry Murray of Lochlans; The Marquess of Athol Conveener.

For the Sheriffdom of Kincardin.

The Earl of Marischal, the Earl of Southesk, the Earl of Middleton, the Viscount of Arbuthnot, the Lord Halcartoun, the Lord President of the Session, Sir Charles Ramsay of Balmain, Sir Alexander Falconer of Glenfarquhar, Sir David Carnagie of Pittarow, the Laird of Laurentoun, the Laird of Lyes, the Laird of Balbegno, the Laird of Halgreen, the Laird of Elfsick, the Laird of Pitgarvie, George Keith Sheriff Deput, Mr James Falconer of Phefdo, John Douglas of Tilliwhillie, William Barclay of Balmaqucen, William Ramsay of Woodstoun, John Barclay of Johnstoun; the Earl of Marischal Conveener.

For the Sheriffdom of Aberdeen.

George Duke of Gordon, John Earl of Errol, George Earl Marischal, William Lord Keith, Charles Earl of Mar, James Earl of Dumfryling, George Earl of Panmure, John Earl of Kintore, William Lord Inverury, George Earl of Aberdeen, William Lord Forbes or the Master his Son, Alexander Lord Salton, or the Master of Salton, Alexander Lord Pitligo, or the Master his Son, the Lord Frazer, Alexander Irving of Drum, Sir Alexander Seton of Pitmedden, Sir George Nicolson of Kemnay, Sir John Forbes of Craigyvar, Sir James Baird of Auchmedden, Sir George Gordon of Edinglassie, John Gordon of Rethemay, John Gordon younger of Fechill, Alexander Gordon Tutor of Pitgurd, John Gordon of Knockpack, Sir James Gordon of Lefsmoir, the Laird of Udney younger, Robert Udney of Auchterellon, Sir George Skeen of Fintray, Patrick Dun of Taartie, Mr. Alexander Cuming of Birness, Mr. Alexander Forbes of Foverane, Samuel Forbes younger of Foverane, John Ross of Rosehill, Alexander Frazer of Streichen, Sir Henry Guthrie of Kinnedward, William Mowat of Balquholly, James Keith of Tilligonic, Sir William Keith of Ludwhairn, John Forbes of Lefly, Sir John Forbes of Monymusk elder, William Forbes of Monymusk younger, Patrick Lesly of Buchquhain, Leith of Whitehaugh, Alexander Cuming of Coulter, Elphinstoun of Glack younger, the Laird of Dyce younger, Mr. James Gray of Balgony, Alexander Skein of that ilk, Sir Thomas Burnet of Lyes, Sir George Gordon of Geight, Sir Alexander Burnet of Craigmyle, Robert Gordon elder of Clunie, Robert Gordon younger thereof, James Urquhart of Knockleith, Menzies of Pitfodells, James Innes of Drumgask, Adam Gordon of Acbainachie, Francis Ross of Achlossin, Gordon of Kochlarachie, Sir Robert Innes of Kinnermonie, John Gordon of Braichley, Mr. Thomas Gordon of Buthley, Francis Dugit of Auchinboove, Forbes younger of Echt, David Edie of New-wark, Mr. Thomas Gordon of Crimomnagate, Gordon of Badaiscoth, William Gray of Creichie, Robert Ross younger of Achlossin, William Thiores younger of Muresk, John Gordon of Nethermoor, Thomas Forbes of Watertoun, Charles Gordon of Brelack, Adam Gordon of Glenbuckit, Gordon of Tarperfie, Mr. Alexander Irving of Lennie, John Gordon of Hallhead, Mr. Robert Irving of Cults, Forbes of Tulloch, Bisset of Lessindrum younger, James Gordon of Bodome, Frazer of Streichen, Caddel of Allswanly, John Gordon of Cairnborrow, Francis Gordon younger of Craig, Sir Charles Maitland of Pittrichie, Thomas Forbes elder of Echt, George Morison of Pitture, Arthur Forbes of Brux, George Garioch younger of Kinstaret, James More of Stonywood, Mr. James Elphinstoun of Logidurno, Patrick Lesly of Kincraigie, Alexander Ross of Tilliefnaught, William Forbes of Campbel, Mr. James Keith of Anquhorsk, Andrew Watson Baillie in Peterhead, William Gordon of Newtyle, Alexander Donaldson of Little Drumwhindle, Mr. Richard Irving of Kirkstoun, James Gordon of Daach, Robert Burnet of Elrick, James Forbes of Savock, the Laird of Fetterneir, John Logie of Boddome, Leith

of Newlands, **Lelly of Little Warthell**, the Laird of **Craigvar** younger, **Robert Simpson** of **Thornstoun**, **James Chalmers** of **Balhirthno**, the Laird of **Balfig** younger, **George Paton** of **Grandon**, **Thomas Menzies** of **Kimmundie**, **Mr. George Richard** of **Aldnigh**, **Henry Forbes** of **Boynday**, **John Udney** of **Cultercullen**, **Mr. Robert Innes** of **Blairtoun**; **The Earl of Errol** Conveener.

For the Shire of Innerpefs.

The Duke of Gordon, the **Earl of Morray**, the **Lord Down**, the **Lord Lovat**, the **Laird of Mcintosh**, the **Laird of Mcleod**, the **Laird of Grant**, the **Laird of Glengerrie**, **Sir Donald McDonald**, the **Laird of Kiltravock**, the **Laird of Clava**, **Hugh Frazer** of **Belladrum**, **Alexander Frazer** of **Kinnaries**, **John Grant** of **Corrimoney**, **Donald Mcintosh** of **Kellochy**, **William Frazer** of **Daltulich**, **Donald Mcqueen** of **Corribroch**, **James Frazer** of **Rilik**, **Alexander Mcintosh** of **Farr**, **Angus Mcintosh** of **Kellochie** younger, **John Mcintosh** of **Dalmegotter**, **Farquhar Mcilvray** of **Dunmackglafs**, **McDonald** of **Benhonula**, **McDonald** of **Castletoun**; **The Lord Lovat** Conveener.

For the Sheriffdom of Nairn.

The Laird of Calder, or in his absence his eldest Son, the **Laird of Kiltravock**, or in his absence his eldest Son, **Alexander Rose** of **Clava**, **Duncan Forbes** of **Culbodin**, **Alexander Brodie** of **Leathine**, **James Dunbar** of **Boath**, **David Sutherland** of **Kinfertie**; **The Laird of Calder** Conveener.

For the Sheriffdom of Cromarty.

George Viscount of Tarbat, **John Master** of **Tarhat**, the Chamberlain of **Cromarty** for the time, **Sir George McKenzie** of **Rosehaugh** His Majesty's **Advocat**, his **Chamberlain** for the time, **Alexander Urquhart** of **Newhall**, and **John Urquhart** Fiar thereof his Son, **George Dallas** of **St. Martins**, and **Mr. James Dallas** younger thereof his Son, **William Urquhart** of **Braelangwell**, **Alexander Clunes** of **Dunskeith**, **Andrew Frazer** of **Bannance**; **The Viscount of Tarbat** Conveener.

For the Sheriffdom of Argyle.

The Earl of Perth **Lord High Chanceller**, **John Marquess** of **Athol**, the **Earl of Broad-Alhion**, **Camphel** of **Lochneil**, the **Laird of Melean**, **Lachlan Melean** of **Brolas**, **Lachlan Melean** of **Torluske**, **Melean** of **Argour**, **Melean** of **Lochbuiy**, **Mealaster** of **Tarbet**, **McDonald** of **Largie**, the **Laird of Lamont**, the **Laird of Mcnaughtain**, the **Laird of Calder** elder and younger, **John Mcnaughtain** Sheriff Deput of **Argyle** Shire, **Stuart** of **Apin**, or his Tutor, **Archibald Lamont** of **Silvercraig**, **John Camphel** of **Carrick**, **John Campbel** of **Dunee**, **John Campbel** of **Glendarnel**, **Archibald Melachlan** of **Craiginterrie**, **Archibald Campbel** of **Invera**, **Donald Campbel** of **Craignish**, **Alexander Campbel** of **Dunstaffnish**; **The Laird of Donald** Conveener.

For the Sheriffdom of Fife.

Colin Earl of **Belcarras**, **John Lord** **Lindores**, **David Lord** **New-wark**, the **Lord Dunkell**, **Sir David Balfour** of **Forret**, **Sir Thomas Stuart** of **Balcaskie**, **Sir Andrew Ramsay** of **Abbotshall**, **Sir Charles Halket** of **Pitfirin**, **Sir William Bruce** of **Kinross**, **Sir Henry Wardlaw** of **Pitrevie**, **George Durie** of **Pituskar**, **Alexander Spittel** of **Leuchat**, **Robert moutray** of **Roscobie**, **Sir Alexander Bruce** of **Broomhall**, **Mr. James Robertson** of **Newhigging**, **Mr. James Alexander** of **Kinglassie**, **John Skeen** of **Halyards** younger, **Mr. Alexander malcolm** of **Lochor**, **David Beatoun** of **Balfour**, **James Beason** of **Curden**, **Sir John Malcolm** of **Innertick**, **Robert Bailie** of **Balmeddiefide**, **George moncreif** of **Reidie**, **James Prestoun** of **Dumhrea**, **Sir John Aitoun** of that Ilk, **Michael malcolm** of **Neth-hill**, **James Carmichael** of **Bamhlea**, the **master** of **Burley**, **James Crawford** of **Monquhey**, **Scot** of **Pitlochry**, **John Skeen** of **Halyards**, **Sir Thomas Hope** of **Craighall**, **John Balfour** of **Ferm**, **Sir Philip Anstruther** of **Ilk**, **Arthur Forbes** of **Rires**, **Lindsey** of **Wormountoun** elder, **Robert Smith** of **Giblistoun**, **Sir Alexander Areskin** of **Cambo**, **David Scot** of **Scots-Tarhet**, **John Cuninghame** of **Barns**, **Hamilton** of **Kilhrakmont**, **Andrew Bruce** of **Earlshaugh**, **Sir William Sharp** of **Scotscraig**, **Robert Trotter** of **Lawhill**, **Didinstoun** of **Samford**, **William Anstruther** Fiar of that Ilk, **Mr. James Balfour** of **Randerstoun**, **Alexander monipenny** of **Pitmills**, **Forbes** younger of **Rires**, **David Balcanquell** of that Ilk, **David Balfour** of **Grange**, **Sir Michael Balfour** of **Denmiln**, **Stuart** of **Rolyth**, **Sir David Arnot** of that Ilk, **James Arnot** of **Woodmiln**, **Mr. Archibald Hope** of **Rankilor**; **The Earl of Belcarras** Conveener.

For the Shire of Kinross.

John Lord Bingham, Sir David Arnot of that ilk, Robert Dowglas of Kirknefs, Sir John Malcolm of Inverteii, John Halyday of Tilliboll, Mr. Alexander Crawford of Claslochie, James Banken of Colden, George Berill Portioner of Kinneswood, Patrick Robertson of Smiddiehill, the Baillie of *Kinross* for the time, Sir William Bruce of Kinross Sheriff Principal, or his Deputs Conveener,

For the Sheriffdom of Forfar.

The Earl of *Strathmore*, and Lord *Glames*, the Earl of *Southesk*, and Lord *Carnegie*, the Earl of *Airly*, and Lord *Ogilvy*, the Earl of *Pannure*, the Earl of *Northesk*, the Earl of *Midlton*, the Viscount of *Arbuthnot*, the Lord *Lindores*, Sir David Falconer President of the Session, Sir George Mckenzie of Rosehaugh, His *Majesties* Advocat, Sir Patrick Lyon of Cars, Mr. James Maule of Balmby, Mr. Henry Maule of Kelly, Mr. James Carnegie of Phinheaven, David Lindsay of Edzell, James Carnagy of Balnamoon, David Haliburton of Pitcur, Collonel John Grahame of Claverhouse, James Scot of Logie, David Fotheringhame of Powrie, Sir John Wood of Bonytoun, William Durhame, sometime of Ardown, now of Grange, James Crichtoun of Ruthven, Gilbert Auchinleck of that ilk, John Guthrie of that ilk, Alexander Carnegie Sheriff Deput of Forfar, John Ouchterlany of Guynd, Mr. John Wilhart of Balgavie, one of the Commiffars of *Edinburgh*, Robert Young of Auldbar, John Ogilvie of Pitmeves, David Grahame of Fintie, Gray of Crichtie; The Earl of *Southesk* Conveener.

For the Sheriffdom of Bamff.

The Duke of *Gordon*, the Earl of *Airly*, the Earl of *Finlater*, the Lord *Oliphant*, the Lord *Bamff*, Sir Patrick Ogilvie of Boyn, Sir James Baird of Achmeddine, Sir George Gordon of Edinglassie, the Laird of Troup, George Keith of Northfield, Sir Henry Guthrie of Kinnedward, Grant of Deaulus, Walter Stuart of Bog, James Ogilvie of Poldavie, Thomas Ogilvie in Bogtoun, Alexander Hay of Atnbath, Mr. John and Alexander Abercrombies elder and younger of Glassach, George Gordon of Thornybank, Patrick Gordon of Claitstirum, Alexander Gordon of Glengerrack, John Ogilvie of Kimpcairn, Ogilvie younger of Kimpcairn, Innes of Edinkeith, of Kilmach, Anderson younger of Westertoun, John Grant of Balindalloch, the Laird of Park Gordon, Provost Stuart, Baillie Fife, Baillie John Gordon, the Laird of Grant, Patrick Grant of Elchies, Alexander Duff of Kethmore, John Gordon younger of Edinglassie, Alexander Duff of Braco, James Gordon of Camdell, Patrick Stuart of Tanachie, Hay of Raneies, John Gordon of Baldornie, Francis Gordon of Achinroul, Ogilvie of Cantly, John Gordon of Auchynachie, John Gordon of Rothemay, John Gordon of Dallouchy; The Duke of *Gordon* Conveener.

For the Sheriffdom of Kircudbright.

The Viscount of *Kenmore* Sir David Dunbar of Baldoon, Sir Robert Grierson of Lagg, Sir Robert Lowrie of Maxwelton, Sir Godfrey McCulloch of Myrtoun, Sir Robert Maxwell of Orchartoun, Rodger Gordon of Torquhen, Grierson of Bargatton, Muir of Carsincurrie, M'guffock of Rusco, Thomas Lidderdale of Isle, Richard Murray of Brochtoun, Andrew Herron of Keruchtrie, David Dunbar of Machnemore, Maxwell of Newlaw, Hugh Wallace of Ingliftoun, John Megie of Balmagie, William Stuart of Levinstoun, Gordons elder and younger of Shirmeirs; The Laird of *Lag* Conveener.

For the Sheriffdom of Sutherland.

John Lord *Strathnaver*, the Lord *Rea*, James Lord *Duffus*, the Laird of *Balnagown*, Sir Robert Gordon younger of Gordintoun, Sir George Monro of Culrain, Sir John Gordon of Doll, Sir Robert Gordon of Embo, Robert Gordon of Rogart, Roderick McLeod of Cambuscurtie, Adam Gordon of Dalpholly, the Laird of Bighoufe, Aeneas McLeod of Leadmore, Robert Gordon of Carrel, Robert Gray of Skibo, Patrick Dumbar of Sudderay, Mr. Alexander Gordon of Rovie, John Dumbar of Forrobel, Hugh Monro of Eriboll, John Monro of Inveran, John Gray of Arboil, Mr. John Gordon younger of Carrel, Sheriff Deput, M'key of Skeray, William M'key of Borrey, Hugh M'key younger thereof; The Lord *Strathnaver* Conveener.

For the Sheriffdom of Caithness.

The Earl of *Broad-Albion*, John Lord *Glenmurchy*, Sir James Sinclair of Moy, Sir George Sinclair of Clyth, John Sinclair of Muckle, William Sinclair of Dumbeath, Sinclair of Brimes, David Murray of Clerden, Mr. James Innes of Sandside, Mr. Alexander Calder of Aynggail, Robert Campbel of Breanegleis, John Sinclair of Frefwick, Laurence Calder of Lyneger, George Sutherland of Fors, John Sinclair of Ulbster, Robert Sinclair of Durren, Robert Campbel of Dalagavich, the Sheriff Deput of Caithness for the time, Alexander Smart of Wester, the Baillies of Thurso for the time, the Earl of *Broad-Albion* Chamberlain in *Caithness* for the time, William Dumbar of Hemprigs, John Sinclair of *Stircog*, James Sutherland of *Ausadal*, Mr. Robert Dumbar of *Orkingail*, Alexander Sinclair younger of *Dunbairn*, Patrick Sinclair of *Southain*, Sinclair of *Brabster*, Sinclair of *Hemster*, James Sinclair of *Lybster*, James Sinclair of *Hoy*; The Earl of *Broad-Albion*, or the Sheriff Deput of *Caithness* for the time Conveener.

For the Sheriffdom of Murray.

The Duke of Gordon, the Earl of Murray, the Earl of Dumfermling, the Lord Duffus, the Lairds of Innes, the Laird of Coxtoun, the Laird of Cubin elder, the Laird of Muirtoun, the Laird of Gordinstoun younger, the Laird of Brodie, Sir Robert Dumbar of Grangehil, the Laird of Grant, the Laird of Easterlechis, the Laird of Dunfai elder, the Laird of Grange, Charles Mckenzie of Earnside, Thomas Tulloch of Tanochie, David Stuart of Newton, Alexander Douglas of Spyny, the Laird of Bellandoloch, John Innes of Quadrain, Walter Innes of Black-hills, Alexander Innes of Dunkintie, John Cuming of Logie, John Dumbar of Boges, William Brody of Coufield, the Lord Doun Conveener;

For the Sheriffdom of Orkney and Zetland.

The Stewart for the time and his Deputs, Archibald Stewart of Burrow, William Douglas of Egle-shay, William Craigy of Cairsay, James Grahame of Gramt-hall, William Ballenden of Stenhoutie, Henry Grahame of Brecknesh, Robert Stewart of New-wark, George Balfour of Pharay, Stewart of Burgh, James Stewart of Grahamsay younger, William Mudy of Melletter, David Craigy of Overfandy, the Commissar of Orkney for the time, James Baikie of Tankernes, John Buchannan of Sandyfide, George Grahame of Grahametoun, George Trayl of Holland, Andrew Bruce Tutor of Munis, Laurence Stuart of Bigtoun, Laurence Sinclair of Quandel, George Seen of Effilmouth, Arthur Sinclair of House, Robert Hunter of Luna, Patrick Umpra of Sands the Stewart-Principal, or his Deput, Conveener.

For the Sheriffdom of Clackmannan.

The Earl of Mar, George Viscount of Tarbat, the Laird of Ava, John Kirie of Gogour, Robert Miln of Tiliellan, George Abercrombie of Bruce of Kenet, The Laird of Tilli-coutry, the Laird of Tillibody, Mr. Francis Maltertoun of Parkmiln, George Strlings, the Baillie of Alloway for the time, the Laird of Ava Conveener;

For the Sheriffdom of Ross.

The Earl of Seaforth, the Viscount of Tarbat, the Master of Tarbat Sir George Monro of Culrain, Sir George Mckenzie of Rosehauch, the Laird of Belnagoun, the Laird of Foulis younger, Sir Alexander Mckenzie of Cull, Murdoch Mckenzie of Fairburn, Mr. Roderick Mckenzie of Kinchuldram, Sir Rory Mckenzie of Findon, Alexander Mckenzie of Kilcovy, Kenneth Mckenzie of Suddy, Sir Donald Bain of Tulloch, Alexander Mckenzie of Belmaduffie, Roderick Melcod of Cambiscuirie, Alexander Mckenzie of Bellon, John Munro of Fyres, Lachlan McIntosh of Kintara, Alexander Mckenzie of Gairloch, Mr. John Bain of Delnies, Colin Mckenzie younger of Kinraigie, Hugh Munro of Newmore, Kenneth Mckenzie of Scatwall, William Ross of Invercharron, Alexander Mckenzie of Aplecorfs, William Ross of Kindies, Mr. George Paterson of Seafield, George Ross of Moringy, Rory Mckenzie younger of Redcastle, Donald Mckenzie of Meddat, Alexander Mckenzie of Ardloch, Mr. James Maculoch of Baliquich, Alexander Ross of Lituletarré, Matthew Robertson of Dochcarty, Alexander Sutherland of Inchfuir, Murdoch Mckenzie of Ardros, Kenneth Mckenzie of Dochthaloag, Robert Barber of Mulderg, Alexander Ross of Eastfeirn, Hugh Monro of Teaninik, David Ferne of Tarlogie, James Ross of Mount-eye; the Earl of Seaforth Conveener, or in his absence the Master of Tarbat.

AND Ordains the first Meeting of the saids Commissioners, for the severall Shires, to be at the Head-burghs thereof, upon the day of next, and appoints the major part of the saids Commissioners, named for the respective Shires, to be a Quorum at their first meeting, who are to appoint the next Dyet of meeting, and the Major part of such as shall meet at the second Dyet, or upon advertisement from the Conveener, at any other Dyet, to be a Quorum: With power to the saids Conveeners, for the saids Shires *respectiv*, to call the Commissioners soesaids, at such Dyets thereafter as they shall think necessary, for the effectual execution of this Act; And Remits to His Majesty's Privy Council, to nominate such other persons to be Commissioners upon the death of any of the fore-named persons.

And for the Burghs, His Majesty with Advice foresaid, Nominats and Appoints the Magistrats of the same, for the time being, with power to them to choose Stent-masters within their respective bounds, which Commissioners of Shires and Burghs, are hereby Ordained to Accept, and Discharge their Trust, as they shall be answerable, and that at their Acceptation thereof, to take their Oaths of Allegiance, Supremacy, Declaration and Test, and Oath *de fidei administratione*. And His Majesty, with Advice foresaid, Doth hereby Impower the saids Commissioners to prescriptive and fet

down such Rules and Orders within the respective Shires and Burghs, as may be most effectual for the speedy and easie Raising, Levying, and bringing in of the said Supply; and Ordaining, and doing every other thing that may concern the same: And particularly, With power to them to choose their own Collectors, for In-gathering of the said Supply, for whom they are to be answerable, and other Officers (except the Clerks who are to be named by the Clerk of Register;) And Ordains that no Clerk shall officiate in the said Office, either in Shire or Burgh, without a new Deputation from the said Clerk of Register: And that the saids Commissioners shall at the first meeting, choose their Collectors, for In-gathering of the said Supply. And the saids Commissioners are hereby Ordained to receive the saids Collectors and Clerks accordingly, and to allow them such Fees to be payed by the Shires and Burghs, as they shall think fit; And which Fees are hereby Declared to be over and above the foresaid Supply, and no part of the same: And which Collectors and Clerks are to take the Oaths appointed by Law.

AND the Kings Majesty, with Advice and Consent of His Estates, Ordains all Execution, real and personal, to pass at the Instance of the Collector General, and the Collectors of the respective Shires and Burghs, against all persons deficient in payment of their proportions as formerly. And also, Impowers the Commissioners by their Officers, to Arrest, Poynd and Distrenzie the Goods, and Imprison the persons of the Deficients, ay and while they make payment of their just proportions, and necessary expences. And for the more ready and effectual payment, Doth also Impower the Commissioners, and Collector-General, to Quarter upon Deficients, with this expresse *Proviso*, That every Horse-man that shall be upon the place, shall have only free single Quarter allotted to him upon the persons Deficient, or by quarrering in Burghs and Villages, as the Commissioners shall appoint to be satisfied, and payed; by the Deficients; and not by these on whom they are quartered, where they themselves are Deficient, and in that case to have fifteen shilling Scots a-day; from the time of presenting the Order to the Collector upon whom they are to quarter, until he give them a List of the Deficients, and the sums wherein they are Deficient, and thereafter to quarter upon the Deficients; and each Dragoon, to have ten shilling Scots a-day, and each Foot-man to have four shilling Scots, or his Dyet, as the Commissioners shall Order; And the Commanders of the Party of Horse, Dragoons, or Foot, to have only Double-quarter, or pay of an Horse-man, Dragoon, or Foot-man, as he serves. And Declares, That in Order to the Quarters, and matters relating to the In-bringing of this Supply, any three of the Commissioners shall be a *Quorum*, and who are Impowered to proportion upon, and raise from the Deficients, the Expence and Charge of their Deficiency, and to see payment made to these on whom the Souldiers are Quartered, who were not Deficient. And further, His Majesty, for satisfaction of His good Subjects, is graciously pleased to Declare, That all Officers and Souldiers, Horse, Dragoons and Foot, shall make due and punctual payment of their Quarters, local, and transient, as the same shall be appointed by the foresaid Commissioners, according to the Rates of the Countrey; and in case the Souldiers do not pay their Quarters, that the Quarters be stated betwixt the Quarter-masters, or other Officers, and any two of the Commissioners; And the Accompts being stated and fitted, that they be payed, or allowed by the respective Collectors, in the first end of what is due by the Shire, or Burgh, where the saids Quarters are owing: Providing the saids Quarters exceed not two parts of their Pay; And which stated Accompts are to be allowed to the respective Collectors, by the Collector-general, and to be by him retained off, the first end of the Troops, or Companies Pay. And in case the Officers remove before their Accompts can be stated; In that case, the Collectors of the Shires and Burghs, are to retain, what after tryal, the saids three Commissioners shall find resting, till the Accompts be stated in manner foresaid.

And His Majesty, with Advice of His Estates, Doth Declare, That no persons lyable in any part of this Supply, shall be holden to produce their Discharges, or Receipts of the same, after ilk fifth year, Commencing from the Date of this Act, unless where Diligence hath been done by Denunciation, before elapsing of the said fifth year.

XIII.

ACT For Taking the Test.

May 13. 1685.



OUR SOVERAIGN LORD, With Consent of the Estates of Parliament, Statutes and Ordains, That all Protestant Heritors, Liferenters, and Others having Right to Liferents, *Fore Mariti*, Wodletters, Tacksmen, having Tacks for longer time than for Eighteen Years: All Masters of Ships, and such other Burgesles, and Inhabitants of Bughs, whether of Royalty, Regality, or Barrony, as are not Heretors, and who shall be Appointed by the Privy Council, shall take the Test Prescribed by the sixth Act of the Parliament 1681. Before the First Day of *November*, for all such as Live be-fourth the River of *Tay*, and before the first day of *January* next, for all be-north *Tay*. And for that end, that all Noblemen, and their Eldest Sons above the Age of Eighteen Years, shall Compear before His *Majesties* Privy Council: All Masters of Ships, and Burgesles aforesaid, shall Compear before the Provost or Bailliffs of the Bugh to which they belong, and

all others foresaid, before the Sheriff of the Shire where they live, at some time before the said Days, And there shall swear and Subcrive the said Test before the Judge and Clerk of the Court, with Certification, that such as fail in Swearing and Subscribing the Test as said is, shall be Punished in such Pecunial Sums as the Secret Council shall Determine; To be Disposed of by His *Majestie*, at His Royal Pleasure. It is alwayes Declared, that this Act Extends not to Women; And all Clerks are hereby Ordained, to send in Lists of such as have taken the Test, within their Respective Jurisdictions, to the Clerks of His *Majesties* Privy Council, before the First Day of *February* next to come, under the pain of losing their Office, and to be Punished otherwayes as the Privy Council shall Determine: But such as have already Sworn and Subscribed, shall not be Obligated to Renew it on this Occasion: And further, His *Majesty* with consent aforesaid, Doth Ratifie and Approve what is already done, in offering the Test by His *Majesties* Privy Council, Justice Court, or any Commissionate from any of them, or by Sheriffs; and other Magistrats, Declaring the same to have been good Service to the King and Countrey.

XIV.

ACT Explaining the Ninth Act of the Parliament 1669, Concerning Prescriptions;

May 13. 1685.



OUR SOVERAIGN LORD, Considering, That at making of the Ninth Act of the 1. Session of the 2. Parliament of King *Charles* the 2. Concerning Prescriptions, in that part of it relating to Actions proceeding upon Warnings, Spulzies, Ejections, Arrestments, or for Ministers Stipends, and others foresaid; the Cases that existed before that Act were not taken into Consideration: Therefore, His *Majesty* with Consent of His Estates of Parliament, Statutes and Ordains, That all such Actions proceeding upon any Diligence mentioned in that Act, already intended either before the said Act 1669, or since, shall prescribe within five Years after the Date of this Act, if they be not Wakened within that time: And all Actions to be raised hereafter upon the foresaid grounds shall prescribe in five Years, if they be not Wakened within that time. And His *Majesty* Wills and Declares, the foresaid 9th Act to stand in full force as to the rest of the tenor thereof.

XV.

ACT Explaining the Tenth Act of the Parliament 1669, Anent Interruptions.

May 13. 1685.



OUR SOVERAIGN LORD, Considering, that the Clause concerning Citations utted for Interruption, mentioned in the 10. *Act* of the 1. *Session* of the 2. *Parliament* of King *Charles* the 2. Hath left the Case of such Citations before the said *Act* undetermined. His *Majesty* therefore, with Consent of His Estates of Parliament, Statutes and Ordains, that all Citations utted for Interruptions preceeding that *Act*, shall preclude within seven Years after the Date of this *Act*, if they be not Renewed within that time. And further Statutes and Ordains, that in Citations for Interruption as to Rights of Lands and Wakenings thereof, Copies of the Citation shall be affixed on the most patent Door of the Paroch Church, and that over and beside what is required by the said *Act* anent these Executions,

XVI.

ACT Anent Justices of Peace.

May 13. 1685.



OUR SOVERAIGN LORD, Considering the many Advantages which His Leiges might have had, if the Justices of Peace had exercised their Function, with that diligence which the Law required, and the many Evils, especially in Ecclesiastick Disorders and Irregularities, which might have been prevented by their care. For Remede whereof in time to come, His *Majesty*, with the Consent of His Estates in Parliament, Doth hereby Ratifie, Approve, and Confirm the 8. *Act* of the Parliament 1617, Intituled, *Act anent the Justices for keeping of the Kings Peace and Constables.* The 25. *Act* of the Parliament 1633. And the 38 *Act* of the Parliament 1661, Intituled, *Commissions and Instructions to the Justices of Peace and Constables,* in the whole Heads, Articles and Clauses contained in them. And further, His *Majesty* Gives full Power, Authority and Commission to the saids Justices, to put the Laws in Execution against all who shall be Guilty of Conventicles, Irregular Baptisms and Marriages, withdrawing from Church Ordinances, and other such Disorders, in so far as they are not Capital, Conform to the Laws made thereanent; And where the Crime is Capital, they are to secure the persons, and acquaint the Sheriff, or other Judge ordinary thereof: And it is Declared, That in their proceedings against Church Irregularities, Baptisms, Marriages and Conventicles, The Justices may proceed immediately without waiting any time after the Crimes are committed, and their Clerk is appointed to send Information of their proceedings once in the Quarter, to the Clerks of the Council, as they will be answerable. And for their further Encouragement, His *Majesty* allows unto the saids Justices of Peace, the Fynes of all, except Heritors, which shall arise from these Delinquencies judged by them, to be employed for Explicating of their Jurisdiction as they shall think fit, and for Discovering of what the Fynes of Heritors shall amount to. The Clerks of these Courts are hereby appointed to send a subscribed List of them to the Clerks of Exchequer, in the first week of November yearly, under the pain of Deprivation: And His *Majesty* with Advice foresaid, allows the Justices to Nominat their own Clerks at their first meeting. Attour, His *Majesty* and Estates foresaid, Give full Power, Authority and Commission, to the Lords of His *Majesties* Privy Council, upon the Deceas of any of the Justices of Peace, to nominat others in their place, and to set down and Impose Penalties upon such of the Justices as shall not keep and observe the Dyets prefixed for their severall and particular Meetings, according to former *Acts*, and an *Act* made in this Parliament; And with power likewise to the saids Lords of Privy Council to Enlarge and Amplify the Power and Authority of the saids Justices of Peace, if they shall find it necessary and expedient: And what the Council shall Decreet and Determine thereanent, Find and Declare, that the same shall have the Force, Strength and Power of an *Act* of Parliament. It is alwayes Declared, That Sheriffs, Stewarts, and Bailies of Bailliaries, Regalities, and Baronies, are to Remain in the Possession and Exercise of their former Rights, according to the Laws of the Kingdom: Any thing in this *Act* notwithstanding.

XVII. *ACT*

XVII.

ACT For Taking the Oath of Allegiance.

May 22. 1685.



OUR SOVERAIGN LORD, With Consent of the Estates of Parliament, Doth Ratifie, Confirm, and Approve what hath been done by His Majesties Privy Council, Justice Court, and these Commissionat by them, In Banishing, Imprisoning, or Fyning such as Refused to Take and Swear the Oath of Allegiance, And to Assert the Royal Prerogatives mentioned in the II. Act, Parliament 1. of King Charles the Second. And further Ordains all the Subjects of this Kingdom to Take and Swear the Oath of Allegiance, and to Assert the said Prerogatives, whenever they shall be Required, either by the Privy Council, Justice Court, or any Commissionat by them, and that under the pain of Banishment, Imprisonment, or such other Pains and Punishments as shall be Determined by the Privy Council, Justice Court, or Commissioners foresaid, not reaching to Life or Limb.

XVIII.

ACT Concerning Vacant Stipends.

May 22. 1685.



OUR SOVERAIGN LORD, With Consent of the Estates of Parliament, Statutes and Declares, That the Vacant Stipends of all Churches in time coming, shall be Employed on pious Uses within the respective Paroches by the Patron, and more particularly for the Building and Repairing of Bridges, Repairing of Churches, or Entertainment of the Poor, as the Patron shall determine Yearly; and if he fail therein, he shall lose his right of Presentation for the next Vice. It is always Provided, that the Vacant Stipends in the Diocesses of *St. Andrews, Edinburgh, Dunkel, Dumblain, and Breichen*, for Five Years, shall be Employed for Repairing of the *Gair-bridge, Crawmond-bridge, and New-Liston-bridge*, and for the use of the University of *St. Andrews*; The Vacant Stipends of the Diocesses of *Glasgow, and Galloway*, for the same number of Years, to the use of the Colledge of *Glasgow*; And these Vacant Stipends within the Diocess of *Aberdene*, and Diocesses be-north the same, for the use of the Old and New Colledges of *Aberdene*, and Repairing of the Bridges within these Diocesses; Excepting the Vacancies of the Diocess of *Orkney* (which are hereby Ordained to be Applied for Reparation of the Cathedral Church of *Kirkwall*, during the the said Five Years;) And that at the Determination and Appointment of such Persons as shall be Nominat by the Privy Council, for Overseeing thereof: Which Five Years aforesaid, shall Commence from this present Year 1685, and so Continue consequitively, during the laid Space: And His Majesty, With Consent foresaid, Declares, that after Expiring of these Five Years, the Vacant Stipends do belong to the Patrons, to be Employed by them for pious Uses within the respective Paroches aforesaid; But prejudice always of the Maintinance of the Ministers Manse, during the time of the Vacancy, out of the first and readiest of the Vacant Stipends; Conform to former Acts of Parliament; and that not only during the said Five Years, but in all time coming. It is always hereby Declared, That this Act is not to be extended to the Vacancies of these Churches whereof the Kings Majesty is Patron, nor to Mensal and Patrimoial Churches belonging to Bishops.

XIX.

ACT Ratifying the Priviledges of the Senators of the Colledge of Justice.

May 22. 1685.



OUR SOVERAIGN LORD, With Advice and Consent of His Estates of Parliament, Doth Ratifie, Approve and Confirm, all Priviledges, Liberties, Freedoms and Immunities, Given and Granted by His Majesty's Royal Predecessors, to, and in Favours of, the Ordinary Senators of the Colledge of Justice, and whereof they are in Possession; and all Acts of Parliament Made and Conceived in their Favours, and speciallie but prejudice of the Generality foresaid, doth Ratifie the 8. Act of the 2. Session of the 2. Parliament of King Charles the second, *Concerning the Immunity of the Ordinary Lords of Session, from all Burdens Imposed, or to be Imposed by the Parliament:* And Declares, that this Ratification shall be as sufficient and effectual, as it all these Priviledges and Immunities, and Acts of Parliament concerning the same, were specially express, and at length insert herein.

XX.

ACT For Preserving Game.

May 27. 1685.



OUR SOVERAIGN LORD, And Estates of Parliament, now presently Convened, Taking to their Consideration, the great Decay of Game in this His Ancient Kingdom, especially in the Low Countries, notwithstanding of all the Laws and Acts of Parliament, and Acts of Privy Council made thereanent by His Royal Predecessors, which does principally proceed through the not vigorous Execution of the said Laws and Acts, and not Exacting of the Fines and Penalties therein-contained. THEREFORE, Our Sovereign Lord, With Advice and Consent of the Estates of Parliament now presently Convened, Does Revive, Renew, Ratifie, and Approve all the former Laws and Acts of Parliament made for preserving of the Game, and the Act of His Majesties Royal Brother (of blessed Memory) King Charles the Second, with the Advice of His Privy Council, of the date the 9. day of June, 1682 years, with the

whole Laws and Acts of Parliament therein-narrated, of which Act the Tenor follows, *A Proclamation, Reviving the Laws anent Hunting, Hawking, Fishing: and appointing Masters of the Game.* CHARLES, by the Grace of God, King of Great-Britain, France, and Ireland, Defender of the Faith; To

Macers of Our Privy Council, or Messengers at Arms, Our Sheriffs in that part, conjunctly and severally, specially constitute, Greeting; We taking to Our Consideration the great prejudice the Kingdom doth sustain in the Decay of Deer, Roes, and Wild-fowl, and that there is not only danger of an utter decay of so useful Creatures, but the Manly exercises of Hunting and Hawking, is like to be altogether neglected; And albeit Our Royal Progenitors have made many good Laws to prevent and repair this great evil and mischief, and against the destroying of Smolts and Trouts with Creels, and other Engines, anent Cruives and Zairs, steeping of Lint in Rivers, Lochs and Burns, where Fishes are; which good Laws, although they be yet in force unrepealed, yet by the distraction of the late Times, they have been less regarded thele many Years by gone, to the enorm lesion of Our People, and contempt of Our Authority: Have therefore, with Advice of Our Privy Council, though fit to Revive all the Laws that stand yet unrepealed or innovate, for preserving of Doe, Roe, Hares, and Wild-fowl, and especially the 31 Act of the 23 Parliament of K. James the sixth, whereby all Persons who are not Heretors, are prohibited to Hunt or Hawk, and that neither Heretor or other shoot Deer or Roe in time of Snow: As also, the 11 Act of the 4 Parliament of K. James the fifth, and 210 Act of the 14 Parliament of K. James the sixth, by which, Letters are ordained to be direct, charging all Keepers of His Majesties Forrests, to permit no Pasturage within the Marches of the Forrests, but that they seize and escheat them, under the pain of loss of their Office; and that Forresters of Forrests belonging to privat Men, shall apprehend such as travel with Guns or Dogs in Forrests, and carry them to the nearest Sheriff, Stewarts of Stewartries, Baillies of Bailliaries and Regalities, or Justices of Peace, to be secured, to answer as accords of the Law; and that all such of the Leidges who shall be required

to concur to apprehend such Persons, give ready Obedience, as is ordained by the Forrest Laws, *cap. 15.* and *cap. 22.* and these who conceal them, be fined as Art and Part of the said fault. And further, We do hereby forbid all shooting of Hares, or Herron at any time, under the pains contained in the Acts of Parliament made thereanent. *Item,* That all Persons forbear to slay any Muir-fowl, Heath-fowl, Partridge, Quail, Duck, or Mallard, Tale or Atale, or Tormichan, from and after the first day of *Lent*, to the first of *July* yearly, according to the 108. *Act, Parliament 7. K. James 1.* excepting Water-fowl with Hawks in Dredging-time. *Item,* The 23 *Act, Parl. 16. K. James 6.* Forbidding the killing of Muir-fowl-pouts before the first of *July*, Heath-pouts before the first of *August*, or Partridge or Quail before the first of *September* yearly. *Item,* We Revive the 48 *Act, Parl. 4. K. James 4.* Forbidding Muirburn after the last of *March*, and the Masters to be lyable for all upon their Land. And further, We considering that Setting-Dogs, and other Engines for killing of Fowl, is a great cause of the less he be an Heretor of one Thousand Pound of valued Rent, and have express License of the Masters of Our Game within their several Bounds, under the pain of Five Hundred Merks, *toties quoties*, in case of failzie. And We do hereby discharge all common Fowlers, and Shooters of Fowl, or any persons, except they be Domestick-Servants to Noblemen or Gentlemen, who are Heretors of One Thousand pounds *Scots* of valued Rent, to have or make use of Setting-Dogs, or Fowling-pieces, under the pain of escheat of such Dogs of Guns, and imprisonment of their persons for the space of six Weeks, *toties quoties*. *Item,* We Revive the 210 *Act, Parl. 14. K. James 6.* Whereby Shooting, Hunting, or Hawking within six Miles of Our Palace are Prohibited, under the pains therein contained, without express License of the Masters of the Game: And seeing the Fowls, Hares and Roes are already so far destroyed, that there is ground to fear a total decay thereof, We therefore with Advice foresaid, Do Revive the 23 *Act, Parl. 16. K. James 6.* Forbidding all selling or buying of Deer, Roe, Hares, Muir-fowl, Tormichan, Heath-fowls, Partridge, or Quail, for the space of seven Years next ensuing the 20 day of *June* instant Year 1682, under the pains contained in the said Act; And for the better discovery of the Contraveeners, We do hereby give Warrant to the Masters of Our Game, their Deputs, or others empowered by either of them in their respective Bounds, to make search for any of the saids Deer, Roe, Hares, Muir-fowl, Tormichan, Heath-Fowl, Partridge, or Quail to be killed in any suspect place, within or without Burgh, as well the Buyers, as Sellers in Mercat, or outwith the same, or Fowlers, and to seize, search, secure and confiscate the same for their own use. *Item,* We do hereby Revive the 51 *Act, Parl. 6. Q. Mary,* Forbidding Hunting on other Mens Ground without leave of the Owner, And whereas by the 11 *Act, Parl. 1. K. James 1.* Cruives and Zairs set on fresh Water without express Insetments of Salmond-fishing, are ordained to be destroyed and put away for ever, and that where Cruives are allowed by Insetments, that ilk Heck be three Inch wide, which is ratified by the 73 *Act, Parl. 10. K. James 3.* And by the 87 *Act, Parl. 14. K. James 2.* It is statute that no Man set Vessels, Creels, Weirs, Nets, or any other Engine to hinder Smolts from going to the Sea, and that Coups, Masses, Nets, Prins set on Waters that has course to the Sea be destroyed, and who holds them up, to be lyable as destroyers of red Fishes. *Item,* That all Millers that slays Smolts or Trouts with Creels, or any other Engine; or any who Dams or Laves, shall be punishable as Slayers of Red-Fish, conform to the 73 *Act, Parl. 5. K. James 3.* and where the Transgressours has no Means, they are appointed to be put in Prison, Irons, or Stocks, for the space of one Moneth upon their own Expenses, and if they have it not of their own, to be fed on Bread and Water, conform to the 89 *Act, Parl. 6. K. James 6.* And by the 13 *Act, Parl. 18. K. James 6.* The steeping of Lint in Rivers, Lochs, or Burns where Fishes are, is discharged, and that under the pain of fourty Shilling *Scots, toties quoties*, and confiscation of the Lint: Which good and ancient Laws yet standing unrepealed or innovate, We have thought fit hereby to Revive and Ordain to be put in Execution; Ordaining hereby the Masters of Our Game to require all Heretors and others, to throw down all Cruives and Zaires set on fresh Waters, without express Insetment of Salmond-fishing, betwixt and the first day of *July* next, under the pain of an hundred pounds *Scots*, to be uplifted off these who refuse, and the Sheriffs and their Deputs to give speedy Justice therefore, when desired by the Masters of the Game, or their Deputs. And We appoint the severall Sheriffs and their Deputs, Stewarts of Stewartries, Bailiffs of Regalities and their Deputs, and Magistrats of the next adjacent Burrows to concur with the Masters of Game, for throwing down of the saids Cruives, Creels, Nets, and Engines, when they shall be required; and it the saids Judges be found negligent, that the foresaid Penalty be uplifted off themselves, according to the 68 *Act, Parl. 9. of Q. Mary.* And to the effect the saids Laws may receive the more vigorous Execution, We do hereby Commissionate the Petsons following to be Masters of Game, within the respective Bounds after-specified, *viz.* Our Chancellor for the time being, for the three *Lothians*, and Town of *Edinburgh*, and Shire of *Bathgate*; The Earl of *Mar*, for *Stirling* Shire; Sir *George Mackenzie* of *Tarbet*, Lord Clerk Register, for *Clakmannan* Shire; The Earl of *Balcarras*, for *Fife*; and Sir *William Bruce* of *Balcaskie*, for *Kinross*; the Marquess of *Athol*, Lord Privy Seal, for *Perth* Shire; the Earl of *Perth*, for the Stewartries of *Strabern*, *Monteith*, and *Balquhadder*; the Earl of *Southesk*, for *Forfar* Shire; the Earl of *Marischal*; for the Shire of *Kincardin*, and for all below *Mormouth Hill*, and the Water of *Eugie* in *Bamff* Shire;

and the Earl of *Airly*, for all the rest of *Bamff* Shire; the Earl of *Dumfermling*, for all betwixt *Crathus*, *Bannachie*, and the Sea in *Aberdeen* Shire; the Earl of *Kintore*, in all above that in the said Shire; the Earl of *Murray*, for all from *Spey* to *Ness*, high and low, comprehending *Elgin*, *Nairn*, and *Inverness* Shire, to *Lochness*; The Earl of *Seaforth*, from *Ness* to *Conan*, high and low, comprehending *Cromarty* Shire; *Sir George Mackenzie* of *Tarbet*, Lord Clerk Register, from *Conan* to *Poynaculter*, and *Okel-Water*, and on the West from *Lothew* to *Cuilisfenack*; the Lord *Duffus*, for *Sutherland*, excepting *Asint*, which is in the last Division; the Earl of *Caitbness*, for *Caitbness*; the Stewart of *Orkney*, for *Orkney*; for *Argile* and *Bute*, the Sheriff for the time being; the Earl of *Home*, for the Shire of *Berwick*; the Sheriff of *Roxburgh*, for the Shire of *Teviotdale*; the Lord Duke of *Hamilton*, for *Lanrk* Shire; the Earl of *Kilmarnock*, for the Shire of *Air*; the Lord of *Yester*, for *Peebles* Shire; the Earl of *Glencairn*, for the Shire of *Renfrew*; the Marquess of *Montross*, for the Shire of *Dumbartoun*; the Laird of *Burghoan*, for the shire of *Wigtoun*; the Earl of *Galloway*, for the Stewartry of *Kirkcudbright*; and the Marquess of *Queensberry*, Lord High Thesaurer, for the Shire of *Dumfreis*. Hereby Impowering and Warranting them to put the standing Laws in Execution, in so far as concerns the preserving of Forrests, Wild-fowl, and Fishing, especially the Laws and Ordinances above-specified. And We Require all Our Judges ordinar, in their respective Bounds and Jurisdictions, to give speedy Justice thereupon, in favours of the saids Masters of Our Game, or their Deputs, when they delate or pursue Delinquents before them, as they will be answerable upon their Duties and Offices. And all Sheriffs, Mayors, other Officers, and Fiscals of their respective Courts, are Ordained to cite Delinquents before these Courts, as they shall be informed thereof, and Witnesses to prove the same, and to prosecute them until final Sentence be pronounced against them, and thereafter see these Sentences put to due and lawful Execution, the Expenses whereof is to be payed out of the first and readiest of the Fines of the Delinquents so uplited, at the sight of the respective Masters of Game, under the pain of Deprivation, and further Censure in case of neglect, as Our Council shall find cause. And for further enabling Our saids Masters of Game, We Impower them to appoint Deputs, one or moe, for whom they are to be answerable, as well for their Diligence as Fidelity. And that their saids Deputs themselves, nor none by their connivance, take upon them to contravea this Proclamation, and destroy the Game; And to encourage them in so good Service to Us, and Our People, We hereby allow Our parts of all Fines and Unlaws due to Us by Our Laws, for the Crimes relating to Forrests, Game, and Fishing, in favours of the saids Masters of Our Game, within their respective Bounds, and during the time We shall think fit to employ them in the said Service; Withall certifying them, that if they be remiss or negligent in their Duty, they are to be discharged of their Offices, and fined by Our Privy Council, as they shall find cause. And We declare Our said Commission is to continue and endure for the space of seven years after the date hereof, and until We, or Our Privy Council think fit to recall the same. And that We have recalled Our former Proclamation sment Game of the Fourth of *March*, 1680. Our Will is hereof, and We Charge you strictly, and Command, that incontinent, these Our Letters seen, ye pass to the Mercat-Cross of *Edinburgh*, and other Mercat-Crosses of the Head-Burghs of the several Shires of this Kingdom, and other places needful, and there by open Proclamation, make Publication of the Premises, that none pretend Ignorance. Given under Our Signet at *Edinburgh*, the 9. day of *June*, 1682 years. And of Our Reign the thirtieth and fourth Year. And Does strictly Require and Command all Our Masters of Game, Sheriffs, and other Magistrats, and their Deputs, and all Heretors, and Liferenters, and proper Wodletters, within their respective Bounds, to be diligent and vigilant in Time coming, in putting the saids Acts and Laws therein contained to full and due Execution. And Does hereby Require all Our Judges, before whom Our Masters of Game, or others, shall Pursue the Contraveeners, to give them full and speedy Justice, as they shall be answerable. And for the Preservation and Increase of Partridge, Muir-fowl, Heath-fowl, and Quails (which are so much decayed of late,) Our Sovereign Lord, with Consent foresaid, Does Statute and Ordain, That no Person or Persons whatsoever shall make use of Setting-Dogs with Nets, for taking or killing of Partridges, Muir-fowls, Heath-fowls, or Quails, within any part of this Our Ancient Kingdom, for the space of Seven Years, immediatly after the Publication hereof, under the Penalty of Fourty Merks *Scots* for each Fowl that shall be so killed, or taken, to be payed by the Killers or Takers to Our Masters of Game, and their Deputs, or others who pursues the same: And whoever shall Shoot Hares, shall pay Fourty Merks *Scots* for each Hare that he shall shoot.

XXI.

ACT Against Stealing of Dogs and Hawks

May 27. 1685.



OUR SOVERAIGN LORD, and Estates of this present Parliament, Taking into their Consideration, the great Prejudice and Inconveniences that has, and does dayly fall out through the Stealing and Keeping of Hawks and Dogs that has strayed and got away from their rightful Owners, by Persons that has no right or interest to do the same, Does Statute and Ordain, That whosoever hereafter shall Steal a Hawk out of the Nest, or Air, or take a Collar from a Dogs Neck, or Vervel from a Hawk with the Masters Name or Style thereon, shall be Fined in the Sum of Five Hundred Merks *Scots*; And whosoever shall give away, or sell any Hawk, or Dog, which is not his own, shall be Fined in the Sum of One Hundred Pound *Scots*; As also, that whosoever does get a Dog straying, having the Collar above-named, or Hawk with Bells or Vervels that has got away from her or his Master, and does take the said Hawk or Dog into his Possession, shall be obliged within Fourty Eight Hours after the said Dog or Hawk shall be so taken by him, to send and Book the same in the Sheriff-Clerk his Books, (where the Waith-Goods are booked,) the Dog by the Kind, Collar, and Marks, and the Hawk by the Kind, and Vervels, if it have any, for which there shall be payed to the Sheriff Clerk Six Shillings Eight Penies *Scots*, which the Owner of the Hawk or Dog shall be obliged to repay, together with Two Shillings *Scots* for each Mile that the Bearer shall be sent to the Sheriff-Clerk, or Booking of the said Dog or Hawk; And in case the Dog or Hawk shall not be Claimed by Letter, or otherways, by the just Owner, within Six Moneths after it shall be so booked in the Sheriff-Clerk of the Shire, where the Dog or Hawk shall be taken, his Books; Then and in that case, the Dog or Hawk shall belong and appertain in Property to the Possessor, and the Owners shall not be heard thereafter to Claim the same; And if the Taker and Keeper of any Hawk or Dog, shall failzie to cause Book the same in manner above-specified, he shall pay the Sum of Fourty Pounds *Scots* of Penalty to the Owners, if they shall pursue the same before any Judge competent.

XXII.

ACT Concerning Tailzies.

May 27. 1685.



OUR SOVERAIGN LORD, With Advice and Consent of His Estates of Parliament, Statutes and Declares, That it shall be lawful to His *Majesties* Subjects to Tailzie their Lands and Estates, and to Substitute Heirs in their Tailzies, with such Provisions and Conditions as they shall think fit, and to Affect the saids Tailzies with Irritant and Resolutive Clauses, whereby it shall not be lawful to the Heirs of Tailzie, to Sell, Annailzie, or Dispose the saids Lands, or any part thereof, or Contract Debt, or do any other Deed whereby the same may be Apprifed, Adjudged, or Eviscted from the others Substitute in the Tailzie, or the Succession frustrate or interrupted, Declaring all such Deeds to be in themselves null and void; and that the next Heir of Tailzie may immediatly upon Contravention, Pursue Declarators thereof, and Serve himself Heir to him who died last Infeft in the Fee, and did not Contraveen, without necessity any ways to represent the Contraveener; It is always Declared, that such Tailzies shall only be allowed in which the foresaid Irritant and Resolutive Clauses are insert in the Procuratories of Resignation, Charters, Precepts, and Instruments of Seafing: And the original Tailzie once produced before the Lords of Session Judicially, who are hereby Ordained to Interpose their Authority thereto, And that a Record be made in a particular Register Book, to be kept for that effect, wherein shall be Recorded the Names of the Maker of the Tailzie & of the Heirs of Tailzie, and the general Designations of the Lordships and Barronies, and the Provisions and Conditions contained in the Tailzie, with the foresaid Irritant and Resolutive Clauses subjoynd thereto, to Remain in the said Register *ad Perpetuam rei memoriam*, and for which Record, there shall be payed to the Clerk of Register and his Deputs, the same Dews as is payed for the Registration of Seafings, and which Provisions and Irritant Clauses shall be Repeated

in all the subsequent Conveyances of the said Tailzied Estate to any of the Heirs of Tailzie; And being so Inset, His Majesty, with Advice and Consent foresaid, Declares the same to be real and effectual, not only against the Contraveners and their Heirs, but also against their Creditors, Compromisers, Adjudgers, and other Singular Successors whatsoever, whether by Legal or Conventional Titles. It is always hereby Declared, that if the said Provisions and Irritant Clauses shall not be Repeated in the Rights and Conveyances, whereby any of the Heirs of Tailzie shall brook or enjoy the Tailzied Estate, the said Omission shall Import a Contravention of the Irritant and Resolutive Clauses against the Person and his Heirs who shall omit to insert the same, whereby the said Estate shall *ipso facto* fall, accresse, and be devolved to the next Heir of Tailzie, but shall not militat against Creditors, and other Singular Successors who shall happen to have Contracted *bona fide* with the Person who stood Inset in the said Estate, without the said Irritant and Resolutive Clauses in the body of his Right. And it is further Declared, That nothing in this Act shall Prejudge His Majesty, as to Confiscations or other Fines, as the Punishment of Crimes, or His Majesty or any other lawful Superiour of the Casualties of Superiority which may arise to them out of the Tailzied Estate, but these Fines and Casualties shall Import no Contravention of the Irritant Clause.

XXIII.

ACT Ratifying the opinion of the Lords of Session, ament these who refuse to Depone ament the late Treasonable Proclamation, 1684.

June 2. 1685.



U R SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, Ratifie, Approve and Confirm an Opinion given by the Lords of Council and Session, upon the day of November 1684. Whereby they find, that if any of His Majesties Subjects, being questioned by His Majesties Judges, or Commissioners, if they owne a late Traiterous Proclamation, in so far as it Declares a War against His Sacred Majesty, and asserts, *That it is lawful to Kill all such as Serve His Majesty, or who shall not disown the same;* are thereby guilty of High Treason, and are Art and Part of the said Treasonable Declaration: And also Ratifies, Approves and Confirms all Processes of Treason, Led, or to be Led thereupon in time coming.

XXIV.

ACT ordaining that Tennents be obliged by their Tacks to live Regularly:

June 2. 1685.



U R SOVERAIGN LORD, with Advice and Consent of the Estates Conveened in Parliament, Do Statute and Ordain, That all Masters, whether Heretors, Liferenters, proper Wodsetters, Tutors, Tack-men, Donators of Wards, or Liferents, shall in all time-coming, insert in all Tacks to be set by them to their Tennents, as well in Burgh as Landward, an expresse Clause, whereby the Tennent shall oblige himself, That he, his Family, Cottars and Servants, shall live Peaceably and Regularly, free of all Fanatical Disorders, under the pain of the Tennent, Cottar, or Servant Contravening, their losing the half of their Moveables respective, each for their own fault; And where there is no written Tack, that all the Tennents shall enact themselves in the Masters Court Book, or in the Town Court Books within Burgh, or give Bond, to that effect, and in the Tenor foresaid. Which Enrolment of Court is to be subscribed by the Tennent, or if he cannot write, by the Clerk of the Court in his name; and if the Master, or any of the persons foresaid shall fail herein, they shall pay an years Rent of the Lands, set otherwise; a third part whereof to the Discoverer, if he prove the same, and two parts to the Kings Majesty: And all Masters and others foresaid, who have Lands already set in Tack, without the said Clauses, are hereby Ordained to renew the same, and insert the said Clauses in them, betwixt and *Whitsonday* one thousand six hundred eighty and six, or to take an obligation apart from the Tennent, bearing these Clauses, otherwise to remove summarly; such Tennents as refuse to accept them on the said conditions, notwithstanding of any former Tacks, which in this case are hereby Declared void and null. And in case the Tennents will not immediatly Remove, that the Master may commit them to Prison. And it is hereby Statute and Ordained, That if any Tennent shall refuse to renew his Tack, enact himself, or give Bond in the Terms foresaid, he shall be lyable to pay to his Master an years Rent

of the Lands set to him. And this but prejudice or derogation to all former Acts of Parliament, whereby Masters are obliged for their Tennents, in the manner therein-specified.

XXV.

ACT Ratifying two Acts of Parliament and a Proclamation of Council, anent apprehending of Rebels.

June 2. 1685.



OUR SOVERAIGN LORD; with Advice and Consent of His Estates of Parliament, Ratifies and Approves the 124. Act Par. 12 of King James the sixth, Entituled, *Act Anent the Duty of Sheriffs and Judges ordinary, their Deputis and Clerks*: As also, the 144. Act of that same Parliament, Entituled, *Act for punishing the Refetters of Traitors and Rebels*, in the whole Heads, Clauses and Contents of them; Together with a Proclamation by His Majesties Privy Council, Dated the eight of July 1682. Entituled, *Anent the Discovery of persons in Arms, and Apprehending of Rebels*, in the whole Contents thereof: of which Proclamation the Tenor follows. A Proclamation, anent the discovery of persons in Arms, and apprehending Rebels and Fugitives. Charles, by the grace of God, King of Great-Britain, France and Ireland, Defender of the Faith, To

Our Lyon King at Arms, and his brethren Heralds, Macers of Our Privy Council, Purservants, and Messengers at Arms, Our Sheriffs in that part conjunctly and severally, specially constitute Greeting: Albeit by the blessing of Almighty God, upon Our Royal Endeavours, the many Attempts of His and our Enemies (made most impiously under pretence of Religion and Zeal, against the Laws of God, of Nature, of Nations, and of this Our Kingdom, designing the overthrow of Religion, Government, Liberty and Property) have been frequently Disappointed and Defeated, and their malice turned upon their own heads, and that the many Acts, both of Mercy and Justice, exerc'd by Us, conform to the Laws of God and the Kingdom; and the great Prudence, Vigilance, Moderation and Justice, of Our dearest and only Brother, during his abode in, and Government under Us, of this Our ancient Kingdom, have had such happy success, as to bring Our good Subjects to further abhorrence of Fanaticks and their Impieties, and most of these who were misled by the lying Spirit of some of their pretended Ministers, are shrunk from these ways, whereof they are justly ashamed, so that Our people are brought nearer to that Dutiful and Peaceable Deportment which becomes Christians and Subjects: Yet some are so indefatigable in malice, as to continue and stir up others to Disturb that Peace and Tranquillity, which Our people may enjoy under Our Reign: In so much as of late, some Traitors, Runnagates, and Fugitives, have Convocat towards the number of eighty, with forbidden Weapons, and in unlawful manner, near to *Tala-lin*, in the Shire of *Peebles*; And the people in that Countrey, have been so Defective in the Duties of Loyal Subjects, or good Country-men, as to neglect giving timely notice of such Meetings or Actings, either to Our Council, the Sheriff of the Shire, or the Commanders of Our Forces, who were nearest to them; and this neglect of theirs being not only a breach of Duty in them, but of very bad example, and dangerous consequence, if practised by others on such Emergents; We therefore by Our Royal Authority, and also in conformity to the whole course of Our Laws, particularly to the 144. Act of the 12. Parliament King James the 6. And 7. Act, Parliament 1. King James 1. Do hereby strictly Require and Command, all the Subjects and Inhabitants within this Our Kingdom, whether in Burgh or Land, upon Knowledge or Information; that any number of men do Convocat unlawfully in Arms, or appear in company in any place, or where any one or two of such, as are Declared Traitors or Fugitives from Our Laws, on Treasonable accounts, shall repair, that they shall with all Diligence give Intimation therof to Our Chancellour, and such others of Our Secret Council, as shall be at *Edinburgh*: As also, without delay; that they give Information to any Commander of Our Forces, who shall be nearest to the place where the said unlawful Convocation, or such Traitors and Fugitives are, and to the Sheriff of the Shire, Stewart of the Stewartry, Bailie of the Regality, or Magistrates of Burrows, where the said Meeting, or persons appear, or are informed to be, and that within the space of one hour at most, for every three miles distance they are at the time from *Edinburgh*, or from the nearest Commander of the Forces, Sheriffs, and other Magistrates foresaid. And farther, We do hereby Require and Command Our said Sheriffs, Bailies, and Magistrates, upon any such Information given to them, that they call together competent numbers of Our good Subjects, and with these, do exact Diligence; at the utmost of their power, to Search, seek, and Apprehend these who are so met, and to present them to Justice, and to follow them until they be apprehended, or expelled out of their Jurisdiction.

on, and on their flight, they are immediately to acquaint the Magistrates of the next Shire, whither they are fled; who are hereby required to do the like Diligence; and so from Shire to Shire, until they be apprehended, or expelled forth of this Realm: And in case any hurt or skaith fall out in the Pursuit, or in apprehending of these so unlawfully convocat, the Actors thereof are to be free, and unpunished in any manner of way; With Certification, that these whoever fails in their said respective Duties, whether it be the Magistrates, in not pursuance, or Our other Subjects, in not giving timeous Information within the space foresaid, or in not rising with, and assisting the Magistrates in their forementioned Duties, they shall be held and reputed as Disaffected to Our Government and Service, and as Art and Part, and connivers with them in their said unlawful Designs and Convocations, and undergo the punishment due to these who were of the said unlawful Convocation, by the Laws of this Our Kingdom. And We hereby of new, Intimat to all Our Subjects, that whoever shall Intercommune with, Refet, supply, shelter, or give any comfort to any declared Traitors or Fugitives; or who shall conceal, refet, or shelter any who do Convocat in manner foresaid; that such Refetters or Assisters, shall be proceeded against, as if they were guilty of the Crimes whereof these Traitors and Fugitives are guilty, according to the just rigor of Our Laws. Our Will is herefore, and We Charge you strictly and Command, that incontinent, these Our Letters seen, ye pass to the Mercat Cross of *Edinburgh*, and the whole Mercat Crosses of the Head Burghs, and whole Paroch Kirks of this Kingdom, and other places needful, and there, in Our Name and Authority, by open Proclamation, make publication of Our Royal Will and Pleasure in the Premises, that none may pretend ignorance, but give cheartful and punctual obedience thereto; The which to do, We commit to you conjunctly and severally, Our full power, by these Our Letters, Delivering them by you duely execute, and indorsed again to the bearer. Given under Our Signet at *Edinburgh*, the eighth day of July, One thousand six hundred eighty two years, and of Our Reign, the thirtieth and fourth year. And Declares the same shall have the effect of an Act of Parliament. And ordains the saids Acts and Proclamation to be put vigorously in execution.

XXVI.

ACT Concerning Adjudications for Fines.

June 2. 1685.



OUR SOVERAIGN LORD, with Advice and Consent of His Estates of Parliament, Statutes and Ordains, That all Adjudications and Apprysings, Led, or to be Led for Fines Imposed, or to be Imposed by His Majesties Privy Council, Commissioners of Justiciary, or any other His Majesties Judges, for the Crimes of Refet, Intercommuning, Concealing of Treason, Conventicles, Irregular-Baptisms, Marriages, or other Church Disorders, or Irregularities, where the Adjudication or Comprysing does not exceed, or shall be restricted to Lands, not exceeding the value of the Fines Imposed, the Legal shall expire within year and day after Deducing of the Adjudication or Comprysing. And it is hereby Declar'd, that in case of Competition and Concourse of several Diligences, within year and day, betwixt the King or His Donator, and a Creditor, which by the Law comes in *pari passu*: The King or His Donator shall be preferr'd, and have His Election of His proportion of the Lands, of which the Legal shall expire within year and day, in manner foresaid; That proportion not exceeding the sum contained in the Adjudication. And it is hereby Declared, That this Act is only to be extended to Adjudications for Fines already Imposed, or to be Imposed betwixt and the next Session of Parliament.

XXVII.

ACT For Securing Sea-Passengers.

June 2. 1685.



OUR SOVERAIGN LORD, With Advice and Consent of His Estates of Parliament; Statutes and Ordains, That all Masters of Ships who bring Home any Passenger who is not a Sea-man and of his Ship-Company, shall at his Arrival, and before he suffer the saids Passengers to depart, bring them before the nearest Magistrat, that the saids Passengers may give account of themselves, so as to free them of all suspicion to the said Judge, who is to secure them until they give such an account: And also, Forbids and Prohibites any Master of any Ship, to export any Passenger who is not a Sea-man, and of their Ship-Company, until he bring the said Passenger before the next Magistrat, to whom they shall give account of themselves in manner foresaid, and the Master of the Ship shall have a Testificate of his so doing, under the said Magistrats Hand and Seal before whom he compares, (for which he shall pay only half a Merk,) under the pain of such Fines, and Personal Punishment as His *Majesties* Privy Council shall think fit to inflict on the Master of any Ship, who contravenes this Law. And this to continue during His *Majesties* Pleasure:

XXVIII.

ACT and COMMISSION For Plantation of Kirks, and Valuation of Teinds.

June 2. 1685.



OURAS MUCH, As His *Majesties* Father of ever blessed Memory, out of His Royal Care and Zeal for the Reformed Religion within this Kingdom, and the Maintenance and Provision of the Ministry and Churches thereof, and the Peace of the Kingdom, and for preventing and settling all Differences that did or might arise betwixt Titulars, and others having Right to Teinds, and Heretors, concerning the Leading and Drawing of their Teinds; And immediately after His Attaining and Succeeding to the Crown, Gave furth and emitted His Royal Declaration anent the Premisses, and the other Particulars therein-specified; And in pursuance of the ends foresaid, divers Laws and Acts of Parliament were made in the Year of Our Lord 1633, His said *Majesty* being then present in His Royal Person; and since, divers Acts of Parliament, and Commissions have been made, given, and renewed to that purpose, and particularly by the 15 Act of the 3d Session of the 2d Parliament of K. Charles the Second, His *Majesties* Umquhile Royal Brother, of ever blessed Memory: And His *Majesty* being resolved, and desirous to prosecute to good a Work, for the universal good of His Subjects, and especially for the encouragement of the Ministers of the Gospel. THEREFORE, His *Majesty*, with Advice and Consent of His Estates of Parliament, Gives full Power and Commission to His *Majesties* Officers of Estate for the time being, and to the Arch-Bishop of *St. Andrews*, the Arch-Bishop of *Glasgow*, the Bishop of *Edinburgh*, the Bishop of *Dunkell*, the Bishop of *Galloway*, the Bishop of *Isles*, the Bishop of *Breichen*, the Bishop of *Dumblane*, the Bishop of *Aberdeen*; the Duke of *Hamilton*, the Marquess of *Douglas*, the Earl of *Errol*, the Earl of *Marischal*, the Earl of *Mar*, the Earl of *Strathmore*, the Earl of *Linlithgow*, the Earl of *Southesk*, the Earl of *Tweeddale*, the Earl of *Belcarras*; the Lord President of the Session, the Lord *Pitmedden*, the Lord *Forsyth*, the Lord *Reidfoord*, the Lord *Boyne*, the Lord *Drumcarrin*, the Lord *Balaskie*, Sir *William Bruce* of *Kinross*, Sir *George Lockhart* of *Carnspath*, Sir *Archibald Cockburn* younger of *Lantonn*, *Hugh Wallace* of *Inglishton*; Sir *George Drummond* of *Milnhab*, *Charles Murray* of *Hadden*, *Alexander Mill* of *Currie*, Sir *Alexander Bruce* of *Broomhall*, Sir *Patrick Murray*, *James Johnston* Provost of *Glasgow*, Mr. *Robert Innes* Writer to the Signet, Sir *George Skeen* Provost of *Aberdeen*, *James Fletcher* Burges of *Aberdeen*, *John Dempster* of *Pruthrie*; or any Eleven of them; to be a *Quorum*, whereof Two of every Estate, to Meet and Conveen at *Edinburgh*, the day of years, and such other Place or Places, Times or Diets, as they shall appoint, to value and cause be valued whatsoever Teinds, great or small, Parsonage, or Vicarage within this Kingdom, which are yet unvalued; Declaring, that where the Vicarage of any Paroch is a several Benefice and Title from the Personage, the same shall be severally valued, to the effect the Titulars or Ministers serving the Cure, having right to the said Vicarage, be not frustrated of the true worth thereof, with Power to the saids Commissioners, or *Quorum* foresaid, to appoint Committees, or Sub-Committees of their own number, and to grant Sub-Commissions, and to receive Reports from them, and to approve or disapprove the same as they shall find just, and to Rectifie whatsoever Valuations led, or to be led to

the enorm prejudice of the Titulars, or the hurt and detriment of the Church, and prejudice of the Ministers Maintenance and Provisions. Providing always, Likeas it is hereby expressly Provided and Declared, That where Valuations are lawfully led against all Persons having Interest, and allowed by former Commissions, the same shall not be drawn in Question, nor Rectified upon pretence of enorm lesion at the instance of the Minister (not being Titular,) or at the instance of His *Majesties* Advocat, in respect of His *Majesties* Annuity, except it can be proven that Collusion was used betwixt the Titulars and Heretors, or betwixt the Procurator Fiscal and the Heretors and Titulars, which Collusion is declared to be, when the Valuations are led with the diminution of the third part of the just Rent, which diminution shall be proven by the Parties Oath; and with Power to the saids Commissioners or *Quorum* foresaid, where Ministers are not already sufficiently Provided, or have noe Localities already assigned to them for their Stipends out of the Teinds, within the Paroch, where they serve the Cure, in so far as the same will amount to, according to the Quantities, Proportions, and Rules contained in the 19 *Act* of the *Parliament* 1633, to Modifie, Settle, and Appoint constant Local Stipends to each Minister, out of the Teinds of the Paroch where they serve the Cure; With Power also to the saids Commissioners, to grant recompence by prorogation of Tacks to Parties for all Augmentations of Stipends which are granted since the Year 1630, or shall be granted, and that effecting to the Augmentations already granted, or to be granted, as the saids Commissioners shall think fit. And sicklike, To dis-joyn too large and spacious Paroches, to cause erect and build new Churches, to annex and dismember Churches as they shall think convenient, and to take order that every Heretor and Liferenter shall have the leading and buying of their own Teinds, if they be willing, according to the Rules prescribed by the 19 *Act* and *Commission* granted by His *Majesty*, with Consent of His Estates of Parliament in anno 1633, and the Acts of Parliament therein-mentioned, with Power to Determine all Questions concerning the prices of Teinds betwixt Titulars and others having Right thereto, and the Heretors, and to appoint such Securities in favours of Titulars and others having Right to Teinds for their prices, to be granted to the Heretors and others lyable in payment of valued Duties, or Buyers of the saids Teinds, and in favours of the Ministers as to their Maintenance, as the saids Commissioners shall think fitting, according to the Rules set down in the said *Act* 1633; And each Heretor whose Teinds belongs to Titulars of Erection, to have power and liberty to buy the Teinds of his own Lands, whether valued or not, within the space of three years after the date of this *Act*: With this Declaration always, that in case the impediment during the time foresaid flow from the Titular by reason of his Minority, or other inability, in that case, the Heretor who offered to buy his own Teinds within the space foresaid, shall have place so soon as the impediment is removed to buy his Teinds, notwithstanding of the expiring of the years and space after-exprest; And it is Declared, That if the Heretor be Minor, and his Tutor neglect the buying of his Teinds within the foresaid space, the Minor shall have Action for two years after his Minority, to compell the Titular to sell his saids Teinds. And generally, with Power to the saids Commissioners to Decide, and Determine in all other points which may concern the Drawing or Leading of Teinds, the Selling or Buying of the same, or payment of the Rates thereof, contained in the former Acts of Parliament, or set down in the general Determination given out by His *Majesties* Royal Father, of blessed Memory. And if any Person or Persons shall find themselves grieved, and complain of the injustice or exorbitancy of any Decrets or Sentences given in any of the Commissions during the time of the late Troubles, With Power to the saids Commissioners to take the same to their Consideration, and Alter, Annul, or Allow the saids Decrets and Sentences, as they shall find just. And it is always Provided and Declared, That the Arch-Bishops and Bishops, and other Beneficed Persons, being Ministers, and their Successors, shall not be prejudged of the Rents whereof their Predecessors were in actual and real Possession, and which by the Laws of the Kingdom were due to them in anno 1637, or whereof they are presently in Possession; And that they shall be no further bound, but according to the Provisions and Conditions exprest in the Submissions made by the Bishops to His *Majesties* Royal Father, of blessed Memory, of the Date the _____ day of _____ 1628 years, and Registrat in the Books of Commission for Surrenders and Teinds, upon the Fifteenth day of July 1631. And whereas it may fall out, that some of the saids Commissioners may be unable to attend the Service, through Death, Sicknes, or other known Impediment, THEREFORE, His *Majesty* Declares, That He shall be careful to fill their places with other Persons qualified, whose Oaths (for faithful discharging of the same) shall be taken by the Lord Chancellor, or in his absence, by the Lord President of the Commission for the time. And Ordains this present Commission to endure ay and while the same be discharged by His *Majesty*, and the Acts, Decrets, and Sentences thereof, to have the force, strength, and effect of a Decreet or Sentence of Parliament, and the Lords of Session to grant Letters of Horning, Poynding, and other necessars to be direct upon the saids Decrets and Sentences in manner contained in the foresaid Commissions. And His *Majesty*, with Consent foresaid, hereby Discharges all former Commissions, Declaring the same to be expired.

XXIX.

ACT Concerning Citations before Circuit Courts.

June 2. 1685.



UR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, Do hereby Ratifie and Approve the practice of the Circuit Courts, in citing persons even for Treason, upon Porteous Rolls by Messengers, or Sheriff-officers, without employing Heralds or Pursevants, which because of the Circumstances of the time, place and number of the Pannals cannot be done in Circuit Courts: And Declare that for the future, it shall be lawful to cite before Circuit Courts after that manner. It is always hereby Provided, that in cases of Treason, the Messenger or Sheriff-officer, and Witnesses to the Citation shall be Sworn upon the verity thereof.

XXX.

ACT Approving the Narrative of the Plot.

June 4. 1685.



UR SOVERAIGN LORD, with Advice and Consent of His Estates of Parliament, Having Read, Seen and Considered a Narrative of the late horrid inhumane Conspiracy by that Execrable Traitor, *Archibald Campbel*, sometime Earl of *Argile*, and others, and the Papers, Ciphers, and Instructions whereon the same is founded; They Do Find and Declare, that there has been a pernicious and treacherous Conspiracy, carried on by him and others; And they THEREFORE Approve the Discovery of the said Plot, by the extraordinary Pains, Exactness and Industry of the Lords of the Secret Committee; Together with the Narrative Drawn and Printed by Authority of the Lords of His *Majesties* Privy Council, as good and acceptable Service done by them for the Security of His Sacred *Majesty*, and this His ancient Kingdom.

XXXI.

ACT for Security of the Officers of State and others.

June 4. 1685.




UR SOVERAIGN LORD, Considering the great and acceptable Services done to His *Majesty* by the Secret Committee, His *Majesties* Privy Council, and His other Judges and Officers; And being desirous to Secure them for their Actings and Omissions in His *Majesties* Service, in most ample Form; Doth therefore, with Advice and Consent of His Estates of Parliament, Indemnifie and Secure all and every one of His *Majesties* present Officers of State, the Members of the Secret Committee, Lords of the Privy Council, and all His *Majesties* Judges, both Civil and Criminal, the Officers of the Army, and all others who have A&ed by His *Majesties* Commissions, or by Commission from His Privy Council, against all Pursuits or Complaints that can be raised against them any manner of way, for their Actings in His *Majesties* Service: As likewise for their Omissions, and wherein they have fallen short of their Duty, and that as fully as if every particular Crime or Misdemeanour were particularly specified in a Remission under His *Majesties* Great Seal, or contained in an Act of Indemnity; Requiring all His *Majesties* Judges to Interpret this Indemnity in the most ample and favourable Sense, as they will be answerable.

XXXII.

ACT Concerning the Militia.


June 4. 1685.

 **OUR SOVERAIGN LORD**, with Consent of His Estates of Parliament, Considering that it may contribute for the ease of the people, to have the ordinary Rendezvouzes of Militia Discharged, unless extraordinary occasions should otherwise require: **THEIR** **MAJESTIES** **ROYAL PLEASURE**; and until His Pleasure be so Declared, that no Leaders, nor Assistants shall be lyable for furnishing, and contributing to buy or maintain Horse or Foot on that account; And they Recommend to the Secret Council to take such courses for disposing of the Militia Arms in the respective Shires, as shall seem most expedient for His *Majesties* Service; But prejudice always of the continuance of the former, and present Constitution of the Militia, during the present Rebellion,

XXXIII.

ACT for Security of the Records.


June 4. 1685.

 **OUR SOVERAIGN LORD**, and Estates of Parliament, Considering of how great Importance it is to the Leidges, That the Records and Registers be securely Keeped; Do therefore Ordain, That all Clerks within the Kingdom, who keep such Registers as are, or have been in use to be delivered in to the Clerk Register, to be preserved in His *Majesties* General-Register-house, shall give in all their Registers and Books preceeding the first of *August* 1675. before the first of *November* 1685. To be kept by the Clerk of Register; And that hereafter they shall keep only ten years Records in their own hands, for the use of the Leidges; With Certification, that these who failzie, shall incur such pains and penalties as the Lords of Session shall think fit. And it is hereby Declared, That no privat Grant made by any Clerk Register, shall excuse them from obedience to this Act, which tends so much to the security of the people, and preservation of the Records,

XXXIV.

ACT for Poll-Money.

June 4. 1685.

 **OUR SOVERAIGN LORD**, with Consent of the Estates of Parliament, Statutes and Ordains, that for relief of Heretors, and others lyable in the Supply, Granted to His *Majesty* by this present Parliament, that their Vassals who pay no part of the Cefs; and also their own, and their Vassals Tennents, Sub-tennents, and others living upon their Land, shall be Taxed, and pay in to the saids Heretors yearly, during the said Supply, the sums of Money following: *viz.* Each Gentleman, above the quality of a Tennent, a proportion to be appointed by the Heretor, not exceeding six pounds Scots yearly for himself, his Wife and Children; Each Tennent, and other Inhabitant, above the quality of a Trades-man or Cottar, a proportion not exceeding four pounds for themselves, their Wives and Children: And each Trades-man, Cottar or Servant, a proportion not exceeding twenty shilling Scots yearly for themselves, their Wives and Children; And it is Ordained that the Heretors shall have the same execution for raising of the saids sums, as for their Mails and Duties.

XXXV.

ACT anent Messengers Fees.

June 4. 1685.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, Statute and Ordain, That it shall be in the power of the Sheriffs, Stewarts, Bailies of Regalities, Justices of Peace, and Magistrats of Burghs Royal *respective*, within whose bounds any Legal Diligences shall be used, to modify the Prices and Charges craved by Messengers, for execution of their Offices from any of His *Majesties* Leidges upon the Complaint of the Parties, either for, or against whom the Messengers were Employed.

XXXVI:

ACT anent the Address of the Estates of Parliament of His *Majesties* ancient Kingdom of Scotland, to His Sacred Majesty, against the arch-Traitor Archibald Campbel, sometime Earl of Argile:

June 11. 1685.



THE ESTATES of PARLIAMENT, Taking to their Consideration the great happines conferred on this Nation by Almighty God, in having been for so many Ages Governed and Protected by a long and continu'd Succession of Glorious and Just Monarchs, and when they had very just reason to expect a further continuance and increas in this happines, from the auspicious Entry of Your Sacred Majesty to the Possession of Your undoubted Right, and from your extraordinary Justice, Prudence, Courage and Condu't, They cannot but with horror reflect on the unparallell'd Treachery of that Hereditary and Arch-Traitor, *Archibald Campbel*, late Earl of *Argile*, who after that Our late Merciful King had restored His Family, notwithstanding it had been guilty of a dreadful tract of Rebellion, Bloodshed, and Oppression, and had raised it to a greater Lustre and Estate than ever it had formerly arrived at; Yet he did employ that Power the King had invest'd him with, to support that Traite-

rous and Fanatical party, and to oppress all who had served the King against His Father in the late Rebellion; And being more led by the inveterat Treachery, in which he had been educated, then remembring the great favours so undeservedly bestowed upon him, he committed these Crimes for which he was justly forefaulted; And in prosecution of them, he has at last absolutely plucked off the mask, by Invading this Your *Majesties* ancient Kingdom, and his own Native Countrey. and by endeavouring to defame in a publick Proclamation, the late King and Your Sacred Majesty, Robbing and spoiling such Innocent and Loyal men as would not joyn with him, and associating to him these barbarous Miscreants, who did undertake to assassinate Your Majesty, and Your Royal Brother, as *Rumbold* the Maltster, now passing by the Name of *Bowls*, who at the Ry was to have committed the said horrid Assassination; These also who actually murdered *James* late Arch-bishop of *St. Andrews*, as *John Balfour* of *Kinloch*, *George Fleming* in *Balbuthy*, and these other Assassins who have rendered almost every mans life insecure: From all which just Resentments, We judg'd it our Duty in all humility, to Address to Your most Sacred Majesty, and with all earnestness to Implore, that the said *Archibald Campbel*, late Earl of *Argile*, that execrable Traitor, should be for ever seclud'd from Your *Majesties* favour, and that Your Majesty would be pleas'd to Declare, that he, his Family, and the Heretors, Ring-leaders and Preachers who have joyned with him in this Rebellion, should be for ever Declared uncapable of Mercy, and bearing any Honours, or enjoying any Estate within this Kingdom, and to Discharge under all highest pains, all Your *Majesties* good Subjects to interceed for him or them, any manner of way; And that all such as shall interpole for their Restauration, shall incur the pain of Treason; and that Your Majesty would be pleas'd in Your Royal Prudence, to Inquire who have been the Assisters and Abaters, either at home or abroad, of this Treasonable Invasion, by which Your *Majesties* Govern-

ment has been so highly injured, and maliciously arraigned, and this your Kingdom, so Disturbed and Harrassed; to the end Your Majesty may Declare Your high Displeasure against them, and every one of them, to the Terror and Example of others; In Return of all which, We the Estates of this Your Majesty's ancient Kingdom, Do hereby most Cordially and Sincerely, Offer with our Lives and Fortunes, to assist Your Majesty against this, and all other Traitors, their Adherents and Associates.

XXVII.

ACT for the Clergy.

June 13. 1685.



OUR SOVERAIGN LORD, Considering how just and necessary it is, and how much it imports the honour of His Government, That the persons of the Arch-Bishops and Bishops, and all others the Orthodox and Loyal Clergy, be protected from the Sacrilegious Assaults, Violence, Outrages and Assassinations of Fanatical, Impious and Bloody-men, who to the scandal of Religion and Humanity, do maintain the pernicious and horrid Principles of Rebellion, Violence, Murther and Assassination, and to practise accordingly; Doth with Advice and Consent of His Estates in Parliament, Not only Ratifie and Confirm all former Laws and Acts of Parliament, made for the Security of the persons of the Clergy, particularly the fifth Act, first Session, second Parliament, Charles the Second; Fourth Act, second Session, second Parliament, Charles the Second; And

fifteenth Act, third Parliament, Charles the Second. But further, His Sacred Majesty from His just abhorrence of, and Indignation against all such horrid and inhumane Principles and Practices, Doth with Advice and Consent foresaid, of new, Statute and Ordain, That whatsoever person or persons shall be found guilty of Assaulting the Lives of Bishops, or other Ministers, or of Invading or Robbing their Houses, or actually attempting the same, shall be punished with Death, and the Confiscation of all their Goods; And if any regular Minister shall happen to be Assassinated or Murthered, the Parochioners of that Paroch wherein he is Assassinated, shall pay such sums as the Privy Council shall determine; which sum shall be bestowed to the use and behoove of the Wife and Children of the said Minister, at the sight of the Privy Council; and if he hath neither Wife nor Children, It is hereby Declared to belong to the nearest of the said Ministers Kindred; and the Legal and Conform Parochioners are to have relief, and to be Re-imbursed by the Non-conform Parochioners, or others, who shall be proven to have had accession thereunto, at the sight of the Privy Council. And the Estates of Parliament make their humble Address to His Majesty, for conferring a competent encouragement and Reward to such persons as shall make effectual Discoveries, or shall apprehend any who commit any of the violences foresaid, either upon Bishops, or Ministers in their persons or goods respectively; and if there shall shappen any Slaughter, or Mutilation to be committed in apprehending such persons; His Majesty with Consent foresaid, Doth hereby Indemnifie the persons Employed, and all such as shall assist in apprehending of them; and Declareth them free of all question or trouble for the same, in all time thereafter.

And His Sacred Majesty being firmly Resolved to Conserve and Maintain the Church in the present State and Government thereof, by Arch-bishops and Bishops, and not to endure, nor Connive at any Derogation from, or Violation of it; Doth therefore, with Advice and Consent of His Estates Assembled in this Parliament, Ratifie, Approve and Confirm all former Laws and Acts of Parliament made and passed in the Reigns of His Royal Grand-father, King James the Sixth, His Royal Father King Charles the First, and Royal Brother King Charles the Second of Glorious, Memorics: Restoring the Church to its ancient and right Government by Arch-bishops and Bishops, and Redintegrating the Estate of Bishops to the Exercise of their Episcopal Function; and to all the Privileges, Immunities, Dignities, Jurisdictions and Possessions which was enjoyed by, or by the Laws of the Kingdom was due to their Predecessors, in the year 1637. And Ordainsthem to stand in full force, as publick Laws of the Kingdom, and to be put in execution in all points, conform to the Tenor thereof, as if they were herein all specially repeated and expressed: And in pursuance of His Majesties Royal Resolution therein, His Majesty with Advice foresaid, Doth

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recommend to all His Ministers of State, Lords of His Privy Council, and all other Judges and Magistrates, to take the Persons and Interests of the Loyal and Orthodox Clergy, under their special Care and Protection; That all Laws, Acts and Statutes, made in their favours, may receive due and ready obedience from all His *Majesties* Subjects.

XXXVIII.

ACT Concerning the Registration of Writs in the Books of Session.

June 13. 1685.



OUR SOVERAIGN LORD, With Advice and Consent of the Estates of Parliament, Considering, That there have been in all Time by-past, only three Offices of the Ordinary Clerks of Session, and that the Erection of any more of these Offices is unnecessary, and may be prejudicial to the Leidges, THEREFORE, Statutes and Ordains, That there be only three Offices of Ordinary Clerks of Session in time coming, and that there be no more than two Persons conjoynd in each of these Offices, which shall remain intire in the full extent thereof, without Alteration, Division, or Dismemberment of any part of the same. And Statutes and Declares, That they as Clerks to the Session, and their Successors have the only Right to be Clerks as Deputies to the Lord Register, to all Processes which are competent before the Lords of Session, and to the Registrating and Extracting of all Writs Registrat in the Books of Council and Session, and have right to all Privileges, Profites and Emoluments, whereof the saids Clerks are in Possession: And for the better securing of the Leidges, both as to the Registration and Preservation of Principal Writs, Statutes and Ordains, That the Clerks of the Session keep an exact Register a part in every one of their Offices for Registration of all Writs, and that they appoint one or two fit, diligent, and faithful Persons in every Office, to receive in the Writs given in to be Registrat, from whom they are to take Caution for their Registrating, Recording, and safe Preseiving of these Writs. And Appoints, That there shall be two Minut-Books kept in every Office, in the One whereof there shall be set down the Title of Writs given in to be Registrat, the Name of the Giver in, and the Date of the ingiving; which is to be subscribed by the Clerk, or his Substituts forefaids, and all Writs so given in, shall be booked within the space of one year after the ingiving; and if any Party, or one employed by him, shall desire up a Writ given in, within the space of Six Moneths after its ingiving, then the Title of the Writ, the name of the Party, and the Date of both ingiving and outgiving of the said Writ shall be insert in the other Minut-Book, and be subscribed by the Receiver thereof, that as the one Minut-Book doeth Charge, so the other Minut-Book may Discharge the Clerk of such Writs, And that no Writ given in, shall be taken out after the same is Booked; And the Clerk are to begin the forefaid Method of the saids two Minut-Books, from the first day of *August* next ensuing; And when the time comes that these Registers are to be given in to the General Register House, the two Minut-Books are likewise to be given in with them subscribed by the Clerk; And the Deput appointed by the Lord Register for keeping of the saids Registers, shall subscribe other Doubles of the saids Minut-Books, which are to be kept by the Clerks for Information of the Leidges in their Offices. And the Clerk of Register, or his Deput, are hereby Ordained to keep all Principal Writs in a secure Room, distinct from the Room where the Registers are kept: As also, Further Ordains the Clerk of Register once in the year to visite the Registers in every Chamber, as he shall be answerable. And because many Writs are Registrat incompetently out with the Jurisdiction, to the great prejudice of the Leidges, (such Registrations being void and null, and consequently all Execution following thereupon,) THEREFORE, Statutes and Ordains, That no Clerk of Inferior Court for the future, presume to Registrat any Writs in his Books, either for Conservation, or where Execution is to pass against any Party that dwells without the Jurisdiction, under the pain of Deprivation, and of Five Hundred Merks of Penalty, the one half to His *Majesty*, and the other half to the Party Pursuer. Likes, His *Majesty*, with Consent forefaid, Ratifies and Approves the Gifts granted by the Clerk Register to the present Ordinary Clerks of Session, of their respective Offices, in the whole Heads, Tenors, and Contents of the same; Declaring these Presents to be as effectual, as if the saids Gifts were *verbatim* here insert. And in respect that by this Act, there is a great addition to the Clerk Register his Care and Trouble, as well as to the Peoples Security. THEREFORE, It is Ordained, That there shall be Twenty Shilling *Scots* payed to the Clerk Register in place of the Merk formerly payed to him and his Predecessors for each Subscription,

XXXIX. ACT

XXXIX.

ACT In Favours of Planters, and Inclosers of Ground.

June 13. 1685.



OUR SOVERAIGN LORD, With Advice and Consent of the Estates of this present Parliament, for the Encouragement of Inclosing of Ground and Planting of Trees, Does Ratifie and Approve all former Laws and Acts of Parliament made in favours of Inclosers of Ground and Planters of Trees, and particularly the 41 *Act*, *Parl. 1. Charles 2.* Intituled, *Act for Planting and Inclosing of Ground.* And because the time Prescribed in the said Act is now elapsed, They Statute and Ordain, That the whole Heads contained in the said Act be observed for the space of Nineteen Years next to come, Commencing from the Date hereof. And Likewise, Ratifies and Approves the 17 *Act*, *Parl. 2.*

Charles 2. Intituled, *Act for Inclosing of Ground.* And Ordains the same to be observed in all time coming. And further, Statutes and Ordains, That hereafter no Person shall Cut, Break, or Pull up any Tree, or piele the Bark of any Tree, under the pain of Ten Pounds *Scots* for each Tree within Ten Years old, and Twenty Pounds *Scots* for each Tree that is above the said Age of Ten Years, and that the Havers or Users of the Timber of any Tree that shall be so Cut, Broken, or Pulled up, shall be liable to the same Penalty, except he can produce the Person from whom he got it, and if the Person that shall be so convicted be not able to pay the Fine, then he shall be decreed to work a Day for each half Merk contained in the said Fine to the Heretor whose Planting shall be so Cut or Broken: Aslikewise, Statutes and Ordains, That no Person shall break down or fill up any Ditch, Hedge, or Dike, where-by Ground is Inclosed, and shall not leap or suffer their Horse, Nolt, or Sheep to go over any Ditch, Hedge, or Dike, under the pain of Ten Pounds *Scots*, *roties quoties*, the half whereof to be applied to the Heretor, and the other half for the Mending and Repairing of Bridges and Highways within the Paroch at the sight of the Sheriff, Stewart, or Justices of Peace before whom the Contraveners shall be pursued.

XL.

ACT of Annexation of the Offices belonging to the late Earl of Argile.

June 16. 1685.



OUR SOVERAIGN LORD, With Advice and Consent of the Estates of Parliament, Considering how dangerous it hath always been to the Peace and Quiet of this Kingdom, to bestow too many Heretable Juridictions, Offices, and Superiorities upon any of His *Majesties* Subjects, living in the remot High-lands, and that by such helps as these, the Family of *Argile* did in the last Age, as well as this, commit, and maintain their Execrable Treasons, and oppress and enslave His *Majesties* faithful and Loyal Subjects, and that the Juridictions, Offices, Superiorities, and Constabularies after-specified are now taken in His *Majesties* hands, by the Sentence and Doom of Forfeiture given and pronounced against *Archibald Campbell* late Earl of *Argile*, by the Commissioners of Justiciary upon the

day of THEREFORE, His Majesty, with Consent foresaid, Do
 Unite, Annex, and Incorporat to His Crown of this His Ancient Kingdom, to remain inseparably with the same in all time coming, the Offices of Justice General of all the Isles of *Scotland*, except *Orkney* and *Zeland*, of the Shires of *Argile* and *Tarbet*, and of all the remanent Lands and Estate belonging to the said late Earl in *Scotland*, the Heretable Lieutenancy of *Argile* and *Tarbet* Shires, the Heretable Chamberlainry of both these Shires, the Office of Admirality of all the Lands belonging to him the said *Archibald Campbell*, the Right of the Commissariat in so far as it belong'd to the late Earl, the Office of the Kings Master-Houshold within *Scotland*, the Heretable Sheriff-ship of *Argile* and *Tarbet* Shires, the Heretable Crownership, and Toshdorch, or Mayorship in these Shires, as also that half of the Casualties belonging to the King and Prince formerly dispond'd by His *Majesty* and His Predecessors to the Earl of *Argile* and his Predecessors, *viz.* The hall of the Wards, Reliefs, Marriages, Non-Entries, Escheats, Amerciaments, and of all Casualties whatsoever belonging to the King and Prince within the said Shires; And sicklike, the Patronage of all Kirks and Prebandries which any manner of way did belong to the said late Earl and his Predecessors; And inlike manner, the Constabularies, of the Castles of *Craignish*, *Tarbet*, *Carrick*, *Duniae*, *Swine*, and *Dunstaffnige*, with the Profits, Rents, and Emoluments

gements belonging thereto; As also, the Superiorities of all and whatsoever Lands belonging to the Earl of Broad-A'bin, Lord Lovat, John McLeod of Herreis, the Heirs of the late Lord McDonald, of Donald McDonald of Moydart, of the Laird of McLean, McLean of Lochbui, McLean of Torlosk, and of the other Héretors holding of the late Earl of Argile in the Isles of Mull, Fuara, Tirie, of the Lands belonging to the Lairds of Calder, Lochcall, Achinbreck, McNaughtan, Arkinless, McAlaster of Tarbat, Arbruchell, Duncan of Lundy, Campbel of Auchattan, the Lairds of Ormsley and Castle, and Parks of Inverary; Declaring that the generality hereof, shall be as sufficient, as if each part of the said Lands, and every Patronage, were particularly herein exprest. And that this present Annexation is affected with all the Conditions and Provisions as to the way and manner of Alienation and Dissolution mentioned and exprest in the former Act of Parliament, Annexing to the Crown the Lands of the Earl of Tarras, Lord Melvil, and others.

XLI.

ACT Declaring the Greenland-Fishing to be a Manufactory

June 16. 1685.



OUR SOVERAIGN LORD, With Consent of His Estates of Parliament, Considering the great Advantage which may accrew to this Kingdom by encouraging the Greenland-Fishing, whereby vast Sums of Money will be kept within the Kingdom, and by the export of Oyl and Whale-bone considerable Sums of Money brought into the Kingdom. Do therefore Declare the Greenland-Fishing an Manufactory, and to have all the Priviledges and Immunities made in favours of any other Manufactory, or Fishing-Company; And that all Ail or Drinking-Beer made tite by the Ships to be sent to Greenland, and an Butt of Brandy for each Ship yearly shall be free from Excise, Imposition, Custom, or any Dues whatsoever. And the Greenland-Fishing being much prejudged by the importing of Forraign Soap, or Whalebone, the Customers quitting the one half of the Duty imposed by Act of Parliament upon Imported Soap. Do therefore, expressly Prohibite and Discharge the Fermoreis of His Majesties Custom, or others, from quitting or abating any of the said Duty due by Law upon Imported Whale-bone or Soap; and if it be discovered, that they shall quite or abait any of the said Duty, that the said Soap or Whale-bone shall be Confiscate, the one half to His Majesty, and the other half to the Discoverer, and the Tacksmen or Collector who shall be found so guilty, to be Censured by His Majesties Privy Council or Exchequer, as they judge fit.

XLII.

ACT of Annexation of several Lands to the Crown.

June 16. 1685.



OUR SOVERAIGN LORD, and Estates of Parliament; Considering that the Traitors after-mentioned, have of late been Fore-faulted upon Proccesses of Treason, Intented at the Instance of Sir George McKenzie, His Majesties Advocat, against them, both before the high Court of Parliament, and the Commissioners of Justiciary (viz) Sir John Cochran of Ochiltry, Sir Patrick Home of Polwart, Thomas Stewart of Culnefs, Pringle of Torwoodlie, George late Lord Melvil, David Montgomery of Lainsshaw, Sir Hugh Campbel of Cefnock, Sir George Campbel younger of Cefnock, Mr. Robert Martin, sometime Clerk to the Justice-Court, Walter late Earl of Tarras, Mr. Robert bailie of Ferriswood, Thomas Kenedy of Grange, Porterfield of Duchal, Mr. William and Alexander Gordons, late of Earlsfoun elder and younger, James Gordon younger of Craighen; And His Majesty and Estates of Parliament, being desirous to Annex the whole Lands, Baronies, Teinds, Annualrents, Rouns, Possessions, Milns, Woods, Fishings and others, which pertained to the fore-named persons, any manner of way, to the Crown, for the better Supporting the Dignity of His Royal Estate, and the expenses of His Government: His Majesty Does therefore, with Advice and Consent foresaid,

Ratified and Confirm the saids Decrets of Forefaultrure; And Ordains the same to be of full force, strength, and effect in all time coming, holding and willing this their Ratification to be as sufficient and effectual, as if the saids Decrets, and whole Tenors thereof were insert herein. And further, His Majesty with Consent foresaid, Doth Unite, Annex and Incorporat to His Crown, of this His ancient Kingdom, to remain inseparably therewith in all time coming, all and whatsoever Lands, Lordships, Baronies, Heretages, Rouns, Possessions, Milns, Woods, Fishings, Tacks, Steedings, Teinds, Annualrents, Patronages, Wodsets, expired Appryngs and Adjudications, Castles, Towers, Fortalices, Houses, Biggings, Yairds, Orchyairds; Annexis, Connexis, Tenents, Goods and Aikers, and all other Heretages, Lands and Estates whatsoever, pertaining and belonging to the fore-named persons, Rebels and Traitors above-mentioned, or any of them, by whatsoever manner of way, Right or Title, and wherein they, or any of them, have been, or might have been in Possession, or to which they, or any of them have succeeded, or may succeed, as Representing any person, and where the same ly within this Realm, of whatsoever Name, Title, Bounding, or Designation the same be of, Dispensing with the foresaid generality; And Declaring the same to be as sufficient, as if every particular, Roun, Land or Barony pertaining to the fore-named, scresaulted Rebels and Traitors, or any of them, and which can any manner of way fall under their Forefaultries, were herein particularly condescended on and exprest; And particularly, but prejudice of the foresaid Generality, the Lands, Baronies, and others after-mentioned; which formerly pertained to these of the saids Traitors after-named, viz, The Lands and Barony of *Osbiltry*, the Lands and Barony of *Trabeanch*, the Lands of *Chalmerstoun*, the Lands of *Kinowdoun*, and *Flunston*, the Lands of *Craigman*, The Lands of *Brownstoun*, *Beaches*, the Lands of *Greenhill*, and the Superiorities and Feu-duties of the twenty pound Land of *Carbel*, all lying within the Sheriffdom of *Air*, with the whole Pertinents thereof, which pertained to the said Sir *John Cochran*, sometime of *Osbiltry*; The Lands and Barony of *Polwart*, the Lands and Barony of *Greenlaw*, *Red-path*, with the Rights of Patronages, and whole Pertinents thereof, and Lands of
 pertaining to the said Sir *Patrick Hume*, sometime of *Polwart*, lying within the Sheriffdom of *Berwick*; The Lands and Barony of *Culnefs*, lying within the Sheriffdom of *Lanerk*; And the Lands of *North-Berwick*, lying within the Constabulary of *Haddington*, which pertained to the said *Thomas Stewart*, sometime of *Culnefs*; The Lands and Barony of *Torwoodstie*, with the Pertinents thereof, lying within the Lordship of *Etrick-Forrest*, and Sheriffdom of *Selkirk*, sometime pertaining to the said *Pringle of Torwoodstie*; The Lands, Lordship and Barony of *Monymail*, comprehending the Lands, Patronages, and Baronies mentioned in the Infeiments thereof, lying within the Sheriffdom of *Fife*, and particularly, comprehending the Lands and Baronies of *Raith*, and *Balmorie*, sometime pertaining to the said *George Lord Melvil*; The ten merk Land of *Lainshaw*, and Teinds thereof, the ten merk Land of *Kirkbryd*, with the Miln and Pertinents, the five pound Land of *Milnsstoun-fleet*, the five merk Land of *Over* and *Nether-Peacock* Lands, with the Miln and Pertinents, with the Tower and Fortalice, called *Castlesturt*, and Lands of *Brockholmer*, all lying within the Bailiary of *Cunningham*, and Sheriffdom of *Air*, the Lands of *Over-Cassiloun*, extending to a three merk Land, with the Teinds and Pertinents, lying within the said Bailiary and Sheriffdom, all formerly pertaining to the said *David Montgomery*, sometime of *Lainshaw*; The Lands and Barony of *Kiecartoun*, the Lands and Barony of *Cesnock* and *Gallstoun*, with the Tower of *Cesnock*, and Pertinents, the Lands and Barony of *Bair*, the Lands and Barony of *Castlemains*, the Lands and Barony of *Hayningress*, all lying within the Sheriffdom of *Air*, and the Lands of *Newhal*, lying within the Sheriffdom of *Fife*, formerly pertaining to the said Sir *Hugh* and Sir *George Campbells*, sometime of *Cesnocks*; The Lands and Barony of *Hughchester*, the Mains of *Borthwick-hills*, lying within the Shire of *Roxburgh*, the Lands of *Robertoun* and *Hovleuch-miln*, and Pertinents thereof, lying in the Sheriffdom of *Selkirk*, the Lands and Steedings of *Alemuir*, lying in the said Shire, the Lands of *Cassock*, *Tamencher*, and *Glenderig*, lying in *Eskaldemuir*, the Lands of *Harden*, *Mabenlan*, *Hiechester*, and *Borthwick-walls*, lying in the Sheriffdom of *Roxburgh*, formerly pertaining to the said *Walter*, sometime Earl of *Tarras*; The Lands and Barony of *Jerviswood*, lying within the Sheriffdom of *Lanerk*, the Lands and Barony of *Mellerstains*, lying within the Sheriffdom of *Roxburgh*, formerly pertaining to the said Mr. *Robert Bailie*, sometime of *Jerviswood*; The Lands of *Grange*, and Heretable Office of Bailiary of *Monkland*, lying within the Bailiary of *Carriek*, and Sheriffdom of *Air*, formerly pertaining to *Thomas Kennedy*, sometime of *Grange*, the Lands and Barony of *Duchal*, and
 pertaining to *Porterfield*, sometime of *Duchal*; the Lands and Barony of *Earlestown*, the Lands and Barony of *Kenmuir* and others, formerly pertaining to the said *William* and *Alexander Gordons*, late of *Earlestown*, lying within the Sheriffdom of *Wigtoun*, and Stewartry of *Kirkcudbright* respective; The Lands and Barony of *Craiglaw* and others, formerly pertaining to the said *James Gordon* younger of *Craiglaw*, together with all other Lands, Teinds and Rights whatsoever, belonging to the Remanent

manent of the saids Traitors, or to all or any of them, or whereof they were in Possession, or to which they might have succeeded any manner of way, with all Lands, Teinds and others, Castles, Towers, Fortalices, Milns, Multure, Fishings, Annualrents, Reversions, Patronages of Kirks and Teinds, Personages and Vicarages, and all and whatsoever Mines of Gold, Silver, Copper and other Minerals within the foresaid bounds, and belonging to the saids Forefaulted Traitors, with all other Parts, Pendicles and Pertinents, Casualties, Priviledges, Jurisdiccions, Offices, and others whatsoever, pertaining to the same: All which, His Majesty with Consent foresaid, Doth Unite and Annex to His Crown, Declaring the Generality foresaid to be as sufficient to the intent and effect foresaid, as if each Part, Parcel and Pertinents of the saids Lands, Offices, Patronages, Priviledges and others belonging to the saids Traitors, or any of them, and whereof they were in Possession, were herein exprest. And it is Statute and Declared, That the saids Lordships, Lands, Baronies, Teinds and others *respectivè* above-mentioned, Annexed to the Crown in manner-foresaid, shall remain therewith in all time-coming; And that the same, or any part thereof, shall not, nor may not be given away in Fee and Heretage, nor in Frank, Tenement, Liferent, Pension, or Tack, except for the full Duty, which may be gotten from, and payed by the Tennents, or by any other manner of Alienation, Right or Disposition whatsoever, to any person or persons, of whatsoever Estate, Degree, or Quality they be, without Advice, Decreet, and Deliberation of the whole Parliament, and for Great Weighty and Reasonable Causes, concerning the good, welfare and publick Interest of the whole Kingdom; First to be proposed, and to be Advised and maturely pondered and considered by the Estates *re integrâ*, before any previous Grant, Right or Deed be given, made or done by His Majesty or His Successors, concerning the Disposition of the saids Lordships, Baronies and others, or any part thereof, which may any wayes predetermine them, or the Estates of Parliament, and prejudge the freedom of their Deliberation and Consent. And if at any time hereafter it shall be thought fit to Dispose, or Grant any Right of any part of the saids Lands, Superiorities, Offices, Teinds and others; It is Declared, That the general Narrative of good Services, weighty Causes and Considerations, shall not be sufficient; But the particular Causes and Considerations, whereupon His Majesty and His Successors may be Induced to grant, and the Estates to Consent to such Rights, are to be exprest, that it may appear that the same is not Granted through Importunity, or upon privat suggestions or pretences, but for True, Just, and Reasonable Causes and Considerations of publick Concernment. And further, It is Declared, That if any general Act of Dissolution, of His Majesties Property, shall be made at any time hereafter, the saids Lands and others above-mentioned, and Annexed, shall not be understood to fall, or be comprehended under the same: And if the saids Lands, and others foresaid, or any part thereof, shall be Annalzied or Disponed; or any Right of the same shall be Granted otherwise then is Appointed, and Ordained in manner above-mentioned, His Majesty with Consent foresaid, Doth Statute and Declare, That all Dispositions, Infeftments, and other Rights of the saids Lands, and others foresaid, or any part thereof, which shall be Granted contrary to this present Act, with all Acts of Dissolution and Ratification, and other Acts of Parliament concerning the same, shall be from the beginning, and in all time-coming, void and null, and of no effect; and notwithstanding thereof, It shall be lawful to Our Sovereign Lord, and His Successors for the time, to take back and receive at their Pleasure, for their own use, without any Process of Law, the Lands and others above Annexed, or any part thereof, which shall be Annalzied, or Disponed, and these in whose favours any such Rights, or Alienations shall be made, shall be accomptable for, and lyable to refund and pay all Profits, Intromission, or Benefit taken, uplifted, or enjoyed by them, in the mean time. And it is Declared, That all other Clauses, Articles and Provisions, contained in any former Act, or Acts of Annexation, to the advantage of His Majesty and His Crown, are, and shall be holden, as repeated, and insert herein: But it is hereby always Declared, that if any of the saids Lands bold of a Sub-altern Vassal, That it shall be Lawful to His Majesty to present a Vassal to the Intermediat Superiour. To the end His Majesty may thereby apply the Mails and Duties of these Lands so holden, to His Majesties own use. It is always hereby Declared, That the Annexation of the Lands of *North-berwick*, as belonging to the said *Thomas Stuart*, sometime of *Cultmefs*, shall not prejudge the Senators of the Colledge of Justice, as to their Right and Interest in these Lands, who are hereby Declared preferable for the same; Reserving also Lieutenant Collonel, *Theophilus Ogilthrop*, and Major *Mayn*, and Captain *Cornwal* his Authors, the Rights and Grants made to them *respectivè* by His late Majesty, in so far as concerns the Lands Gifted to them, to be bruike and enjoyed by them, ay and until they be satisfisd by His Majesty, or by their own Intromissions.

XLIII.

ACT in favours of the Inhabitants of Orkney and Zetland.

June 16. 1685.



OUR SOVERAIGN LORD Considering the great distance of the Islands of Orkney and Zetland from the Town of Edinburgh, the ordinary place of Justice, and the uncertainty of Passage by Sea, and the many fresh Waters and other Ferries in the way by Land; Doth with Advice and Consent of His Estates of Parliament, Statute and Ordain, That all Summons to be intened against the Inhabitants of Orkney and Zetland, before the Lords of Privy Council, the Lords of Session, and before the Commissioners of Justiciary, and Letters of Horning and Law-borrows upon their Decrees, or by their Warrant, shall be execute in time coming upon forty days; but prejudice always of Letters to be raised upon Writs Registrated of consent of parties, where, by the Clause of Registration, the party consents that execution should pass on a shorter time.

XLIV.

ACT for a Standart of Miles.

June 16. 1685:



OUR SOVERAIGN LORD, Thinking it fit, that there should be a fixed Standart for Measuring and Computation of Miles, and that the whole Isle of Britain should be under on certain kind of Commensuration, Doth therefore with Consent of the Estates of Parliament, Statute and Ordain, That three Barley Corns set lengthways, shall make an Inch, as it is already used; That twelve Inches shall make a Foot of Measure, which is to be the only Foot by which all Work-men, especially Masons, Wrights, Glasiers and others are ordained to measure their Work in all time coming, under the pain of an hundred pounds, *toties quoties*; Three of these Foots are to make a Yard, as three Foot and one Inch makes a Scots Ell, And a thousand seven hundred and sixty Yards are to make a Mile, which is to be made the Standart of Computation from place to place in all time coming.

XLV.

ACT in favours of Sir William Bruce, for enlarging the Shire of Kinross.

June 16. 1685.



OUR SOVERAIGN LORD, and Estates of Parliament; Considering the smalness and extent of the Sherifdom of Kinross, and Jurisdiction thereof, to support and maintain the State and Rank of a distinct Shire, as it is, and anciently has been; and that it will be of great advantage and ease to His Majesties Lieges, the several Heretors, Residenters and Inhabitants within the Parochs of Portmock, Cleish and Tilliboul (excepting alwayes, and reserving the jurisdiction of the Lands of Carnboe, Bridge-lands, Cruick, and Cruick-miln, lying in the said Paroch of Tilliboul, and Stewartry of Strathern, whereof James Earl of Perth, Lord high Chancellour is Heretable Stewart, out of this present Act, which is hereby Declared to be without prejudice thereunto, Infringement thereof, or Ineroachment thereupon, or to the detrimment of the said Heretable Stewartry in any manner of way whatsoever) and to the Heretors of these several parts and

portions of Land, lying in the Paroch of Kinross, and in the Shires of Fife and Perth; and of the Barony of Cuthilgowry, lying in the Shire of Perth, and belonging to Sir William Bruce of Kinross

Baronet, Heretable Sheriff of the said Shire of *Kinross*, be Disjoyned from the said Shires of *Fife* and *Perth*; and Jurisdictions thereof, and Joyned, Annexed, and United to the Shire of *Kinross*, and Jurisdiction thereof, unto which the said Parochs and Landsly contigge; and most conveniently: And that *John* Marquess of *Athol*, Sheriff principal of the Sheriffdom of *Perth*; and *Margaret* Countess of *Rothes*, and the Deceast *Charles*, Earl of *Haddington* her Husband, Heretable Sheriff of the Shire of *Fife*, have for their *respective* Interefts, consented to the Disjunction of the saids them to the said Shire of *Kinross*, and Heretable Jurisdiction thereof, in favours of the said *Sir William Bruce*, Heretable Sheriff of the same, with the burthen of the Valuation, and all other publick upon the Considerations foresaid, hereby Dismember and Disjoyn the saids several Parochs of *Portmouck*, *Cleish* and *Tillibool*, and whole Lands contained therein (Reserving the Jurisdiction of the saids Lands, as is above reserved) and the saids parts and portions of Land, in the Paroch of *Kinross*, lying within the saids Shires of *Fife* and *Perth*, and the saids Lands and Barony of *Cuthilgourdy*, from the saids Shires of *Fife* and *Perth*, and Jurisdictions thereof, for now and ever; And Adjoyn, Unite, Annex, and Incorporat the same to the said Sheriffdom, and Heretable Sheriffship of *Kinross*, in and to all effects and purposes, and in particular in point of Jurisdiction, Judicatures, sitting and collecting of Cess, Excise, Militia, Out-reeks of Levies, and mending of High-ways, as amply and freely as any other Shires do, or may do within this Kingdom; Discharging hereby all other Sheriffs and their Deputs, and Justices of Peace within the saids Shires of *Fife* and *Perth* from exercising any Power of Jurisdiction over any of the saids Lands and Parochs foresaid, Heretors and Inhabitants thereof, in any time coming, as being now only answerable to the Sheriff-Court of *Kinross*, and Justices of Peace within the same (Reserving alwise to the said *James* Earl of *Perth*, and his Heirs; the Jurisdiction of the saids Lands of *Cruik*, *Cruikmiln*, *Carnloe* and *Bridg-lands*; as Heretable Stewart of the said Stewartry of *Strathern*) And in respect that formerly the publick Burthens, Cess, Excise, Militia, and mending of High-ways, and other publick Concerns, were (because of the smalness of the Shire of *Kinross*, and that for many years, the Right and Interest thereof was broken, and divided in the hands of many Creditors) casten in, and managed with the publick Concerns of *Fife*; And the Shire of *Kinross* being now enlarged, and that Interest brought in, and made intire again in the person of the said *Sir William Bruce*; THEREFORE His Majesty, with Consent foresaid, separates the said Shire of *Kinross* from *Fife*; as to all these publick Concerns and Actings, as well the Lands contained therein formerly, as these Annexed thereto by this present Act; and from the Shires of *Fife* and *Perth* *respective*, in all matters whatsoever that relate to, pertain; and fall within the precincts, and Jurisdiction of the said Shire of *Kinross*; as it is now Established and Comprehended by this present Act; and to consist of the Parochs of *Kinross*, *Urwel*, *Portmouck*, *Cleish*, and *Tillibool*, and whole Landslying within the saids Parochs, and of the saids Lands and Baronies of *Cuthilgourdie*, with the burthen of the Valuation of the saids Parochs and Lands; and liberating and freeing the saids *respective* Shires of *Fife* and *Perth*, proportionally of the Burthen thereof; and particularly (without prejudice of the generality foresaid) of all Cesses, Excise, Militia, Out-reeks of Horse and Foot, High-ways, and all other publick Burthens; and Impositions laid, or to be laid upon these Lands, Disjoyned from the saids Shires of *Fife* and *Perth*, and Annexed to *Kinross* in manner foresaid; and particularly, liberats the Shire of *Fife* of the Valuation of the Lands formerly contained in the Shire of *Kinross*, and of the Valuation of the Lands that are now Disjoyned from the Shire of *Fife*, and Adjoyned to the Shire of *Kinross*, amounting both to the sum of *Eighteen Thousand five hundred and sixteen pounds* Scots Money. And also, particularly Liberats and Frees the Shire of *Perth* of the Valuation of the saids Lands, hereby Disjoyned from the Shire of *Perth*, and now Annexed to the Shire of *Kinross*, extending to the sum of *One Thousand, seven hundred and eighteen pounds, six shilling eight pennes*, Scots Money, making up the saids two Valuations, in the whole, the sum of *Twenty Thousand, two hundred and thirty four pounds, six shilling, eight pennes*, Scots Money, Which is Declared to be the full and compleat Valuation of the Shire of *Kinross* hereafter, and the Rule of proportioning the publick Burthens laid on, or to be laid on the said Shire of *Kinross*. *Willing and Appointing* the Heretors, Inhabitants and Possessors of the saids Lands, in all time coming, to answer to the Courts of the said Sheriffdom of *Kinross*, and to be lyable to the Jurisdiction of the Sheriffs thereof, in all Causes, Civil and Criminal, competent to an Sheriffs Cognition, and to be holden, reputed and esteemed in all time hereafter, a part of the said Shire of *Kinross*, to all effects, and particularly (without prejudice of the generality foresaid) with the burthen of all Cess, Excise, and other Impositions whatsoever.

Militia and other Out-reeks, Collecting and Ordering thereof: And that in all Retours, Rights, Dispositions, Charters and Infeftments of the faids Lands, they be Designed in all time-coming, to ly within the faid Sheriffdom of *Kinross*: And that all Denunciations, and Executions of Hornings, Appryfings, Inhibitions, Adjudications, Publications of Interdiftions, and other Legal Diligences againft the Heretors, Poffeffors and Inhabitants of the faids Lands, with all Briefes, Proclamations and others, be ufed and Execute at the faid Mercat Crofs of *Kinross*, head-Burgh of the faid Shire, in like manner, and to the fame effect, as thefe Executions are ufed at the head-Burgh of any other Shire; And in cafe there be any miftake in the cafting of, and inferting in this Act the fums of the Valuation above-mentioned, to the prejudice of any of the faids other Shires. His *Majesty* with Consent forfaid, Ordains the Commiffioners of Cefs and Excife of the faids other Shires, to Meet, Adjust, and fettle the faids Proportions, and being fo Adjusted, to fignifie the fame to the Lords of His *Majesties* Privy Council under their hands, that the fame may be Recorded in the Books of Privy Council, for a Rule hereafter. As alfo, His *Majesty*, with Consent of the faids Estates of Parliament, Confidering that by the fixteenth Act of the twenty fecond Parliament of His *Majesties* Deareft Grand-Father, King *James* fixth, in anno 1617. (Entituled *Act anent Registration of Seafins, Reversions and other Writs*) That for the great eafe of the Lieges, the faids Registers were Eftablished in the Burgh of *Couper* in *Fife*, for the whole Lands lying in the bounds of the faids Sheriffdoms of *Fife* and *Kinross*, or were to be Eftablished in any other place or places more convenient: And that now for the greater eafe and accomodation of the Leiges, it is thought more fit and convenient, That the faid Register be kept at *Kinross*, head-Burgh of the Shire thereof, for the whole Lands, as well formerly lying within, as now Annexed to the fame Shire: THEREFORE His *Majesty*, and Estates of Parliament forefaids, Statute and Ordain, That in all time coming, there be a publick, particular Register, for Registrating Seafins, Renunciations, Reversions, Difcharges of Reversions, Grants of Redemption, and other Writs, enjoyned to be Registrated by the faid former Act of Parliament, kept by the Clerk of Registers, and his Deputs, at the faid Burgh of *Kinross*, for the whole Lands, as-well formerly lying within the faid Shire of *Kinross*, as now annexed thereto, within the fpace, to the fame effect, and with the like conditions mentioned and contained in the forefaid Act, in anno 1617. For *Registration of Seafins, Reversions, &c.* And Laftly, His *Majesty* and Estates of Parliament forefaids, Hereby Ratihe and Approve, in favours of the faid Sir *William Bruce*, and his Heirs-male, Tailzie, and others contained in his Infeftments of the Eftate of *Kinross*, the twenty ninth Act of the firft Parliament of His *Majesties* Deareft Father, King *Charles* the firft of ever blessed memory (Entituled, *Act in Favours of the Earl of Morton and the Lord Dalkeith his Son, anent the Loch of Loch-Levin, and prefervation of the Fifhes thereof*) And Ordains the faid Act to be put to Execution by the faid Sir *William Bruce*, and his forefaids, and his and their Deputs and Bailies, after the Form and Tenor thereof. It is alwife hereby Declared, That this Act, and every part thereof, is but prejudice to the faid Sir *William Bruce*, and his Heirs of any other Jurisdiction of Regality or Bailiary, formerly belonging to him of any of the faids Lands, either formerly belonging, or now Annexed to the faid Shire of *Kinross*.

XLVI.

ACT *Salvo jure Cujuslibet.*

June 16. 1685.



UR SOVERAIGN LORD Taking to Consideration, that there are feveral Acts of Ratification, and others past, and made in this Session of Parliament, in favours of particular perfons, without calling or hearing of fuch as may be thereby concerned, or prejudged; THEREFORE His *Majesty*, with Advice and Consent of the Estates of Parliament, Statutes and Ordains, that all fuch particular Acts, and Acts of Ratification past in manner forefaid, fhall not prejudice any third party of their lawful Rights, nor of their Actions and Defences competent thereupon, before the making of the faids particular Acts, and Acts of Ratification; And that the Lords of Session, and all other Judges of this Kingdom, fhall be obliged to judge betwixt parties, according to their feveral Rights standing in their perfons, before the making of the faids Acts: All which are hereby Exponed, and Declared to have been made, *Salvo jure Cujuslibet.*

XLVI.

ACT of Adjournment to the last Tuesday of October.

June 16. 1685.



HE Kings Majesty Declares this Parliament Currant; and Adjourns the sameto the last Tuesday of October next, 1685. And Ordains all Members of Parliament to attend that Day: And that there be no new Elections of Commissioners from Shires or Burghs, except upon the Death of some of the present Commissioners.

Collected and Extratted from the Registers and Records of Parliament, by

T A R B A T, *Clk. Reg.*

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F I N I S.

THE
LAW S and ACTS
Made in the SECOND SESSION of the FIRST
PARLIAMENT
Of Our Most High and Dread SOVERAIGN
JAMES VII.

By the Grace of GOD, KING of SCOTLAND, ENGLAND,
FRANCE and IRELAND, Defender of the Faith.

Holden at EDINBURGH the 29. of April 1686.

By a Noble Earl, Alexander Earl of MORRAT, Lord Down and
Abernetbie, &c. Secretary of State for the Kingdom of Scotland,

His Majesties High Commissioner for Holding this Parliament, by
vertue of a Commission under His Majesties Great Seal of this
K I N G D O M.

With the special Advice and Consent of the Estates of Parliament.

Collected and Extracted from the Registers and Records of Parliament, by GEORGE Viscount of Tarbat,
Lord M'Leod, and Castle-haven, &c. Clerk to His Majesties Councils; Registers, and Rolls, &c.



EDINBURGH,

Printed by the Heir of Andrew Anderson, Printer to His most Sacred Majesty, Anno Dom. 1686.
Cum Privilegio,



L A W S and A C T S

Made in the SECOND SESSION of the FIRST

P A R L I A M E N T

Of Our Most High and Dread SOVERAIGN

J A M E S V I I.

By the Grace of GOD, KING of SCOTLAND, ENGLAND,
FRANCE and IRELAND; Defender of the Faith.

Holden at EDINBURGH the 29 of April 1686.

I.

ACT of Dissolution of the Lands of Celsnock and Duchal.

May 18. 1686.



OUR SOVERAIGN LORD, and Estates of Parliament, Taking into Their Consideration, That His *Majesties* Commissioner, as having special Warrant and Instruction from His *Majesty*, Having Proposed and Expounded in plain Parliament, The Great and Faithfull Services Done to His *Majesty*, and His Royal Brother, of ever blessed memory, by *John* Lord Viscount of *Melfort*, one of His principal Secretaries of State, and his constant Zeal and Faithfulness to the Interest of the Crown, and particularly, That His *Majesty* was sensible of the many Journeys made by the said *John* Viscount of *Melfort*, from *Scotland* to the Court of *England*, upon occasions of great Importance, to the Service of the Crown and Government, for most of which he had no allowance, at least none suitable to his Expenses; And that he had Faithfully executed several Offices of

great Trust, as Lieutenant General and Master of the Ordnance, Lieutenant Governour of the Castle of *Edinburgh*, Thesaurer Deput, and Secretary of State for His *Majesties* Ancient Kingdom of *Scotland*.

Land; In which Employments he did very well behave himself; That he was instrumental in the Defeat of the Rebels at *Bothwell-bridge*, was diligent against the Rebels thereafter; And at great Pains and Charges in the Circuits, for the Shires of *Lanerk*, *Stirling*, *Renfrew*, and *Dumbarton*, in the year 1684. And that he had performed several other good and acceptable Services. As also His *Majesties* Commissioner, as having special Warrant and Instruction from His *Majesty*, Having proposed to the Estates of Parliament, That His *Majesty* judging it fit for the Interest of His Crown, and the Good and Welfare of this Kingdom, To Purchase and Acquire from the said *John Viscount of Melfort*, the Lands, Baronies and others aforementioned, wherein the said Viscount stands Heretably Infeft, viz. The Lands and Barony of *Muirhall*, Comprehending therein the Lands of *Inverneil*, *Kilmotr*, *Douanoltich*, *Craigmoiral*, *Kilbryd*, *Kilmorich*, *Auchinbreck*, *Melfort*, *Kenmore*, *Knaps*, *Kilmorie*, *Kilberrie*, *Auchinalloch*, *Imstremich*, *Barleamich*, *Douanarderie*, *Eunichan*, *Kildalban*, *Dargachie*, *Cariedale*, *Drummoir*, *Crear*, *Oib*, *Muirhall*, and several other Lands, Teinds and Rights mentioned in the Charter thereof, Granted by His *Majesty* to the said *John Viscount of Melfort*, of the Date the nineteenth day of *March*, 1686. Which did formerly pertain to *Sir Duncan Campbel of Auchinbreck*, *John Campbel of Melfort*, *John Campbel of Knap*, *Dougal Campbel of Kilberrie*, *Patrick Mc'carter of Imstremich*, *Eivor Mc'evor of Askins*, *Donald Mc'aveish of Douanarderie*, *Neill Campbel of Eunichan*, *Campbel of Kildalban*, *John Campbell of Dargachie*, *Duncan Campbell of Cariedale*, *Alexander Mc'millan of Downiemor*, *Donald Mc'neill of Crear*, *Alexander Mc'ervorlich of Oib*, *Alexander Campbel of Oitter*, *William Denholm of Westbeill*, *Mr. Alexander Campbell Advocat*, *Collin Campbell elder of Allangreig*, and *Duncan Campbell* younger thereof, and *Stuart* youngēt of *Culzeis*, And which till in His *Majesties* hands by the Forefaulture of the forenamed persons; And likewise the Lands and Barony of *Melfort*, comprehending the Superiorities and the Feu-Duties of the Lands of *Kayra*, and the Isle of *Loung*, The Lands of *Torsay*, The Lands and Isle of *Shennay*, The Lands of *Daginnelish*, *Armadie*, *Auchnasoul*, *Razray* and of many other Lands, particularly mentioned in the Charter thereof, Granted by His *Majesty*, under His *Majesties* Great-Seal, to the said *John Viscount of Melfort*, of the Date the day of 1685. Which Superiorities and Feu-Duties pertained formerly to *Archibald Campbel*, late Earl of *Argile*, and till in His *Majesties* hands by his Forefaulture, Excepting only the Superiorities and Feu-Duties of *Glen-ila*, *Balquhan*, *Spittle-town of Balquhan*, *Edinample* and *Menstrie*, which are Reserved to the said Viscount of *Melfort*, The said Lands and Baronies being of a vast and great extent, and containing great Superiorities, and as lying and being Situat in the Highlands, and formerly belonging to the late Earl of *Argile*, and others of his Party, who were involved in the late Rebellion; and Forefaulter for their accession thereto, has always been subject to Disorders, which might indanger the publick Peace, which being in His *Majesties* hands. And His Royal Authority and Interest concurring, may Restrain and prevent the same, and His *Majesty* conceiving it just and reasonable, That the said *John Viscount of Melfort*, in lieu and place of the forelaids Lands and Baronies formerly belonging to him, and which at His *Majesties* Desire, he is willing to Resign in His *Majesties* Hands, *ad perpetuam remanentiam*, should have a full Recompence and Satisfaction for the same. And His *Majesty* Desigining to Give and Dispose in Permutation and Excambion thereof, The Lands and Barony of *Riccartoun*; The Lands and Barony of *Cesnock* and *Galtoun*, with the *Tower of Cesnock* and Pertinents; The Lands and Barony of *Barr*; The Lands and Barony of *Castlemains* and *Cummock*; The Lands and Barony of *Haining-Ross*, all lying within the Sheriffdom of *Air*, formerly pertaining to *Sir Hugh* and *Sir George Campbels*, sometime of *Cesnock*; The Lands and Barony of *Duchall*, and the Lands of *Porterfield*, with the Pertinents which pertained to *Porterfield*, sometime of *Duchall*, and all other Lands, Teinds and Rights whatsoever, belonging to the said *Sir Hugh* and *Sir George Campbels*, and *Porterfields*; And upon their Forefaulture did come in His *Majesties* Hands, and are Annexed to the Crown by the Fourty two Act of the first Session of this current Parliament, Dated the sixteenth day of *June* 1685. And albeit His *Majesty* be satisfied that the said Transaction and Excambion, is of advantage to His *Majesty* and His Crown, and for the Good and Welfare of this Realm, upon the Considerations forefaid; And that the Lands and others which the said Viscount of *Melfort* is willing to Resign in His *Majesties* hands, are of greater yearly Rent and Value; Yet His *Majesty* has thought fit, *re integra*, to propose the same in plain Parliament, That they may seriously ponder, and consider the said particular Services, done and performed by the said Viscount of *Melfort*, to His *Majesty* and His Crown; And the forefaid Proposal, as to the Transaction and Excambion above-mentioned, and give His *Majesty* Their Advice, Judgement and Determination thereanent: And the Estates of Parliament after mature Deliberation, Treating and Consulting anent the Premisses, being fully satisfied and convinced, That either the said particular Services, Done and Performed to His *Majesty* by the said Viscount of *Melfort*, (The truth whereof is sufficiently known, and did appear to Them) or the forefaid Permutation and Excambion, are Just, Sufficient and Important Reasons, concerning both His *Majesties* Interest, and the publick Good and Welfare of this Kingdom, That They should Advise and Consent

sent to His Majesties Giving and Disposing the saids Lands, Baronies and others above-exprest, to the said *John Viscount of Melfort*, his Heirs and Assignes; and for that effect, that the saids Lands *jesty*, with Advice and Consent of the Estates of Parliament, Decerns, Ordains and Declares, That the saids Lands and Barony of *Riccartoun*; The Lands and Baronies of *Cesnock* and *Galloun*, with the Tower of *Cesnock* and Pertinents; The Lands and Barony of *Bar*, The Lands and Barony of *Castlemains* and *Cumnock*; The Lands and Barony of *Haining-Ross*, all lying within the Sherikdom of *Air*, formerly pertaining to the said *Sir Hugh* and *Sir George Campbells*, sometime of *Cesnock*; And the Lands and Barony of *Duchal*, and the Lands of *Porterfield*, with the Pertinents, which pertained to *Porterfield*, sometime of *Duchal*; And all other Lands, Teinds and Rights whatsover, belonging to the said *Sir Hugh* and *Sir George Campbells*, and *Porterfield*, hereby Dissolves the same from the Crown, and Patrimony thereof; And for that effect has Dissolved, and of Annexation, made the sixteenth day of *June* One thousand six hundred eighty five; And from all other Acts of Annexation, and from all Clauses, Qualities and Conditions therein-contained: And His Majesty, with Advice and Consent foresaid, Finds, Decerns and Declares, That this present Act of Dissolution, having proceeded upon the Advice and Deliberation of the Estates of Parliament, *re integra*; And found by the saids Estates, to be for Great, Weighty and Reasonable Causes, Concerning the Goop, Wellfare and Publick Interest of the whole Kingdom; First Proposed and Advised, and maturely Pondered and Considered, before any previous Grant, or other Right or Deed, Given, Made or Done by His Majesty, in Favours of the said Viscount of *Melfort* and his foresaid, of the Lands, and others particularly and generally above-mentioned, or any part or portion of the same, Does fully satisfie the whole Clauses, Conditions and Qualifications contained in the foresaid Act of Annexation, and shall have the Force, Strength and effect of a general Law or Act of Parliament, and shall beas valid and effectual to the said Viscount of *Melfort*, and his foresaid, for the Security of the Lands, Baronies and others above-exprest, as any other Act of Dissolution Granted by His Majesty, or His Royal Ancestors, with Advice and Consent of the Estates of Parliament, in Favours of whatsoever Person at any time hereafter. Likeas, His Majesty with Advice and Consent foresaid, Finds, Decerns and Declares, That this present Act of Dissolution, shall not be understood to fall under, or be comprehended in any Act *Salvo jure*, To be past in this, or any other Session of this current Parliament; But is hereby excepted thereitae in all time coming.

II.

ACT For the better Inbringing of His Majesties Supply.

May 26. 1686.



OUR SOVERAIGN LORD Considering, That by a Clause in the Act of Convention of Estates, *July 10. 1678.* It is Provided, That Persons lyable in payment of the Supply then Imposed, should not be holden to produce Discharges, or Receipts of the sumen, after the tenth day of *June 1686. years.* And seeing there is a great part of the Cess and Supply yet resting unpaid, for which no Diligence is done; THEREFORE, His Majesty, with Advice and Consent of the Estates of Parliament, Statuts, Ordains and Declares, That the particular Collectors in each Shire, for whom the Commissioners are answerable, shall be lyable in all time coming, to do Diligence by Quartering, or Denunciation against the Deficients, at the head Burgh of the respective Shires where they live; And Declares the said Diligence so to be used, shall be sufficient to stop and interrupt the prescription, and make the Deficients lyable, notwithstanding of the Clause in the foresaid Act, finding them not lyable to produce their Discharges after the said day: And because the time prescribed by the said Act, is now near elapsed, THEREFORE, His Majesty with Advice and Consent foresaid, Does Prorogat the same untill the first day of *November next*; To the Effect, the particular Collectors may do Diligence in the mean time. Likeas, His Majesty and the Estates of Parliament, Statutes and Ordains in time coming, That all Cess which shall not be payed within six Moneths after the same falls due, shall bear Annual rent after elapsing of the said six Moneths, albeit Horning or other Diligence be not used for the same, And whereas by the Act 3. Par. 3. Ch. 2. The number of Foot to be employed in Parties for Quartering upon the Deficients, is Declared to be six Foot for every 1000 Pounds of Deficiency, and so proportionally; Which number is not sufficient, nor proportionable to the number of Horses or Dragoons appointed by the same Act. It is therefore hereby Ordained and Declared, That the number of Foot hereafter to be employed, shall be fifteen for each 1000 Pounds Scots, and so proportionally; And the number of Horses and Dragoons to continue as formerly. And likewise Statutes and Ordains, That if the Parties appointed to Quarter, shall

not exact their Quartering money every twenty days at least, That they shall not have power to exact the same thereafter, It being always Competent to the Parties, in case they get not voluntary payment, to poynd therefore (within the said time) any Goods belonging to the persons on whom they are Quartering, in the ordinary way appointed by Law. And it is hereby Enacted and Declared, That Deficient Money shall only be due to Parties, so long as they are actually Quartering within the Shire, and that the Quartering Money shall commence and be payed according to the foresaid Act of Convention of Estates.

III.

ACT Ordaining Interlocutors to be Subscribed by the Judges.

May 26. 1686.



OUR SOVERAIGN LORD, with Advice and Consent of His Estates of Parliament, Statutes and Ordains, That from and after the first of *November* next, All Interlocutors pronounced by the Lords of Council and Session, and all other Judges within the Kingdom, shall be Signed by the President of the Court, or the Judge pronouncer thereof: And His Majesty, with Advice foresaid. Prohibits and Discharges the Clerks upon their peril, to Extract any Acts or Decrees, unless the Interlocutors, which are the Warrants thereof, be Signed as said is: Declaring hereby the Extracts which shall be given out otherways, to be void and null.

IV.

ACT Ordaining all Executions to be Subscribed by the Witnesses, without necessity of Stamping.

May 26. 1686.



OUR SOVERAIGN LORD, with Advice and Consent of His Estates of Parliament, Statutes and Ordains, That in time coming, all Citations before the Lords of Session, and Citations before any other Judges, Civil or Criminal, which formerly by Law or Custom used to be in Writ, and all Executions of Letters of Horning, Inhibition and others whatsoever, be Subscribed by the Executer thereof, and the Witnesses; Otherwise to be null and void. And that the same shall not be quarrellable for the want of stamping, any Law or Practick to the contrary notwithstanding.

V.

ACT Anent the Session.

May 26. 1686.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, Statute and Ordain, That the ordinary Dyets for Sitting of the Session, shall be thus Regulated for the future, *viz.* The Winter-Session, shall Sitt down the first of *November*, and Rise the last of *February*: And the Summer-Session shall Sitt down the first day of *June*, and Rise the last of *July*; And that this present Act shall take effect from the first of *November* 1686. And that notwithstanding of the seventh Act of the third Parliament of King *Charles* the Second, of ever Glorious Memory, which is hereby Rescinded,

VI.

ACT For the Christmas Vacans

May 26. 1686.



OUR SOVERAIGN LORD, with Advice and Consent of His Majesties Three Estates Assembled in Parliament, Statutes, Ordains and Declares, That the Christmas Vacation of the Session or Colledge of Justice, shall yearly, and in all time coming, Continue and endure from the Twentieth of *December*, to the Tenth day of *January* inclusive; Any former Law, Act or Custom to the contrary Notwithstanding.

VII.

VII.

ACT Of Dissolution of the Lands and Barony of Torwoodlie, in Favours of Lieutenant-General Drummond.

May 28. 1686.



OUR SOVERAIGN LORD, and Estates of Parliament, Taking into Their serious Consideration, That His Majesty's Commissioner, as having special Warrant and Instruction from His Majesty, Having Proposed and Expounded in plain Parliament, The great and faithful Services done and performed to His Majesty's Royal Father King Charles the First, and His Royal Brother King Charles the Second (of ever Blessed memories) and to His Majesty's Self, since His accession to the Crown, by Lieutenant-General Drummond, Commander of all His Majesty's Forces within the Kingdom of Scotland; And Considering the particular Services Done by him, in his ready and chearful joyning with the Forces, Levied in the Year 1648. For Rescuing the Sacred Person of His Majesty's Royal Father, out of the hands of His Rebellious English Subjects, by whom He was then kept Prisoner; And with the Forces Levied in Ireland, for the Service of the Crown, in the year 1649. under the Command of the Duke of Ormond, then Lord Lieutenant of Ireland; And his brave and chearful Concurring with the Royal Armies, both in Scotland and England, in the year 1651. which was the occasion of his suffering great loss, and a grievous long Imprisonment; And his Resolute and Courageous appearing in Arms against the Usurpers in the year 1653. being Cloathed with a Commission of Major-General: And Considering also, That after the hopes of the Loyal Party were absolutely cut off, by the prevalency of the Usurpation, The said Lieutenant-General Drummond having indured the greatest hardships and miseries, under the influence of Tyrannical Powers, made a generous choice, rather to undergo Exile and Banishment from his own Native Country, than submit upon any Terms, or comply with an Unlawful and Usurped Authority, and that upon a Call from His Majesty's Royal Brother, after His Restauration, he left a Splendid and Honourable Employment under the Emperour of Russia, to give Obedience to His Native Prince, and that since his Return to this Kingdom, he did Good and Signal Service, as Major-General in the Defeat of the Rebels, and Suppressing the Rebellion, raised in the year 1666. And in his painful and Faithful Performance of the Office of Master-General of the Ordnance, for divers years; And in his Good and Successful Conduct of His Majesty's Forces, as Lieutenant-General against the late Rebels and Conspirators, who under the Command of the late Earl of Argyle, Designed to Overturn the Government of this Nation; And upon many other occasions, hath given pregnant proofs of a firm and steady Loyalty: And all the saids great and memorable Services and Sufferings, being proposed and laid open in plain Parliament, to the end, the Three Estates might give His Majesty Their Judgement, Advice and Determination, *re integra*, whether the same were True, Good and Reasonable Causes of publick Government, for Dissolving the Lands and Barony of Torwoodlie, formerly pertaining to Pringle sometime of Torwoodlie, with all other Lands, Heretages and Rights, which belonged to him; from the Crown, and which came in His Majesty's hands, through the Crimes of Treason, and *Lesse Majesty*, Acted, Committed and Done by the said Pringle, and the Doom and Sentence of Forfeiture, given and pronounced against him for the same, upon the day of

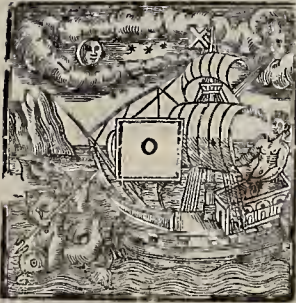
One thousand six hundred eighty five years, and were Annexed to the Crown by the forty two Act of the first Session of this current Parliament; And the said Estates of Parliament, after long and mature Deliberation, and Treating and Consulting ament the Premises, being fully satisfied and convinced, That the particular Services and Sufferings above-mentioned, Done, Performed and Undergone by the said Lieutenant-General Drummond; The Truth whereof is clearly known and did appear to them, are Just, Weighty and Important Reasons, concerning both His Majesty's Interest, and the publick Good and Welfare of this Kingdom, That they should Advise and Consent to His Majesty's Giving and Disposing the saids Lands and Barony of Torwoodlie, and others above-express, to the said Lieutenant-general Drummond, his Heirs and Assignes; And for that effect, that the saids Lands should be Dissolved from the Crown, and from the said Act of Annexation: THEREFORE, His Majesty, with Advice and Consent of the Estates of Parliament, Decerns, Ordains and Declairs, That the saids Lands and Barony of Torwoodlie, and all other Lands, Heretages and Rights, sometime belonging to the said Pringle late of Torwoodlie, and which came in His Majesty's hands, and were Annexed to the Crown in manner

foresaid, may be Disposed to the said Lieutenant-General Drummond, and his forefairs; And for that Effect, has Dissolved, and hereby Dissolves the same from the Crown, and Patrimony thereof; And from the foresaid Act of Annexation, made the sixteenth day of June One thousand six hundred eighty and five years, and from all other Acts of Annexation, and from all Clauses, Qualities and Conditions therein contained; And His Majesty, with Advice and Consent foresaid, Finds, Decerns and Declares, That this present Act of Dissolution having proceeded upon the Advice and Deliberation of the Estates of Parliament, *re integras*; And found by the saids Estates to be for great, weighty and reasonable Causes, concerning the Good, Wellfare and publick Interest of the whole Kingdom, first Proposed and Advised, and maturely Pondered and Considered in plain Parliament, before any previous Grant, Or other Right or Deed, Given, Made or Done by His Majesty, in Favours of the said Lieutenant-General Drummond and his forefairs, of the Lands and others above-mentioned, or any Part or Portion of the same, Does fully satisfie the whole Clauses, Conditions and Qualifications contained in the foresaid Act of Annexation, and shall have the Force, Strength, and Effect of a General Law, or Act of Parliament, and shall be as valid and effectual to the said Lieutenant-General Drummond, and his forefairs, for their Security of the Lands and Barony of *Torwoodlie*, and others above-exprest, as any other Act of Dissolution, Granted by His Majesty, or His Royal Ancestors, with Advice and Consent of the Estates of Parliament, in Favours of whatsoever person at any time heretofore, and that notwithstanding of any former Gift or Grant, Given by His Majesty's Royal Brother, to the said Lieutenant-General Drummond, which shall no ways weaken or Infringe this present Act of Dissolution, or His Majesty's Grant of the Lands and others above-exprest, to follow thereupon. Likeas, His Majesty with Advice and Consent foresaid, Finds, Decerns and Declares, That this present Act of Dissolution shall not be understood to fall under, or be comprehended in any Act, *Salvo Jure*, To be past in this, or any other Session of this current Parliament, but is hereby excepted therefra in all time coming.

VIII.

Additional Act ancient High-Ways and Bridges.

May 28. 1686.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, Ratifies and Approves the sixteenth Act of the first Session of the second Parliament of King Charles the Second, of blessed memory, Entitled, *Act for Repairing High-Ways and Bridges*: And the ninth Act of the second Session of the same Parliament, and Ordains the same to be duly observed in time coming: And for the more effectual Prosecution of these Acts, His Majesty, with Advice foresaid, Doth Authorize and Require the Commissioners for His Majesty's Supply in the several Shires, to meet with the Justices of Peace, and Act in the same manner as they are warranted to do by the foresaid Acts, with Power to them at their first Meeting to choose their own Clerk; And Declares, That any five of the whole number shall be a *Quorum*, excepting the Shires of *Clakmannan*, *Kinross* and *Cromartie*, wherein three to be a *Quorum*; And Ordains the first Dyet of their Meeting for this year, to be the last *Tuesday* of *June* next; And that the Sheriff of the Shire, or his Depute, cause intimate that Dyet, and the first Dyet of Meeting yearly thereafter, at each *Paroch Kirk*, upon the *Sunday* before, under the pain of five hundred merks Scots. And in case any of the Justices of Peace, or Commissioners of Supply, residing within the Shire, shall be absent the said last *Tuesday* of *June* next, or the first Dyet of meeting yearly thereafter, they shall be fined by the *Quorum* mett, in twenty merks Scots, for ilk Dyets absence, and in case a *Quorum* of them shall not meet, the Sheriff or his Depute is hereby empowered to fine each of the absents in twenty merks Scots; which fines shall be applyed for Reparation of the High-Ways and Bridges: And whereas by the foresaid Act in the year 1669. The time for the Inhabitants to work at the Reparation of the High-ways, is appointed not to exceed six Days yearly the first three years, and four days yearly thereafter: His Majesty in regard of the present Condition of the High-ways and Bridges, Doth, with Advice foresaid, Ordain that these working Days shall be six yearly, for the space of five years, from and after the last *Tuesday* of *June* next; and seing it falls out sometimes, that Bridges and Ferries are upon the Confines of two Shires, and it being just that both Shires in that case should be burthened with the Expence of Reparation; His Majesty with Advice foresaid, Doth Ordain the Justices of Peace, and Commissioners of Supply in both Shires to meet and adjust the Expence of the said Reparation proportionally according to the respective Valuations of these Shires; and that the She.

Sheriffs of these Shires or their Deputs Conveen them; and in case they do not meet, Grants War- rant to direct General Letters for Charging them to that effect. And His Majesty with Advice fore- ridges within their respective bounds, and being repaired to uphold the same, and if they tuffer pair or Rebuild these Bridges. And it is hereby Impowered to fine them in as much as will Re- Bridges, or Causeys, the same shall be employed in the first place for Repairing these Bridges and Causeys.

IX.

ACT Of Annexation of the Baronies of Muir-hall and Melfort to the Crown:
June 8. 1686.



OUR SOVERAIGN LORD, and the Estates of Parliament Considering, That by the first Act of the present Session of this current Parliament, the Lands and Barony of Riccartoun, the Lands and Barony of Cessnock and Galsoun, with the Tower of Cessnock and Pertinents; the Lands and Barony of Bar, the Lands and Barony of Castle-mains; the Lands and Barony of Haining-Ross, and the Lands and Baronie of Duchal and Porterfield, with all other Lands, Teinds and Rights whatsoever, which formerly belonged to Sir Hugh and Sir George Campbels, sometime of Cessnock and Porterfield, sometime of Duchal, were Dissolved from

the Crown and Patrimony thereof, To the end the same might be conveyed, and Disposed in Favours of John Lord Viscount of Melfort, one of His Majesties Principal Secretaries of State, his Heirs and Successors, as a just Recompence and Reward of the good and faithful Services, Done and Performed by him to the Crown and Kingdom, particularly exprest in the said Act, and in lieu and place of the Lands and Baronies after-mentioned, wherein the said Viscount of Melfort stood Intert under the Great Seal, and which were found expedient and necessar by the Estates of Parliament, to be Purchast and Acquired from him by His Majesty, for the Causes likewise mentioned in the said Act, viz. The Lands and Barony of Muirhall, comprehending therein the Lands of Inverneil, Kilmoir, Downanoltich, Craigmoirall, Kilbrya, Kilmorich, Auchinbreck, Melfort, Kenmore, Knaps, Kilmorie, Kilberrie, Auchinsolloch, Inshremich, Barleamich, Dannarderie, Ewnichan, Kildalban, Dargachie, Cariedale, Drumoir, Crear, Oib, Muirhall, and several other Lands, Teinds and Rights, mentioned in the Charter thereof, Granted by His Majesty to the said John Viscount of Melfort, of the Date the nineteenth day of March One thousand six hundred eighty six years, which did formerly pertain to Sir Duncan Campbel of Auchinbreck, John Campbel of Melfort, John Campbel of Knaps, Douglall Campbel of Kilberrie, Patrick McCariter of Inshremich, Eiver McEiver of Askins, Donald McEvesh of Dannarderie, Neil Campbel of Ewaichan, Campbel of Kildalban, John Campbel of Dargachie, Duncan Campbel of Cariedale, Alexander Mcmillan of Donnie moir, Donald Mcneil of Crear, Alexander Mreterlich of Oib, Alexander Campbel of Otter, William Denholm of West-shiell, Mr. Alexander Campbel Advocat, Colin Campbel elder of Allangreig, and Duncan Campbel younger thereof, and Stuart younger of Culnecs, and which fell in His Majesties hands, by the Forefaulture of the forenamed Persons: And likewise the Lands and Barony of Melfort, Comprehending the Superiorities and Feu-Duties of the Land of Rayra, and the Isle of Leung, The Lands of Torsay, The Lands and Isle of Shennay, the Lands of Lagianesh, Armadie, Auchnasaul, Ragray, and of many other Lands, particularly mentioned in the Charter thereof, Grnted by His Majesty, under His Majesties Great Seal, to the said John Viscount of Melfort, of the Date, the day of One thousand six hundred eighty five years; Which Superiorities and Feu-Duties pertained formerly to Archibald Campbel late Earl of Argile, and fell in His Majesties hands by his Forefaulture, excepting only the Superiorities and Feu-Duties of Glen-lla, Balquhan, Spittleton, Ednample and Menfrie, which are referred to the said Viscount of Melfort: And also Considering, that in pursuance of the Design and Intent of the said Act of Dissolution, and in Prosecution thereof, The Kings most Excellent Majesty, and the said John Viscount of Melfort, have entered into, and perfected a Contract of the Date the 24. and 28. days of May, One thousand six hundred eighty six years, whereby His Majesty hath Disposed to the Viscount of Melfort and his Heirs therein-mentioned, The Lands and Baronies of Riccartoun, Cessnock and others above-exprest. And on the other part, The said Viscount of Melfort hath Disposed in favours of Our Sovereign Lord the Kings Majesty, and Resigned in His Majesties hands, ad remanentiam, The Lands and Baronies of Muirhall and Melfort, Comprehending the whole Lands, Superiorities and Feu-Duties above-specified, excepting and reserving to the said Viscount of Melfort, as is before excepted and Reserved; And His Majesty now intending, That the Lands, Baronies, and others Disposed and Resigned by the Viscount of Melfort, in favours of His Majesty, should be annexed to the Crown,

and Incorporat with the Patrimony thereof: THEREFORE His Majesty, with Advice and Consent of the Estates of Parliament, Has Annexed; United and Incorporat, and hereby Units, Annexes and Incorporats to the Crown of this His ancient Kingdom, to remain inseparable therewith in all time coming, The Lands and Barony of Muirhall, Comprehending the whole Lands and others above-mentioned, viz. The Lands of Inverneil, Killmore, Downanoltich, Craigmuirhall, Kilbryd, Kilmorich, Auchinbreck, Melfort, Kenmore, Knap, Kilmore, Kilberrie, Auchinulloch, Inshreoch, Barleamich, Donnarderie, Eunnichan, Kildalban, Dargachie, Cariedale, Drumoir, Crear, Oisb, Muirhall, and remanent Lands, Teinds, and Rights mentioned in the foresaid Charter thereof, Granted by His Majesty to the said John Viscount of Melfort; and likewise, The foresaid Lands and Barony of Melfort, Comprehending the Superiorities and the Feu-Duties of the Lands of Rayra, and the Isle of Loung, the Lands of Torfay, the Lands and Isle of Shennoy, the Lands of Duguesish, Ardmadie, Auchnafoul, Ragray, and whole remanent Lands, particularly mentioned in the Charter thereof, granted by His Majesty; under His Majesties Great Seal, to the said John Viscount of Melfort, Excepting only the foresaid Superiorities, and Feu-Duties of Glen-Isle, Balquhan, Spittleton of Balquhan, Ednample and Mensfrie, which are reserved to the said Viscount of Melfort; And it is hereby Statute and Declared, That the saids Lands, Baronies and others above-mentioned, with the Teinds thereof, excepting as is before excepted, shall remain with His Majesties Crown in all time coming, and that the same, or any part thereof, shall not, nor may not be given away in Fee and Heretage, nor in Frank-Tenement, Liferent-pension or Tack, except for the full Duty, which may be gotten from, and payed by the Tennents, or by any other manner of Alienation, Right or Disposition whatsoever to any Person or Persons of whatsoever Estate, Degree or quality they be, without Advice, Decreet and Deliberation of the whole Parliament, and for great, weighty and reasonable Causes, concerning the good, welfare and publick Interest of the whole Kingdom; First to be proposed, and to be Advised and maturely Pondered and Considered by the Estates, *periterna*, before any previous Grant, Right, or Deed be Given, Made or Done by His Majesty, or His Successors, concerning the Disposition of the saids Baronies, and others foresaid, or any part thereof, which may any ways predetermine them or the Estates of Parliament, and prejudice the freedom of their Deliberation and Consent; And if at any time hereafter it shall be thought fit to Dispon, or Grant any Right of any Part of the saids Lands, Superiorities, Offices, Teinds and others, It is Declared That the general Narrative of Good Services, Weighty Causes and Considerations shall not be sufficient; But the particular Causes and Considerations, whereupon His Majesty, and His Successors may be induced to Grant, and the Estates to Consent to such Rights, are to be exprest, that it may appear, That the same is not granted thorow importunity, or upon privat suggestions or preferences: But for True, Just, and Reasonable Causes, and Considerations of publick Concernment, And farther, It is Declared, That if any general Act of Dissolution of His Majesties Property, shall be made at any time hereafter, The Lands, Baronies and others above-mentioned, now annexed, shall not be understood to Fall, or be Comprehended under the same; and if the Lands and others foresaid, hereby Annexed, or any Part thereof, shall be Annalized or Disponed, or any Right of the same shall be Granted, otherways than is appointed and Ordained in manner above-mentioned; His Majesty, with Consent foresaid, Doth Statute and Declate; That all Dispositions, Infeudments and other Rights of the saids Lands, and others now annexed, or any Part thereof, which shall be granted contrary to this present Act, with all Acts of Dissolution and Ratification, and other Acts of Parliament concerning the same, shall be from the beginning, and in all time thereafter, void, null, and of no effect; And notwithstanding thereof, It shall be lawfull to Our Sovereign Lord and His Successors for the time, To take back, and receive at their pleasure, for their own use, without any Process of Law, The Lands and others above-rehearsed, hereby annexed, or any part thereof, which shall be Annalized or Disponed, and these in whose Favours any such Rights or Alienations shall be made, shall be accountable for, and lyable to Refound and pay all Profits, Intromissions, or Benefits taken, uplifted or imployed by them, in the mean time; and it is Declared, That all other Clauses, Articles and Provisions contained in any former Act or Acts of Annexation, to the advantage of His Majesty, and His Crown, are, and shall be holden as repeated and insert herein, Likeas His Majesty, with Advice and Consent of the Estates of Parliament, Doth Ratifie and Confirm the foresaid Contract, past between His Majesty and the said Viscount of Melfort, in the whole Heads, Clauses, Articles, and Provisions of the same, with the Resignation made by vertue of the Procutry therein contained by the Viscount of Melfort, in his Majesties hands, of the foresaid Lands, Baronies, and others hereby annexed to the Crown, together with the Signature granted by His Majesty to the said Viscount of Melfort, and his Heirs of the foresaid Lands, Baronies and others dissolved from the Crown, Dated the _____ day of _____ One thousand six hundred eighty six years; And the Charter under the Great Seal, Precepts and Instruments of Seafin to follow thereupon; and Decerns and Declares this present Ratification to be as valid, effectual and sufficient to all intents and purposes, as if the foresaid Contract, Signature and other Writs

or Rights Confirmed, were all *Verbatim* herein ingrossed; and His Majesty and Estates of Parliament dispenses with, and supplies the generality of these Prefents for now and ever.

X.

ACT Ordaining Pursuers to furnish the Act to the Defenders, whereon they are to Depone.

June 8. 1686.



OUR SOVERAIGN LORD, with Advice and Consent of His Estates of Parliament, Statutes and Ordains, That in Actions before the Lords of Session, and all other Judges within the Kingdom, where by the Act of *Liticonfession*, the Defenders Oath is only required, and nothing to be proven upon his part; That the Pursuer shall be obliged to furnish the Defender with the Act, whereon he is to Depone, within forty eight hours after the Pursuer or his Procurator shall be required; otherways that the Defender shall not be holden to Depone, but the Ordinary shall dismiss him, the foresaid Requisition being always made, after elapsing of the Term assigned by the Act, and before the Term be circumduced at the Pursuers Instance; and where the Defenders in Exhibitions do Depone Negative, and the Defenders in Processes for making arrested Goods forthcoming, Depone either affirmative or Negative, That the Clerks and Macers Dues shall be payed by the Pursuer, and not by the Defender; with Certification, if the Pursuer does not make payment thereof, the Defender shall not be holden to Depone, but may be dismissed by the Ordinary.

XI.

ACT For Winter-Herding.

June 8. 1686.



OUR SOVERAIGN LORD, Considering the Prejudice and Damage, which the Ledges do sustain in their Planting and Inclosures, through the not herding of Nolt, Sheep and other Bestial in the Winter time, whereby the young Trees and Hedges are eaten and destroyed. Doth, with Advice and Content of His Estates of Parliament, Statute and Ordain, That all Heretors, Literenters, Tennents, Cottars and other Possessors of Lands or Houses, shall cause herd their Horses, Nolt, Sheep, Swine and Goats the whole Year, aswell in Winter as Summer, and in the Night time shall cause keep the same in Houses; Folds or Inclosures, so as they may not eat or destroy their Neighbours Ground, Woods, Hedges or Planting, Certifying such as shall Contraveen, they shall be lyable to pay half a Merk *toties quoties*, for ilk Beast they shall have going on their Neighbours Ground, by and attout the Damage done to the Grafs or Planting; And Declares, That it shall be lawfull to the Heretor, or Possessor of the Ground, to detain the saids Beasts, untill he be payed of the said half Merk for ilk Beast found upon his Ground, and of his Expenses in keeping the same; and this but prejudice of any former Acts of Parliament, made against Destroyers of Planting and Inclosures.

XII.

ACT For Cleansing the Streets of Edinburgh.

June 8. 1686.



OUR SOVERAIGN LORD, Considering the many Complaints of the Nastiness of the Streets, Vinds, Closses and other places of the City of *Edinburgh*, which is the Capitall City of the Nation, where the chief Judicatories reside, and to which His Majestyes Liedges must necessarily resort and attend; As also, the great Trouble that does arise to His Majestyes Liedges, and the Inhabitants, by the great numbers of clamorous Beggars, repairing in and about the said City of *Edinburgh*, THEREFORE, His Majesty with Advice and Consent of the Estates of Parliament, Deceins and Ordains the present Magistrats of *Edinburgh*, and their Successors, to lay down effectual Ways for preserving the said Town of *Edinburgh*, *Cannongate* and Subburbs thereof, from the Nastiness of the Streets, Vinds, Closses, and other places of the said Burgh, and for freeing and purging the same of these numerous Beggars which repair in, and about the said Burgh, and that under the pain of 1000. Merks yearly, To be payed by the Magistrats, who shall be in Office, to the Lords of

Session, to be applied by them for the end and use foresaid; Declaring, that the Magistrates who are in Office, and who shall be found negligent of their Duty, shall have no relief of their said fine, out of the Common Good of the said Burgh, or by Stenting the Inhabitants: As also, His Majesty, with Advice and Consent foresaid, for the further Incouragement of the Magistrates of *Edinburgh*, present and to come, in the said matter; Does Statute and Ordain, That the Lords of Council and Session, shall receive from the Magistrates of the said City, or others; all Proposals which the said Lords shall judge rational to the effect above-mentioned, And for that effect, Authorizes and Impowers the Lords of Session, with Advice and Consent of the Magistrates, to impose such Taxes upon all the Inhabitants, Burgeffes and others, within the said Town, *Cannongate* and Suburbs thereof, as they shall find just and necessary, for purging and cleansing the said Town of the foresaid Nastiness, and that all Execution by Horning or summar Poynding, proceed against the Inhabitants for payment of their Proportions: And Recommends to the Lords of Session, to meet with the Magistrates, and to Proceed in the said Matter, as well in time of Vacans, as in the time of Session; And Ordains the present Magistrates and their Successors, to put all such A&S and Ordinances as shall be agreed upon, and settled by the Lords of Session, for the effect above-mentioned, to vigorous Execution, under the pain and certification above-mentioned, to be incurred by the Magistrates yearly, in case the said City of *Edinburgh* be not effectually cleansed, and purged of the foresaid Nastiness and Beggars, without any relief to the Magistrates out of the Common-Good of the said Burgh, or from the Inhabitants.

XIII.

ACT Of Dissolution in Favours of the Duke of Gordon,

June 8. 1686.



OUR SOVERAIGN LORD, and Estates of Parliament, Taking to their Consideration, the many signal Services done and performed to His Majesty and His Royal Ancestors by the Family of *Huntly*, for many ages, with the eminent Sufferings of several of the Representatives of that Family, for their constant adherence to the True Interests of the Crown, and the great Services and Sufferings of *George Marquis of Huntly*, Grand-Father to *George now Duke of Gordon*, who for His Loyalty to His Majesties Royal Father, of blessed memory, was by the then Rebels Condemned, and thereafter cruelly murdered on a Scaffold: And also, Taking into their Consideration the constant Loyalty, great Services and Merits of the said *George Duke of Gordon*, who has fully answered and improved the high and honourable Characters of Loyalty and Nobility, Derived unto him

by his Predecessors, and his readiness by himself, his Friends and Followers, in subduing the late Rebellion. As also, His Majesty and Estates of Parliament, Considering That Mr. *Robert Baillie*, sometime of *Ferriswood*, being upon the 24 day of *December 1684* Found guilty by an Assise of the Crime of high Treason, was Forefaulted by His Majesties Justice-General, Justice-Clerk, and Commissioners of Justiciary. And by the 42 Act of the first Session of His Majesties current Parliament, The Lands and Barony of *Mellarstanes*, and all other Lands, Teinds and Rights whatsoever, pertaining to the said Mr. *Robert Baillie*, were Unite, Annexed, and Incorporat to the Crown of this His Majesties ancient Kingdom; And the saids Lands and Barony of *Mellarstanes* and *Fawns*, with the Pertinents lying within the Lordship of *Gordon, Huntly*, Parochin of _____ and Sheriffdom of *Berwick*, did anciently belong to, and were holden of the said *George Duke of Gordon*, and his Predecessors, and are specially contained and ingross in their, and his Inestments, under the great Seal of this Kingdom: And His Majesties Commissioner, as having special Warrant and Instruction from His Majesty, Having proposed and Expounded in plain Parliament, That His Majesty upon the Considerations foresaid, and as a mark of His Royal Bounty and Favour, resolved to bestow on the said Duke of *Gordon*, the Lands which did anciently hold of his Family in the *Merse*, as well as such as yet hold of himself, all of which belonged to the said Mr. *Robert Baillie*, late of *Ferriswood*: And the Estates of Parliament, after mature Deliberation, Treating and Consulting anent the Premises (*re integra*) being fully satisfied and convinced, That the foresaid Services and Sufferings, done and endured by the said *George Duke of Gordon*, his predecessors and himself, for His Majesty and His Royal Ancestors; The truth whereof is sufficiently known, and did appear to them, are Just, Sufficient and Important Reasons, concerning both His Majesties Interest, and the publick Good and Welfare of this Kingdom, That they should Advise and Consent to

to His Majesty Giving and Disposing the saids Lands and Barony of Mellarstanes and Fawns, with the Pertinents above-exprest, to the said George Duke of Gordon, his Heirs and Assignes: And Annexation. THEREFORE His Majesty, with Advice and Consent of the Estates of Parliament, Decerns, Ordains and Declares, That the saids Lands and Barony of Mellarstanes and Fawns, with the Pertinents formerly pertaining to the said Mr. Robert Bailie sometime of Jerriswood, may be Dissolved to the said George Duke of Gordon, and his forefairs; And for that effect has Dissolved, and hereby Dissolves the same from the Crown, and Patrimony thereof, and from the foresaid Act of Annexation, and from all other Acts of Annexation, and from all Clauses, Qualities and Decerns and Declares, That this present Act of Dissolution, having proceeded upon the Advice and Deliberation of the Estates of Parliament (*re integra*) And sound by the saids Estates, to be of the whole Kingdom, first proposed and Advised, and maturely pondered and considered, be- fore any previous Grant, or other Right or Deed, Given, Made, or Done by His Majesty, in fa- vours of the said George Duke of Gordon, and his forefairs, of the Lands above-written, with the Pertinents, or any part or portion of the same, Doth fully satisfie the whole Clauses, Conditions and Effect of a general Law, or Act of Parliament, and shall be as valid, and effectual to the said George Duke of Gordon, and his forefairs, for their Security of the saids Lands and Barony of Mel- larstanes and Fawns above-exprest, with the Pertinents, as any other Act of Dissolution Granted by His Majesty, or His Royal Ancestors, with Advice and Consent of the Estates of Parliament, in favours of whatsoever person, at any time heretofore. Likkas, His Majesty with Advice and Consent foresaid, Finds, Decerns and Declares, That this present Act of Dissolution shall not be un- derstood to fall under, or be comprehended in any Act *Silvæ Jure*, to be past in this or any other Session of this current Parliament, but is hereby excepted therefrom in time coming.

XIV.

ACT Against Importing Irish-Viſual or Cattel.

June 14. 1686.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, Does Ratifie and Approve the 3 Act 3 Sess. Par. 2. Ch. 2. Against the Importing of Irish-Viſual, with this alteration, *Viz.* That all the Viſual that shall be Imported, shall be sunk and destroyed, and the Seizer or Discoverer, in place of the third part of the Viſual allowed him by the foresaid Act, for his Reward, shall have the Boat, Bark, or Vessel wherein the said Viſual shall be Imported, to dispose of at his pleasure, together with the half of the Fines, by the foresaid Act Imposed upon the Importers, Receivers and Heretors, and the other half of the saids Fines to belong to His Majesty: As likewise His Majesty, with Advice and Consent foresaid, Enacts and Ordains, That no Horse, Mare, or Cattel whatsoever, shall be Imported from Ireland to this Kingdom, under the pain and Penalty of Forfeiture, of the Horse, Mares, or, Cattel that shall be Imported, and further of paying the sum of an hundred Merks Scots for each Beast that shall be so Imported, the one half of both the Beasts and Fines to belong to the Seizer and Discoverer, and the other half to His Majesty: As likewise, That no Person within this Kingdom, Reset or Buy any Horse, Mares or Nolt, That they know to be Imported out of Ireland, under the pain of an hundred merks Scots for each Beast, besides the Forfeiture of the Beasts themselves, the one half to belong to the Discoverer, (he always pur- suing and instructing the same importation within six Months after) and the other half to His Ma- jesty; And Recommends to the Lords of Council; to nominate and appoint such Persons as they shall think fit for seeing this Act put in Execution.

XV.

ACT Declaring that Inhibitions shall not be prejudged by Recognition.

June 14. 1686.



OUR SOVERAIGN LORD, with Advice and consent of His Estates of Parliament, Sta- tutes and Ordains, That in time coming, no Inhibition duly Execute, shall be prejudg- ed or disappointed by the Debtors, doing Deeds after the Inhibition inferring Recog- nition; But that the Lands falling under Recognition, shall be burdened with the prior Inhibition and ground thereof.

XVI.

ACT For Burjing in Scots Lincn.

June 14. 1686.



U R SOVERAIGN LORD, For the Encouragement of the Lincn-Manufactures in this Kingdom, and prevention of the Exportation of the Moneys thereof, by Impositing of Lincn, Dorch, with Advice and Consent of His Estates of Parliament, Statute and Ordain, That hereafter no Corps of any Persons whatsoever, shall be Buried in any Shirt, Sheet, or any thing else, except in plain Lincn, or Cloth of Hards, made and Spun within the Kingdom, without Lacc or Point; Discharging from henceforth the making use of Holland, or other Lincn-Cloth made in other Kingdoms, all Silk, Hair, or Woolen, Gold or Silver, or any other Stuff whatsoever, then what is made of Flax or Hards, Spun and Wrought within the Kingdom, as said is, and that under the pain and Penalty of 300 Pounds Scots, *toties quoties*, for a Noble-man, and 200 Pound for each other Person, whereof the one half to the Discoverer, and the other half to the Poor of the Parish, where the saids Corps shall be so Interred: And for the better Discovering of the Contraveeners, I is hereby further Statute and Ordained, That every Minister within the Kingdom, shall keep a Book, containing an exact account and Register of all Persons, buried within their said Parish; As also, That some one or more of the Relations of the Person Deceased, or other credible Person (Tenants in the Countrey and Cottars being always excepted) shall within eight days after such Interment, bring a Certificat upon Oath in Writing, Witnessed by two famous Persons to the Minister, Declaring, That the said Person was Woond or Wrapt in manner herein-prescribed; Which Certificats are to be Recorded by the Minister or Reader of the Parish *gratis*, without exacting any money therefore. And if no Relation of the Party buried, or other Person shall bring such a Certificat, within the said time of eight days, That then and in that case, the Goods and Gear of the Party Deceased, shall be, and are hereby Declared, to be lyable to the foresaid Forefaulture, to be pursued at the Instance of the Minister of the said Parish, before any Judge competent; and in case the Parties prove litigious by Advocating, or Suspending the said Sentence; The saids Judges are hereby Authorized and Impowered to modifie Expenses as they shall find cause: And if such persons Died *in familia*, The Father and Mother, or other Relations, in whose Family they Die, are hereby Declared lyable for the said Fine: And it is hereby Statute and Ordained, That if the Minister in whose Parish any such Corps shall be so Interred, prove negligent in pursuing the Contraveeners within six Moneths after the said Burial, he is hereby Declared lyable for the said Fine, the one half to the Poor, and the other half to the Discoverer, to be divided in manner foresaid. As also, His Majesty, with Advice foresaid, Statutes and Ordains, That no Wooden Coffin shall exceed an hundred merks Scots, as the highest Rate for Persons of the greatest Quality, and so proportionally for others of meaner Quality, under the pain of two hundred merks for the Contravention.

XVII.

ACT For Writing Seafins by way of Book.

June 14. 1686.



U R SOVERAIGN LORD, Taking into His Consideration, That Seafins do extend to great length by reason of inserting and repeating of the whole Provisions of the Charter therein; THEREFORE His Majesty, with Advice and Consent of His Estates of Parliament, for the more easie and commodious perusal thereof, Statutes and Ordains, That it shall be lawful for Parties, if they think fit, To cause Write and Extend their Seafins by way of Book, the attestation of the Nottar condescending upon the number of the Leaves in the Book, and each Leaf being Signed by the Nottar and Witnesses, to the giving of the Seafin; And Ratifies all Seafins already Written by way of Book, by Warrant of His Majesties Privy Council.

XVIII.

ACT Appointing the Publication of the Testimonies of Witnesses.

June 14. 1686.



OUR SOVERAIGN LORD Considering how much it does import and concern the Good and Interest of His *Majesties* Liedges, and the due Administration of Justice, That Witnesses be distinctly and fully Examined, and their Depositions Written in plain and clear Words, as they are given; **THEREFORE**, His *Majesty* with Advice and Consent of the Estates of Parliament, Statutes and Ordains, That in all Processes presently depending, or to be intended before the Lords of Privy Council, Lords of Session, and all other Judges within this Kingdom, The Witnesses who are made use of, and adduced therein, shall be Examined in presence of the Parties, or their Advocats, they being present at the Diets of Examination; and that there be publication of the Testimonies of the Witnesses in the Clerks hands, allowed to the Parties *gratis*, before Advising, To the effect Parties may have Copies thereof, if they think fit, any Law or Act of Parliament, Custom or Usage to the contrary, notwithstanding.

XIX.

ACT Anent the Registration of Seafins and Reversions.

June 14. 1686.



OUR SOVERAIGN LORD Considering, That where Seafins and other Writs and Diligences appointed to be Registrat, are duly presented to the Keepers of Registers, it is their Dury to cause carefully Book and Registrat the same, for the security of the Party, and Intimation of the Liedges; **THEREFORE** His *Majesty*, with Advice and Consent of His Estates of Parliament, Statutes and Ordains, That where Seafins and other Writs are presented to the Keepers of Registers, and delivered back to the Party, bearing, *A Record and Attestation under their hand that the same are Registrat*; It shall make the same sufficient and valid for the security of the Party, al-

beit by the omission or negligence of the Keeper of the Register, or his Deputs, They should not be found Booked or insert in the Register; And to the effect that all Deputs entrusted with the care and keeping of the Registers, may Faithfully do, and execute their Office. His *Majesty* with Advice and Consent foresaid Statutes and Ordains, That in case by their omission or negligence, any Writs presented to them, and marked with their hands to be Registrat, shall not be found booked and insert in the Register, The saids Deputs, Gulty of such omission and negligence, shall be punishable as Forgers of the publick Registers and Records, and shall be lyable in Damage and Prejudice to any Pa rty who shall be prejudged by the said omission or negligence. And His *Majesty* with Advice foresaid, Statutes, Ordains and Declares, That these Presents shall no ways derogat from the 16th *Act* of the 22 Parliament K. *Fa.* the 6th. Entitled, *Act anent the Registration of Reversions, Seafins and other Writs*, which shall remain in its full Force and strength in all Points; as before the making of this present *Act*.

XX.

ACT Anent the Nomination of the Clerks to the Justices of Peace.

June 14. 1686.



OUR SOVERAIGN LORD, and Estates of Parliament, Considering that by a Clause in the 16th *Act* of the last Session of this current Parliament, *Anent Justices of Peace*; The saids Justices are allowed to nominat their own Clerks, which is a Right and Priviledge, belonging to the Secretaries of State, The Clerkships of the Justices of Peace being Dependences of the Secretaries Office; **THEREFORE**, His *Majesty*, with Advice and Consent of the Estates of Parliament, Has Repelled, Called and Annulled, and hereby Repells, Casses and Annulls the foresaid Clause in the Sixteenth *Act* of the last Session of this current Parliament, *Allowing the Justices of Peace to Nominat their own Clerks*, and Declares the same to have no Force, Strength, nor Effect from the beginning, and to be null and void in all time coming.

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XXI.

XXI.

ACT In Favours of John Adair, Geographer, for Surveying the Kingdom of Scotland, and Navigating the Coasts and Isles thereof.

June 14. 1686.



OUR SOVERAIGN LORD ; and Estates of Parliament, Taking into their Consideration, that exact Geographical Descriptions of the several Shires within this Kingdom, will be both Honourable and Useful to the Inhabitants; and the Hydrographical Description of the Sea-Coasts, Isles, Creeks, Firths and Lochs, about the Kingdom, are not only Honourable and Useful, but most necessary for Navigation, and may prevent several Ship-wracks, The want of such exact Maps, having occasioned great losses in time past: And likewise, thereby Forraigners may be Invited to Trade with more Security on our Coasts; And Considering, That *John Adair* hath given notable Experiments of his great Skill, Diligence, and Qualifications, for performing so good a Work; And having signified his willingness to perform the same, on allowance of competent Expence; THEREFORE His Majesty, with Consent

of the Estates of Parliament, Doth Ordain and Enact, That one shilling Scots be exacted out of ilk Tun, from all the Ships, and other Vessels above eight Tunns, within this Kingdom, (excepting Lighters, and Fisher-boats;) and two shilling Scots out of each Forraign Ship, yearly, for the space of five years next ensuing, Commencing from *Whitsunday* this year 1686, and this for defraying the Charge of Hydrographical Maps, for the use of the Sea-men, which one shilling, and two shilling respectively per Tun, Is hereby Ordained to be Collected by the several Collectors of His Majesties Customs, who are to deliver the same to the general Collector, or Fermer of His Majesties Customs, yearly upon Oath, at the Term of *Martinmas*, and the same to be payed in to any, the Lords of His Majesties Privy Council shall appoint to receive the same, to be given to the said *John Adair*, as the saids Lords shall appoint, at the said Term, ilk year, during the space above-written; and the saids Collectors are also to deliver to the said *John Adair*, subscribed Lists of the saids Ships, with their respective Burdens, as the ground of their Charge yearly: And the said *John Adair* is to give account yearly at *Martinmas*, of what progress he hath made, as to the Hydrographical Maps to His Majesties Privy Council, or such as they shall Commissionat for Inspecting the same. As also, for Defraying his Expence, for drawing of the Maps of the several Shires, It is Statute and Ordained, That the Sheriffs of each respective Shire, Baillies of Regality, Stewarts of Stewartry, shall, at the desire of the said *John Adair*, when he comes to their Shire or Bounds, for the end aforesaid, Call the Heretors in the said Shire: And it is hereby Recommended to them, to appoint a suitable Encouragement for defraying the Expence of Surveying the said Shire, to be Collected by the Collector of His Majesties Supply, immediately after the said Meeting. As likewise, That they appoint one or two knowing men, in each Paroch, to go alongst with the said *John Adair*, when he is actually Surveying the same, to design unto him the particular places of each Paroch, for the more exact performance of the said Work; And Ordains the Collector thereof to deliver what shall be Collected to the said *John Adair*, upon his presenting the Draught of the Map, to the respective Sheriffs, or others foresaid. And likewise, The said *John Adair*, giving account yearly to His Majesties Privy Council of his Diligence therein, and when the said Geographical and Hydrographical Maps are perfected. The care of having the same Printed in a good Edition, is Recommended to His Majesties Privy Council,

XXII.

ACT and Commission for Plantation of Kirks, and Valuation of Teinds.

June 14. 1686.



FORASMUCH, as His *Majesties* Father, of ever blessed memory, out of His Royal Care and Zeal for the Reformed Religion within this Kingdom, and the Maintainance and Provision of the Ministry and Churches thereof, and the Peace of the Kingdom, and for preventing and settling all Differences, that did, or might arise betwixt Titulars, and others having right to Teinds, and Heretors, concerning the Leading and Drawing of their Teinds; and immediatly after His attaining and succeeding to the Crown, Gave Forth and Emitted His Royal Declaration anent the Premisses, and the other particulars therein-specified: And in pursuance of the Ends foresaid, Divers Laws and Acts of Parliament were made in the year of our Lord 1633. His said *Majesty* being then present in His Royal Person, and since divers Acts of Parliament, and Commissions have been Made, Given and Renewed to that purpose, and particularly by the 15 *Act* of the 3 *Session* of the 2 *Parliament* of King *Charles* the Second, His *Majesties* umquhile Royal Brother, of ever blessed memory. And His *Majesty* being Resolved, and desirous to Prosecute so good a Work for the univerval Good of His Subjects, and especially for the Encouragement of the Ministers of the Gospel; **THEREFORE**, His *Majesty* with Advice and Consent of His Estates of Parliament, Gives full Power and Commission to His *Majesties* Officers of Estate for the time being, and to

Or any thirteen of them to be a *Quorum*, whereof three of every Estate, with one of the Officers of Estate, to Meet and Conveen at *Edinburgh*, the _____ day of _____ years, and such other place or places, times or dyets, as they shall appoint, To Value and cause be Valued, whatsover Teinds, great or small, Parsonage or Viccarage within this Kingdom, which are yet unvalued; Declaring, That where the Viccarage of any Paroch is a severall Benefice, and Title from the Parsonage, the same shall be severally Valued, to the effect, the Titulars or Ministers serving the Cure, having Right to the said Viccarage, be not frustrated of the true worth thereof; With power to the saids Commissioners, or *Quorum* foresaid, to appoint Committees, or Sub Committees of their own number, and to grant Sub-Commissions, and to receive Reports from them, and to approve or disapprove the same, as they shall find just; And to Rectifie whatsoever Valuations, Led, or to be Led, to the *Enorm* prejudice of the Titulars, or the hurt and detriment of the Church, and prejudice of the Ministers Maintainance and Provisions. Providing always, Likewise as it is hereby expressly Provided and Declared, That where Valuations are lawfully Led against all persons having interest, and allowed by former Commissions, the same shall not be drawn in question, nor Rectified upon prerence of *Enorm Lesion*, at the Instance of the Minister, (not being Titular) or at the Instance of His *Majesties* Advocat, in respect of His *Majesties* Annuity, except it can be proven that Collusion was used, betwixt the Titulars and Heretors, or betwixt the Procurator-fiscal and the Heretors and Titulars: Which Collusion is Declared to be, when the Valuations are Led with the Diminution of the third part of the just Rent: Which Diminution shall be proven by the parties Oath, and with power to the saids Commissioners, or *Quorum* foresaid; Where Ministers are not already sufficiently provided, or have not Localities already assigned to them for their Stipends, out of the Teinds within the Paroches where they Serve the Cure, according to the Quantities, Proportions and Rules contained in the 19 *Act* of the *Par. 1633*. To modifie, settle and appoint constant local Stipends to each Minister out of the Teinds of the Paroch where they Serve the Cure; With Power also to the saids Commissioners, to grant Remcompence by Prorogation of Tacks to Parties, for all augmentations of Stipends which are granted since the year 1630. or shall be granted, and that esseiring to the augmentations already granted, or to be granted, as the saids Commissioners shall think fit, And sicklike, To Disjoyn too large

and spacious Paroches, to cause erect and build new Churches, to Annex and Dismember Churches, as they shall think convenient; And to take Order, that every Heretor and Liferenter shall have the leading and buying of their own Teinds, if they be willing, according to the Rules prescribed by the 19 Act, and Commission granted by His Majesty, with Consent of His Estates of Parliament, in Anno 1633. And the Acts of Parliament therein-mentioned: With power to Determine all Questions concerning the prices of Teinds, betwixt Titulars and others having Right thereto, and the Heretors; and to appoint such Securities in favours of Titulars and others having Right to Teinds, for their prices, to be granted to the Heretors, and others lyable in payment of valued Duties, or buyers of the said Teinds, and in favours of the Ministers, as to their Maintinance, as the said Commissioners shall think fitting, according to the Rules set down in the said Act 1633. And each Heretor, whose Teinds belongs to Titulars of Erection, to have power and Liberty to buy the Teinds of his own Lands, whether Valued or not, within the space of three years after the Date of this Act, with this Declaration always, That in case the Impediment, during the time foresaid, flow from the Titular, by reason of his Minority, or other inability; In that case the Heretor who offered to buy his own Teinds, within the space foresaid, shall have place so soon as the Impediment shall be removed, to buy his Teinds, notwithstanding of the expyryng of the years, and space after-express. And it is Declared, That if the Heretor be Minor, and his Tutor neglect the buying of his Teinds within the foresaid space, the Minor shall have Action for two years after his minority, to compell the Titular to sell his said Teinds; And generally, with power to the said Commissioners to Decide and Determine in all other Points, which may concern the Drawing or Leading of Teinds, the selling or buying of the same, or payment of the Rates thereof, contained in the former Acts of Parliament, or set down in the general Determination, given out by His Majesty's Royal Father of blessed memory; And if any person or persons shall find themselves grieved, and complain of the Injustice, or Exorbitancy of any Decreet or Sentence given in any of the Commissions during the time of the late Troubles, with power to the said Commissioners, to take the same to their Consideration, and alter, annull, or allow the saids Decrets and Sentences as they shall find just; And it is always Provided and Declared, that the Arch-Bishops and Bishops, and other Beneficed Persons, being Ministers, and their Successors, shall not be prejudged of the Rents whereof their Predecessors were in actual and real Possession; and which by the Laws of the Kingdom were due to them in anno 1637. Or whereof they are presently in Possession, and that they shall be no further bound, but according to the Conditions and Provisions express in the Submissions made by the Bishops to His Majesty's Royal Father of blessed memory, of the date, the day of 1628. and Registrat in the Books of Commission for Surrenders and Teinds, upon the 15 day of July 1631; And wheréas it may fall out, that some of the Commissioners may be unable to attend the Service through Death, Sicknes, or other known Impediment, THEREFORE, His Majesty Declares, That He shall be careful to fill their places with other persons qualified, whose Oaths (for faithful Discharging of the same) shall be taken by the Lord Chancellor, or in his absence by the Lord President of the Commission for the time; And Ordains this present Commission to endure ay and while the same be Discharged by His Majesty. And the Acts, Decrets and Sentences thereof to have the Force, Strength and Effect of a Decreet or Sentence of Parliament; And the Lords of Session to grant Letters of Horning, Poynding and others necessar to be direct upon the said Decrets and Sentences, in manner contained in the foresaid Commissions, And His Majesty with Consent foresaid, hereby Discharges all former Commissions, Declaring the same to be expyred.

XXIII.

Commission for Regulation of Judicatures.

June 14. 1686.



OUR SOVERAIGN LORD from His Royal and Princely Care of the Good and Welfare of this His ancient Kingdom, being desirous to prevent and Redres all abuses and unwarrantable exactions within the same, especially in Offices of Publick Trust, and in the Dispensation of Justice, to the effect the same may be speedily and impartially Administrat with as little trouble and expence to His Subjects, as the nature of such Affairs and Proceedings can admit of. And His Majesty likewise Considering, That His dearest Brother, King Charles the Second of blessed memory, Having by a Commission under the great Seal of this Kingdom, of the Date the 21 of September 1669. For the same end and design, Impowered and Authorized the Persons therein-mentioned; to make such Rules, Orders and Constitutions, as might prevent the same in time-coming; and who in pursuance of the

said

said Commission, did agree upon certain Articles of Regulation, relating to the Session, Justice, Court and Exchequer; All which are Ratified by the 16 Act of the 3 Session of the 2 Parl. K. Ch. the Second: But the saids Commissioners were not able through the shortness of time, fully to perfect and accomplish so great and necessary a Work, as the Good and Interest of the Kingdom requires. And His Majesty being now fully Resolved, to prosecute so good a Work for the universal good of His Subjects, and to perfect the same, that His Subjects may be convinced, and sensible of their great Happiness and Prosperity under His Protection and Government; THEREFORE His Majesty, with Advice and Consent of His Estates of Parliament, Gives full Power, Warland and Commission to

Whereof the number of the day of to be a Quorum, to meet and convene at Edinburgh, years, and thereafter at such times and dyets as they shall appoint; And with power to the saids Commissioners to take full and exact Tryal of all abuses, and other Exorbitancies or Exactions, which are practised in prejudice of His Majesties Liegdes, in any Offices of Judicature, or others within this His Ancient Kingdom; And to take Tryal and Information by all manner of Probation thereanent, and how the saids Abuses have crept in, and from what time, and to take notice and tryal of the Authors and Committers thereof; and to Transmit an exact and perfect Accompt of the same to His Majesty, that He may signify His Royal Pleasure, and give what Directions therein He thinks just. And for the effectual preventing and restraining the same in time coming. His Majesty with Advice and Consent foresaid, Does hereby Authorize and Impower the foresaid persons, or Quorum thereof, to make such Orders, Acts, and Constitutions for Regulating the same in time coming, as they shall find just, under such Penalties and Certifications to be incurred by the Contraveeners, as the saids Commissioners shall find necessary in that behalf. All which Acts, Ordinances and Constitutions made by the saids Commissioners, and Approven under His Majesties Royal Hand, His Majesty, with Advice and Consent foresaid, Does Ratifie, Approve and Confirm, And Decerns and Ordains the same to be put to Execution, and to have full Force, Strength and Effect against the Contraveeners in all time coming. As likewise His Majesty, with Consent foresaid, Does hereby Authorize and Impower the saids Commissioners, to prescribe and set down clear and distinct Rules for the Inferiour Judicatures in this Kingdom, as to their competency, and the Nature of their Jurisdictions, that His Majesties Liegdes may be at a certainty, and not be put to trouble and expence by being called and forced to compare and attend before different Courts for the same cause, hereby Inhibiting and Discharging the saids Judges, to proceed or determine in any other Actions or Causes, than what shall be found by the saids Commissioners to be proper and competent for their Jurisdictions; Declaring all such Acts and Decrees to be given and pronounced by them, in matters not competent to their Jurisdictions, to be null and void, and the Judges to be lyable to the damage and prejudice of the Party grieved, and to be punishable at the sight of the Lords of Privy Council, for transgressing their Jurisdiction. And to the effect, so just and necessary a Work may meet with no obstruction from the negligence, or not attendance of the foresaid Commissioners. His Majesty, with Advice and Consent foresaid, Statutes, Ordains and Declares, That the Commissioners, who without a just and lawful excuse, (to be allowed by such of the Commissioners who shall meet) shall not attend the dyets of meeting appointed, or to be appointed for carrying on of the said Work, shall incur the pain of *toties quoties*, to be disposed of by the commissioners; as they shall think just. And for which, Letters of Horning and Poynding are hereby granted: And it is hereby Declared, That this Commission shall continue and endure, during His Majesties Pleasure, and ay and while the same shall be recalled, or discharged by His Majesty.

XXIV.

A CT ancient an humble Offer to His Majesty for an Imposition upon certain Commodities, for defraying the Expence of a free Coynage, and other matters relating to the Mint.

June 14. 1686.



OUR SOVERAIGN LORD, and the Estates of Parliament, Considering the great advantages that may accesse to this His Ancient Kingdom, by encouraging the Importation of Bullion to be Coyned in His *Majesties* Mint, by that a free Coynage is of all others the greatest encouragement for that end. And that the Estates of Parliament taking into their Consideration, That the Charge and Expences of a free Coynage cannot be supported, without their giving unto His *Majesty* a suitable Found for the same; **THEREFORE**, They Do out of a due Sense of His *Majesties* great Care for the Prosperity of this His ancient Kingdom, Humbly offer unto His *Majesty* twelve shillings Scots for each Ounce of Bullion Imposed by the eight *Act* of the first *session* of the second *Parliament* of King *Charles* the Second, upon the several Commodities therein-specified, *viz.* Spanish, Rhenish and Brandy Wines of all sorts, each Tun fourteen pound and eight shilling Scots money; French Wines of all sorts, every Tun seven pound four Shillings Scots; Paper for Printing and Writing of all sorts, every six Rims twelve shillings Scots; Gray-paper every twelve Rims twelve shillings Scots; Dails every thousand, three pounds Scots; Single-Trees every thousand three pounds Scots; Double-Trees every thousand six pounds Scots; Double Double-Trees, and all other great Fir-Timber, every thousand twelve pounds Scots; Steel every hundred weight twelve shillings Scots; Iron and Iron-Work, beaten of all sorts, every Tun one pound four shillings Scots; Onyons and Apples, every two Barrels twelve shillings Scots; Mumm-beer, every Barrel, two pounds eight shillings Scots; Prunes every Tun two pound eight shillings Scots; Raisins, Currans and Figs, every Tun six pounds Scots; Iron Pots of all sorts, every duzon twelve shillings Scots; Soap every Barrel, one pound four shillings Scots; Sugar-Candy every hundred weight, six pound Scots; Copper-Kettles, Bras-Pans, and all other made Work in Bras or Copper, yetlin or beaten, every hundred weight two pound eight shillings Scots; Mader, every thousand weight three pounds Scots; Hatts of all sorts, every three dozen one pound four shillings Scots; Window-Glafs of all sorts, every Chest twelve shillings Scots; Lemons and Oranges, every thousand twelve shillings Scots; Hopes of all sorts, every hundred weight, twelve shillings Scots; Spanish-Leather, Marikin, Tanned-Leather, Wild-Leather, and all other sorts of Leather, except *Muscovita*-Leather, every hundred weight twelve shillings Scots; Gloves of all sorts, each duzon twelve shillings Scots; Whale-bone, or Ballen, every two hundred weight twelve shillings Scots: And His *Majesty*, with Advice and Consent of His Estates of Parliament, Doth hereby Rescind and Annull the eight *Act* of the second *Parliament*, first *Session* of King *Charles* the second, and in all time-coming, Statutes and Ordains, That the above-mentioned fums upon the forefaids Commodities, Imported into this Kingdom, shall be payed in to the Tack-men and Collectors of His *Majesties* Customs, by the Merchants or other Importers of the saids Goods, before they break bulk, in the same way and manner that His *Majesties* Customs upon Forraign Commodities are payed in by the Merchants and others; And Ordains the General-Collectors, Tack-men and Farmers of His *Majesties* Customs, to Compt yearly in Exchequer for the whole Imposition above-specified, according to the rate of twelve shillings Scots *per* Ounce, in stead of the Ounce of Bullion formerly payed in *in specie* by the Merchants, and to make a general *Aequ* for their several Sub-Collectors. And His *Majesty*, with Advice and Consent foresaid, Doth hereby Annex the foresaid Imposition for ever unto the Imperial Crown of this Kingdom, to remain with His *Majesty*, His Heirs and lawful Successors, in all time-coming, for supporting the Charge and Expence of a free Coynage, and for paying the Sallaries of the Officers of Mint. And His *Majesty*, with Advice and Consent of the Estates of Parliament, Doth hereby appropriat and set apart the foresaid Imposition allanerly for the use of the said Mint, and the supporting the Charge of a free Coynage. And His *Majesty*, with Advice and Consent foresaid, Doth hereby Command and Require the Tack-men and Collectors of His Customs, and their Deputs, to keep the said Imposition a-part by it self, and to pay the same quarterly to the Lords Commissioners of His *Majesties* Thefaury, Thefaurer-Principal, and Thefaurer-Deput for the time-being, who are hereby Required to keep the saids Moneys and Imposition a-part by it self, separat and distinct from all other His *Majesties* Customs, and Revenues; And His *Majesties* Cash-keeper, or Receivers, are hereby Commanded to keep a-part the said Moneys in a secure Chest by it self, whereot the General, or Master of Mint, is to have one Key, and the Cash-keeper or Receivers another Key, and the said Chest is not to be opened without the General or Master of the Mint be present; Nor shall the saids Moneys be delivered but at such times,

times as His Majesty, or His Privy Council shall think fit, to the General and Master of His Majesty's Mint, for payment of the Salaries of the Officers thereof, and for the defraying the expence and Charge of a free Coynage; And for the further encouragement of Merchants and others, to Import Bullion, His Majesty with Advice and Consent of His Estates of Parliament, Statutes and Ordains, That any Merchant or other Person, as well Strangers as Natives, who shall Import into this Kingdom, and bring in to His Majesty's Mint, any quantities of Bullion, or Silver of the fineness of eleven Deniers, two Grains, which is hereby Declared to be the Standart of fineness of this Kingdom in all time coming, they shall receive out again from the General, or Master of His Majesty's Mint, for all such quantities Imported by them, Weight for Weight in His Majesty's Coyne, of the Standart of fineness, and the species atermentioned; That is to say, for each pound Scots of sixteen ounces, conform to the Standart Pile of Scots weight; That is to say, for each pound of sixteen ounces of His Majesty's current Coyne, without being lyable to any charge or expence whatsoever for Essaying, Melting, Supporting of waist in Coynage of the saids quantities of Bullion, or Silver of the Standart of eleven Deniers, two Grains fine aforesaid; And for every pound of Silver that shall be brought in to the Mint, to be Essayed, melted down, and Coynd as aforesaid, that shall be finer upon Essay than the Standart of eleven Deniers, two Grains aforesaid, there shall be delivered for the same to the Merchants, or other Importers thereof by the Officers of the Mint, so much more than a pound, as the same doth in proportion and value amount unto the fineness and value; and for every pound of Silver that shall be brought in to the Mint to be Essayed, melted down, and Coynd as aforesaid, that shall be coarser or baser than eleven Deniers, two Grains fine, there shall be delivered by the Officers of the Mint, so much less than a pound, as the same doth fall short in fineness and value. It is always hereby Declared, That it shall not be lawful to the Officers of the Mint, to Import or bring in to be Coynd any Bullion, either in their own name, or in the name of others, with certification, if they contraveen, it shall be holden a malversation in their Office, and punished according to the Laws of the Kingdom; And Statutes and Ordains, That there shall be three Piles of Weight, whereof one to be kept in Exchequer, one by the Dean of Gild of *Edinburgh*, and the third in the Mint-House. And likewise, that there shall be a Standart, or Printed Table kept in the Mint-House, of the value of Money or Bullion, according to the Denominations of Weights used in the Mint of Deniers, Grains, Primes and Seconds; and the ordinary Denominations of Pounds, Ounces, Drops and Grains, by which Merchants or others may know what they are to give in, or get out, when their Bullion doth arise above, or fall below the Standart appointed. And His Majesty and Estates of Parliament, Do hereby Statute and Ordain, That there shall be no preference in point of Essaying, or Coyning; But that all Silver brought in, and delivered in to the Mint, to be Essayed & Coynd, shall be Essayed, Coynd and Delivered out to the respective Importers, according to their Order and times of bringing in, and Delivering the same to the Mint, and not otherways, so as he that shall first bring in and Deliver any Silver to be Coynd, shall be holden and accounted the first person to have the same Essayed, Coynd and delivered, and he or they that shall bring in the Silver next, to be accounted the second person, to have the same Essayed, Coynd and Delivered; and so successively in course, and that the Silver brought in, and Coynd as aforesaid, shall be in the same Order Delivered to the respective Bringers in thereof, their Heirs, Executors and Assignees, successively without preference of one before another, and not otherways; and if any undue preference be made in entering of any Silver, or Delivering out of Coynd Money, contrair to the true intent and meaning of this Act, by any Officer, or Officers of the Mint, or their Deputies and Servants, then the Party or Parties offending, shall be lyable to legal Execution, as for a just Debt, and to pay the value of the Silver brought in and not entered, and Delivered according to the true intent and meaning of this Act, with Interest, besides Cost and Damages to the Party or Parties grieved, and shall over and above *ipso facto* be Deprived, lose and amit their Office or Offices: Providing always, that if shall not be Interpreted any undue preference, to incur any Penalty, in point of Delivery of Moneys Coynd, if the Officer, or Officers, their Deputies or Servants shall deliver out, or pay any Moneys Coynd to any person or persons that do come and demand the same upon subsequent Entries before others, that did not come to demand their moneys in their Order and Course, so as there be so much money reserved as will satisfie them, which shall not be otherways Disposed of, but kept for them. And for the better clearing of what quantities of Bullion, are from time to time Delivered in to His Majesty's Mint: As likewise, what quantities of Silver do pass His Majesty's Mints, His Majesty, with Advice aforesaid, Does Statute and Ordain, That there shall be a Clerk, or Book-keeper in the Mint-Office, who shall be obliged to keep two Registers or Records, in fair Parchment-Books, and in one of them, set down the times of in-giving the several quantities of Bullion, by the Merchants and others, in presence of the In-giver; which Book shall be made patent to any that shall require the same gratis, under the pain of Deprivation: As likewise to receive subscribed Accompts from the Master-Warden, Counter-Warden, and the Essay-master, of all the quantities of Silver Coynd

ed in His *Majesties* Mint, according to the Standart and fineness; Which Accompt so given in to him, he is to Record in his other Register, and the whole Officers of the Mint, or their Deputes, for whom they shall be answerable, are to subscribe the same quarterly, to the effect, that it may be known what quantities of Silver are past His *Majesties* Irons from time to time. And likewise, That the several Officers of the Mint are to keep particular Books of Record in their respective Offices as formerly, all which Registers are to be made and kept upon their highest perill; And for the more orderly and clear performance hereof, It is hereby Statute and Ordained, That the Master of His *Majesties* Mint for the time-being, or his Deput, shall at the time of the Delivery, and Entry of any Silver in the said Mint, give to the Bringer, or Bringers in thereof to be Coyned, a Note, or Receipt under his hand, Denoting the Weight, Fineness, and value thereof, together with the day and Order of its Delivery in to the said Mint, bearing in the Body of it, a Clause of Registration; It being always hereby expressly Provided, That the Master of His *Majesties* Mint shall be obliged to Deliver back again to the In-bringers, any quantitie of Bullion he shall Receive from them, in His *Majesties* Coyn, within the space of ten days, if the Bullion do not exceed six thousand pound *scots*; and on fifteen days, if it do not exceed twelve thousand pound *scots*: And in case the quantity be greater, within twenty days, and in case of Failzie, the Merchants or Importers, shall have legal Diligence against him, by Charging him with Horning, upon Registration of his Note aforesaid, with Interest, by and attour Cost and Damage therefore; And for the further Encouragement and Assurance of such as shall Import, and bring in to His *Majesties* Mint, any quantities of Silver to be Coyned, His *Majesty* and Estates of Parliament, Statutes and Ordains, That no Confiscation, Forfeiture, Seizure, Arrestment, Stop, or Restraint whatsoever, shall be made in the said Mint, of any Silver brought in to be Coyned, or by reason of any Embargo, Breach of Peace, Letters of Mark, or Reprysal, or War with any Forraign Nation, or upon any other account or pretence whatsoever, publick or privat; But that all Silver brought in to His *Majesties* Mint, within this Kingdom to be Coyned, shall truly, and with all convenient speed, be Coyned and Delivered out to the In-bringers thereof, their Heirs or Assignes, according to the Rules and Directions of this Act. And His *Majesty* and Estates of Parliament, further Enact and Declare, That the General, or Master of His *Majesties* Mint, shall be obliged to give the Coynage free to any Merchant, Strangers, or other Importers, or In-bringers of Bullion; and in case the General or Master of His *Majesties* Mint, shall refuse to accept of, Enter and Coyn any quantity, or quantities of Bullion, to be brought in by the Merchants, or others into His *Majesties* Mint, the General, or Master for such refusal (the Merchant or Importer taking Instruments in a Nottars hand thereupon) shall *ipso facto* be deprived of their Offices respective; It being always hereby Provided, that in case the quantities of Bullion to be Imported, shall exceed the Stock of Money granted to His *Majesty* for supporting of a free Coynage, in that case the General, or Master of His *Majesties* Mint, is to make application to the Lords of Privy Council, and to acquaint their Lordships therewith, to the end, that by their appointment, the Commissioners of His *Majesties* Thefaury, Thefaurer-Principal, or Thefaurer-Deput for the time being, may furnish and advance eighteen pounds Scots money, for every Stone that shall be brought in by Merchants, or others to be Coyned in the Mint, until the next Parliament, or Session of Parliament thereafter, shall take unto their Consideration, the manner of Re-imbursing His *Majesty* for the said Advance, It being always hereby Declared, That the Officers of the Mint shall not be lyable to the Obligation aforesaid, for refusing to Coyn any such quantities brought in to the Mint to be Coyned, in case upon any accident, the Commissioners of His *Majesties* Thefaury, Thefaurer-Principal, or Thefaurer-Deput for the time being, shall refuse or delay to pay eighteen pound *scots* per Stone for the Coynage aforesaid. And His *Majesty* and Estates of Parliament, for certain weighty Considerations, Do hereby Statute, Ordain, and Declare, That in all time coming, the *species* of Current Coyn within this Kingdom, shall be, five shillings, ten shillings, twenty shillings, forty shillings, and sixty shillings *scots* pieces, to be Coyned of the Standart of fineness and Weight aftermentioned, *viz.* The sixty shillings *scots* pieces is to Weigh, according to the Denomination of Weights used in the Mint, twenty one *Deniers*, eighteen Grains, ten Primes, eighteen Seconds; and in the ordinary Denomination of Weights, fourteen Drop, eighteen Grains: And in regard that the sixty shilling *scots* piece of the Weight aforesaid, cannot be brought to a certain number, to make up a *scots* pound weight, without Fraction; Therefore it is hereby Declared, that the lesser *species* of Coyn shall be Delivered to the Merchant, or others Importers of Bullion, to make up the just Weights; and when it shall fall out, that the Fraction is less than a five shilling *scots* piece, in that case the Merchant, or Importer shall have such a proportion of a five shilling piece clipped off, and delivered to him, as may make up the just quantity of a pound weight, by which means there will be in a *scots* pound weight, according to the Standart Pile of Weights now in the Mint, seventeen sixty shilling pieces, one twenty shilling piece, one ten shilling piece, one five shilling piece, and a small Fraction of three shilling four peanies *scots*; The forty shilling *scots* piece is to weigh according

to the Denomination of Weights used in the Mint, fourteen *Deniers*, twelve Grains, seven Primes, and four Seconds, and according to the ordinary Denomination of *scots* Weight, nine Drop, twenty four Grains, whereof twenty six, and one ten shilling piece, one five shilling piece, and a small Fraction of three shilling four pennies *scots*, makes a pound weight; The twenty shilling piece is to weigh according to the Denomination of Weights used in the Mint, seven *Deniers*, six Grains, three Primes, four Grains, whereof fifty two, and one ten shilling piece, one five shilling piece, and a small Fraction of three shilling four pennies *scots*, makes a *scots* pound Weight; The ten shilling piece is to weigh according to the Denomination of Weights in the Mint, three *Deniers*, fifteen Grains, one Prime, nineteen Seconds, and according to the ordinary Denomination of *scots* Weight, two Drop, fifteen Grains, whereof one hundred and five, one five shilling piece; and a Fraction of three shilling four pennies *scots*, makes a *scots* pound weight; The five shilling piece is to weigh, according to the Denomination of Weights in the Mint, one *Denier*, nineteen Grains, twelve Primes, twenty one Seconds, and according to the ordinary Denomination of *scots* weight, one Drop, seven Grains and a half, whereof two hundred and eleven, and a Fraction of three shilling four pennies *scots* makes a *scots* pound Weight. It is always hereby Provided, that if upon tryal, it shall be found that the weight of the several species of the money appointed by this Act, shall be any way prejudicial to the Interest of Trade of this Kingdom, that in that case His Majesty, with Advice of His Privy Council, may Rectifie or alter the same as they find Cause; But because it may sometime fall out casually, that money be not Coynded and Fabricat exactly in all things, to the true Standarts of Weight, and fineness above, and after-specified: THEREFORE His Majesty and Estates of Parliament, Statute and Ordain, that if it shall casually fall out, that any species of Coyn to be Coynded for the future within this Kingdom, be lighter or heavier than the Standart of Weight aforesaid, the Officers of the Mint may Deliver the same, providing always it be merely accidental and casual, and do not exceed the quantities aforespecified, *viz.* Two Grains over, or under the true Weight of every sixty of forty shilling piece; One Grain over, or under the true weight of every twenty shilling, ten shilling, or five shilling *scots* piece; above-specified, appointed to be Coynded by this present Act: As also, if the money in the species aforesaid to be Coynded, shall fall out accidentally to be a Grain finer, or courser than the true Standart of eleven *Denier*, two Grains upon every twelve Ounces Weight, so to be Coynded, the Officers of the Mint may Deliver out the money to the Merchants, or others, according to these remeeds of Weight and fineness above-specified, It is hereby always expressly provided, that the Officers of the Mint shall by no means Work and Fabricat the money with regard to the Remedies aforesaid, as they will be answerable at their highest peril. And it is Statute and Ordained, That they shall keep an exact Record of all these Remedies, both of Weight and Fineness, and Compt for the same yearly in Exchequer, for His Majesties use; And Appoints and Ordains in all time coming, that the Essay-master shall take two pieces of every Journal, that he shall cut off so much of one of the pieces as will make an Essay, and shall put up the remainder, and the other whole piece, with the Reported Essay: All which shall be put into the Pix, the Warden, or Counter-Warden, being always present, which is to be opened once every year in the month of December, at the sight of the Privy Council. And it is hereby Declared, That the tryal of the Pix being made, the whole Silver in the Pix is to be returned to the Master as his own; and the Say-master is to have no part of it; The Pix shall have three Keys, one to be kept by the Lords of the Treasury, or Thesaurer for the time being, one by the General, and one by the Warden-principal of the Mint; And His Majesty, with Advice and Consent aforesaid, Doth Statute and Ordain, That all the money to be Coynded for the time to come within this Kingdom, shall be Lettered and Grained round the edges, that is to say, the sixty and forty shilling pieces shall be Lettered, the twenty, ten shilling, and five shilling *scots* pieces shall be Grained round the edges, the particular Impression, Inscriptions, and Reverses; As likewise what poption of each species of money shall be Coynded in each Stone Weight of Silver, are hereby left and Recommended to the Lords of His Majesties Privy Council, who are by this present Act fully impowered to Consider and Cognosce upon the fineness and weight of the Gold Coyn, when His Majesty shall think fit to Grant Warrant for the same, and to Regulat, Appoint and Determine the fineness, weight and species of the said Gold Coyn, and to Ordain and Appoint such Impression, Inscription and Reverse, as they shall see cause. And His Majesty and Estates of Parliament Do further Statute and Ordain, That no Coppet shall be Coynded without His Majesties exprefs Warrant; And that all Copper which shall be Coynded conform to His Warrant, shall be Coynded in two penny and six penny *scots* pieces, and that forty of the six penny pieces, and sixscore twelve of the two penny pieces shall make a pound: And Recommends to the Lords of Privy Council, to appoint Tryal to be taken of the weight of every Journal of Copper, before it go out of the Mint-House, and what Profit shall arise by the Coynage of the Copper, the Officers of the Mint shall be lyable to compt for the same to the Exchequer. And His Majesty and Estates of Parliament, Do hereby further Statute

tute and Ordain, That the sum of twelvet housand pounds scots of the Imposition aforesaid, imposed by this present Act, upon the Commodities above-specified, shall be in all time coming set apart for payment of the Officers-fees, maintaining of the Fabrick of the Mint, and providing new Tools, and other incident Charges relating to the Mint, in manner after-specified, *viz.* The General of the said Mint, the sum of three thousand six hundred pounds scots as his Fee and Salary; the sum of two thousand four hundred pounds scots to the Master of the Mint, and this over and above the sum of eighteen pounds money for every stone of Silver that shall be Coynded and passed His *Majesties* Irons, to be payed to him out of the remainder of the said Imposition, for supporting a tree Coynageas aforesaid; The sum of one thousand two hundred pounds scots money to the Principal Wairden; The sum of one thousand two hundred pounds scots to the Essay-master; The sum of seven hundred and twenty pounds scots money to the Counter-Wairden; The sum of six hundred pounds scots to the Sinker or Graver; The sum of four hundred and eighty pounds scots money to the Clerk or Book-keeper; The sum of three hundred thirty three pounds six shilling eight pennies scots to the Clerk of the Bullion, who is to be Clerk for the time to come to this new Imposition, as he was formerly to the Bullion, or twelve shilling *per* Ounce payed in lieu thereof; To the Master-Smith, the sum of three hundred and sixty pounds scots, as their Fees and Salaries; and the sum of eleven hundred six pound thirteen shilling four pennies scots, to be payed in to the General and Master, for maintaining the Fabrick of the Mint-House, providing of new Tools, and other incident Charges relating to the Mint, for which they are to compt yearly to His *Majesties* Exchequer, and the overplus (if any shall be) To go to the stock of free Coynage aforesaid: The which sum of twelve thousand pounds scots for the Officers of the Mint, and other expenes thereof, is to be payed to the General and Master of the said Mint, together with the sum of eighteen Pounds *per* stone to the Master for the Coynage of the Money, at four Terms in the year, *viz.* *Candlemaß, Whitsunday, Lambmaß* and *Martinmaß* yearly; and the said payment to commence from and after the first of *November* next. And His *Majesty* and Estates of Parliament, further Statute and Ordain, That no Heads, Sweeps or Chizel of any Gold or Silver to be Coynded in His *Majesties* int, shall pass His *Majesties* Irons without taking a second Essay thereof, as if the same were newly brought in to the Mint to be Coynded; And to the effect that all matters relating to the Coynage and Mint, may be equally Ordered and Regulated according to this present Act, and in such further ways and manner as His *Majesty* and His Privy Council shall think fit. It is hereby Recommended to His *Majesties* Privy Council, by some of their number, to try every Journal of Coyn by it self distinctly, and to take exact tryal of all matters relating to the Coynage, both as to the weight and fineness of the money, and other matters relating to the said Mint, twice every year, *viz.* In the monthes of *July* and *December* yearly, and to call before them the whole Officers of the Mint, and to Examine their Proceedings, and to inspect their Books, and to sign and subscribe Approbations thereof, as they shall see cause. And this without prejudice of the said Officers of the Mint, their compting yearly to the Lords of His *Majesties* Exchequer and Thesaury, for all matters committed to their Trust.

XXV.

ACT Rescinding a Clause in the Adresse, made by the Parliament, against the late Earl of Argile.

June 15. 1686.



OUR SOVERAIGN LORD Taking into His Consideration the 36 Act of the first Session of this Parliament, Intituled, *Act anent the Address of the Estates of Parliament, of His Majesties ancient Kingdom of Scotland, to His Sacred Majesty, against the Arch-Traitor, Archibald Campbel, sometime Earl of Argile;* And that His Majesty from His unparalleled Clemencie, and Goodness, has been Graciously Pleas'd to Pardon and Indemnifie several persons, who were accessorie to, and involved into the said Rebellion, notwithstanding the Estates of Parliament from their zeal to His *Majesties* Service, and Detestation of the said Rebellion, Did by their Address humbly Desire, they should for ever be incapable of mercie, and that any of His *Majesties* Subjects who should interceed for them any manner of way, should incur the pain of Treason; and in regard His *Majesty* did make no signification of His Royal Pleasure, as to the said Address: THEREFORE His *Majesty* with Advice and Consent of His Estates of Parliament, Casses, Annuls and Rescinds that Clause in the same Address, as to the exercise of His *Majesties* Mercy, or the Intercessions of any of His *Majesties* Subjects, made or to be made in that behalf: And Declares the same Clause to have no strength, Force, nor effect from the beginning, and to be null and void in all time coming.

XXVI.

XXVI.

ACT Dissolving the Lands and Estates of Earlestoun, Craichlaw, and Caitloch from the Crown.
June 15. 1686.



OUR SOVERAIGN LORD Taking to His Royal Consideration, that His late Majesty and his Royal Brother of ever glorious Memory, by Charter under the Great Seal of this His Majesties Ancient Kingdom, of the date at *Windsor-Castle*, the eleventh day of *May*, 1680 years, upon the account of *Sir Theophilus Ogilthrop*, Lieutenant Colonel *Main*, and Captain *Hendry Cornwall*, their Loyalty and Service performed to the Crown, Did Give, Grant and Dispose to them, their Heirs and Assignes, the Lands and Estates of *Earlestoun*, *Craichlaw* and *Caitloch*, and others more fully specified in the said Charter, whereupon they were Infefted, and the said Right Ratified in Parliament; And which Lands and Estates fell in His late Majesties hands, by the Forefaultur of Mr. *William* and *Alexander Gordons*, elder and younger of *Earlstoun*, *James Gordon* of *Craichlaw*, and Mr. *William Ferguson* of *Caitloch*. Likeas His late Majesty, by His Letter of the eleventh of *May* One thousand six hundred eighty Directed to the Lords Commissioners of His Highnesses Thefaury, upon Information that the saids three Estates did exceed six hundred pounds Sterling per annum, which His Majesty was pleased to Promise should be made good unto them, Ordered, That before the said Gift past in Exchequer; the saids Lords should take their Security to pay the superplus, if any were, that the saids Estates should be found to exceed the forefaid Rent, and the Debts payable out of the same by Law, in such manner, and to such uses as His Majesty should think fit thereafter to direct. And in like manner, His Majesty by another Letter, directed to the saids Lords, of the 15th of *February* 1681. Required them to take sufficient Security of the saids persons for payment of their share of the expence disbursed out of His late Majesties Thefaury, towards the suppressing of the Rebellion in the year 1679, not exceeding two years Rent of the saids Forefaulted Estates, and accordingly the saids Donatars granted Security to the saids Lords in the Terms forefaids. As also, **OUR SOVERAIGN LORD** Considering, That His Majesty by His Letter of the last of *October* 1685. upon the Consideration that the saids Estates did not exceed, but are rather considerably short of the saids six hundred pounds Sterling per annum, and of the great trouble and expence, the said *Sir Theophilus* (who also acquired the other two Parts from *Main* and *Cornwall*) was, and is exposed to, in attaining to the Possession of the saids three Forefaulted Estates, and being desirous the same should be made fully effectual to him; free of all future trouble and inconvenience. **THEREFORE**, as a further Mark of His Favour to the said *Sir Theophilus*, and in Consideration of his great Loyalty and Service, Authorized and Required *William Duke of Queensberrie*, His Majesties Thefaurer-Principal for the time, Thefaurer-deput, and remanent Lords of Exchequer, to deliver to him the said Security, and Ordained the same to be delet out of the Records of Exchequer, which accordingly was done, and an Act thereupon past the eight of *January* last; And further upon Consideration of the said *Sir Theophilus* his constant loyalty and adherence to the Crown, and signal evidence given by him thereof in the late Rebellion of the late Duke of *Munmouth*, Did Order his Right Trusty and Familiar Cousen and Counsellor, *Alexander Earl of Murray*, Conjunct-Secretary of State for the Kingdom of *Scotland*, and his Majesties high Commissioner therein for the time, to represent the matter in Parliament for a Dissolution of the saids three Forefaulted Estates from the Crown, to which the same were Annexed in the last Session of Parliament, holden at *Edinburgh* the sixteenth day of *June*, One thousand six hundred eighty five years, Which Annexation proceeded upon a Supposition that the yearly Rent exceeded six hundred pound Sterling a year; Whereas now upon serious Examination it is found short; Which Considerations being this day Propounded in plain Parliament, and the Estates of Parliament having fully pondered and Considered the whole matter, and the truth thereof being sufficiently known, and made appear to them, by production of the forefaid Charter, Act of Exchequer, and other Evidences requisite; And by the said Lord high Commissioner his Grace, his Declaration in plain Parliament, in name of, and by Warrant from His Majesty: His Majesty; and Estates of Parliament, after mature Deliberation, Finds the same just, sufficient, and reasonable Causes for Advising His Majesty to Dissolve the saids three Forefaulted Estates, all particularly mentioned in the said Charter, from the Crown, that the same may pertain, and belong to, and remain with the said *Sir Theophilus Ogilthrop* and his forefaids, as their own proper Heretage, heretably and irredeemably in all time coming; And **THEREFORE**, His Majesty with Advice and Consent of the Estates of Parliament, has Dissolved, and hereby Dissolves the same Lands and three Forefaulted Estates aforesaid from the Crown and Patrimony thereof, and from the said Act of Annexation, and from all Clauses, Conditions and Qualifications therein contained; And Finds, Decerns and Declares, that the forefaid Dissolution having proceeded upon the Grounds, Causes, and Deliberation aforesaid in plain Parliament; Does

satisfie all the Conditions, Clauses and Qualifications contained in the foresaid Act of Annexation, past the said last Session of Parliament, and shall have the Force, Strength, and Effect of a General Law and Act of Parliament, and shall be as valid and effectual to the said Sir *Theophilus Ogilthrop* and his foresaids, for their Security of the saids Lands and Estates, as any Dissolution Granted by His Majesty or Royal Ancestors, with Advice and Consent of Their Estates of Parliament for the time, in Favours of whatsoever person or persons at any time heretofore, and that notwithstanding of any Clauses, Conditions, or Qualifications contained in the said Act of Annexation; And notwithstanding of any Security granted by the saids Donatars, or any of them in Exchequer. And His Majesty with Consent foresaid, hereby Ratifies, Approves and Confirms the said Act of Exchequer, and Grounds thereof in all Points. And Lastly, His Majesty and Estates of Parliament, Finds and Declares, That this present Act shall not fall under the Act *Salvo Jure*, to be past in this, or any other Session of this Current Parliament, but is hereby excepted forth thereof, in all time coming.

XXVII.

ACT of Dissolution of the Lands of Grange in Favours of Sir Thomas Kennedy, Lord Provost of

Edinburgh.

June 15. 1686.



OUR SOVERAIGN LORD, and Estates of Parliament taking into their serious Consideration, That His Majesties Commissioner, as having special Warrant and Instruction from His Majesty, having proposed and proponed in plain Parliament, the Loyalty and Fidelity of Sir *Thomas Kennedy* Lord Provost of *Edinburgh*, and the good and acceptable Services performed by him to the Crown and Kingdom, in the diligent Suppressing of the late tumult within the City of *Edinburgh*, and since; And Considering also the Service done by the said Sir *Thomas Kennedy*, against the Rebels at *Boikwell-Bridge*; And likewise the constant Loyalty and eminent Services and Sufferings of Lieutenant-Collonel *Thomas Kennedy* of *Kirkhill* his Father, and his Firm Adherence to the Crown, in so far as the said Lieutenant Collonel *Kennedy* having attended the late King of ever blessed memory at *Worcester* Fight, he was then taken Prisoner, and detained eighteen Moneths in the Kingdom of *England*, and afterwards sent Prisoner to *Leith*, from whence after he had stayed some while, he was transported to *Air*, and kept Prisoner there until the year 1659. And his Estate in the mean-time Sequestrat, and possessed by the Usurpers, and himself absolutely ruined: All which Services and Sufferings being proposed and laid open in plain Parliament, to the end the three Estates might give His Majesty their Advice, Judgement and Determination *re integra*, whether the same were good and reasonable Causes for Dissolving from the Crown, the Lands of *Grange*, formerly pertaining to *Thomas Kennedy* sometime of *Grange*, with all other Lands, Heretages and Rights which belonged to the said *Thomas*, and which fell in His Majesties Hands, through the Doom and Sentence of Forefaulter, given and pronounced against him upon the day of
 One thousand six hundred years, by the Lords of Justiciary for the Crime of Treason and *Laſ-Majesty*, committed by the said *Thomas*, and were annexed to the Crown by the forty two Act of the first Session of this Current Parliament: And the saids Estates of Parliament, after mature Deliberation, and Treating and Consulting anent the Premises, being fully satisfied and convinced, That the saids particular Services and Sufferings, Done, Performed and Undergone by the said Sir *Thomas Kennedy*, Lord Provost of *Edinburgh*, and Lieutenant Collonel *Thomas Kennedy* his Father, the truth whereof is sufficiently known, and did appear to them, are just, sufficient and important Reasons, concerning both His Majesties Interest, and publick Good and Welfare of this Kingdom, That they should Advise and Consent to His Majesties Giving and Disposing the foresaids Lands of *Grange*, and others above-express, to the said Sir *Thomas Kennedy*, his Heirs and Assignes; And for that effect, that the saids Lands should be Dissolved from the Crown, and from the said Act of Annexation. THEREFORE His Majesty, with Advice and Consent of the Estates of Parliament, Decerns, Ordains and Declares, That the saids Lands of *Grange*, formerly pertaining to the said *Thomas Kennedy* sometime of *Grange*, and all other Lands, Heretages and Rights, which belonged to him, and which came in His Majesties hands, and were annexed to the Crown in manner foresaid, may be Disposed to the said Sir *Thomas Kennedy* Lord Provost of *Edinburgh*, and his foresaids; And for that effect, has Dissolved, and hereby Dissolves the same from the Crown and Patrimony thereof, and from the foresaid Act of Annexation, made the sixteenth of *June* One thousand six hundred and eighty five, and from all other Acts of Annexation, and from all Clauses, Qualities and Conditions therein contained: And His Majesty with Advice and Consent foresaid, Finds, Decerns and Declares, That this present Act of Dissolution having proceeded upon the Advice and Deliberation of the Estates of Parliament *re integra*,

regra, and found by the saids Estates to be for Great, Weighty and Reasonable Causes, Concerning the Good, Welfare, and publick Interest of the whole Kingdom, first Proposed and Advised, and maturely Pondered and Considered, before any previous Grant, or other Right or Deed, Given, Made or Done by His Majesty, in Favours of the said Sir Thomas Kennedy and his forelaids, of the Lands and others above-mentioned, or any part or portion of the same, Does fully satisfie the whole Clauses, Conditions and Qualifications contained in the foresaid Act of Annexation, and shall have the Force, Strength and Effect of a General Law or Act of Parliament, and shall be as valid and effectual to the said Sir Thomas Kennedy and his forelaids, for their Security of the Lands and others above-exprest, as any other Act of Dissolution past by His Majesty, or His Royal Ancestors, with Advice and consent of the Estates of Parliament, in favours of whatsoever person or persons at any time heretofore And Declares that this Act shall not be comprehended under the Act of *Salvo Fure*, to be past in this present Session, or any subsequent Session of this Current Parliament, but is hereby excepted therefrom,

XXVIII.

ACT Dissolving the Lands of Cultnefs, North-Berwick and Goodtries from the Crown,
June 15. 1686.



OUR SOVERAIGN LORD, and Estates of Parliament, Taking into their Consideration, that His Majesties Commissioner, as having special Warrant and Commission from His Majesty, Having proposed and expounded in plain Parliament, the great and Faithful Services done to His Majesty, and His Royal Brother of ever blessed memory, by James Earl of Arran, First Gentleman of His Majesties Bed-Chamber, and his constant Zeal and Faithfulness to the Interest of the Crown; And particularly, the said Earl of Arran his extraordinary expenses, when Employed by His Majesties said Dearest Brother, as Envoy to the French King, and of his activeness against the late Earl of Argile, and the other Rebels associat with him in the year 1685. For which he had no allowance, at least not suitable to his expenses; and that he had faithfully executed the saids Offices, and did very well behave himself therein; and that he was Instrumental in the Defeat of these Rebels, and had performed several other good and acceptable Services: All which being Proposed and laid open in plain Parliament, to the end the Three Estates might give His Majesty their Judgement, Advice and Determination *re integra*, whether the same were True, Good and Reasonable Causes of publick Concernment; for Dissolving the Lands and Barony of Cultnefs, lying within the Sheriffdom of Lanerke, and the Lands of North-Berwick, lying within the Constabulary of Haddington, and als the Lands of Goodtries, with the Teinds and Pertinents thereof, lying within the Sheriffdom of Edinburgh, sometime pertaining to Thomas and David Stuarts, late elder and younger of Cultnefs, together with all other Lands, Annualents, and others pertaining and belonging to them, from the Crown, and which fell and became in His Majesties Hands, through the Crimes of Treason and *Las-Majestie*, Acted, Committed and Done by them, and either of them, and the Doom and Sentence of Forfeiture, Given and Pronounced against them for the same, upon the _____ and _____ days of _____ 1685 years, and were Annexed to the Crown, by the fourty two Act of the first session of this Current Parliament, and by the _____ Act of this present Session of Parliament: And the saids Estates of Parliament, after long and mature Deliberation, Treating, and Consulting anent the Premisses, being fully satisfied and Convinced; that the particular Services and Expenses above-mentioned, Done, Performed and Expended by the said James Earl of Arran, the truth whereof is clearly known, and did appear to them as Just, Weighty and Important Reasons, concerning both His Majesties Interest, and the Publick Good and Welfare of this Kingdom; that they should Advise and Consent to His Majesties Giving and Disposing the saids Lands of Cultnefs, North-Berwick, Goodtries, and the other Lands above-written, with the Pertinents, to the said James Earl of Arran, his Heirs or Assignes; And for that effect, that the saids Lands should be Dissolved from the Crown, and from the saids two Acts of Annexation: THEREFORE, His Majesty with Advice and Consent of the Estates of Parliament, Decerns, Ordains and Declares, That the saids Lands and Barony of Cultnefs, and Lands of North-Berwick and Goodtries above-written, sometime belonging to the saids Thomas and David Stuarts, late elder and younger of Cultnefs, with all other Lands, Heretages, Annualents and others belonging to them, or either of them, which came in His Majesties Hands, and were Annexed to the Crown in manner foresaid, may be Disposed to the said James Earl of Arran and his forelaids; and for that effect, Have Dissolved, and hereby Dissolves the same from the Crown and Patrimony thereof, and from the saids two Acts of Annexation, the one made the 16 day of June 1685. And the other made the _____ day of May 1686. And from all other Acts of Annexation; and from

all Clauses, Qualities and Conditions therein contained. And His Majesty, with Advice and Consent foresaid, Finds, Decerns and Declares this present Act of Dissolution, having proceeded upon Advice and Deliberation of the Estates of Parliament *re integra*, and found by the saids Estates, to be for Great, Weighty and Reasonable Causes, concerning the Good, Welfare and publick Interest of the whole Kingdom, first Proposed, Advised and maturely Pondered and Considered in plain Parliament *re integra*, and found by the saids Estates to be for Great, Weighty and Reasonable Causes, before any previous Grant, or other Right or Deed, Given, Made or Done by His Majesty, in favours of the said James Earl of Arran, and his forefairs, of the Lands and others above-mentioned, or any Part or Portion of the same, Does fully satisfie the whole Clauses, Conditions and Qualifications contained in the two foresaid Acts of Annexation, and shall have the Force, Strength and Effect of a general Law and Act of Parliament, and shall be as valid and effectual to the said James Earl of Arran and his forefairs, for their Security in the saids Lands of *Culnefs, North-Berwick, Goodvries*, and others above-exprest, with the Pertinents, as any other Act of Dissolution Granted by His Majesty, or His Royal-Ancestors, with Advice and Consent of Their Estates of Parliament, in Favours of whatsoever Person at any time heretofore. Likeas, His Majesty, with Advice and Consent foresaid, Finds, Decerns and Declares, That this present Act of Dissolution is, and shall not be understood to fall under, or be comprehended in any Act *Salvo Jure*, to be past in this, or any other Session of this Current Parliament, but is hereby excepted therefrom in all time coming. It is always hereby Declared, That this Act of Dissolution of the Lands of *North-Berwick*, which did once belong to the said *Thomas Stuart*, sometimes of *Culnefs*, shall not prejudice the Senators of the Colledge of Justice, as to their Right and Interest in these Lands, who are hereby Declared preferable for the same.

XXIX.

ACT of Dissolution in Favours of the late Earl of Tarras.

June 15. 1686.



UR SOVERAIGN LORD and Estates of Parliament taking into their Consideration, That His Majesties Commissioner, as having special Warrant and Instruction from His Majesty, having proposed and expounded in plain Parliament, the great benefite and advantage that did arise to the Crown and Government of this Kingdom, by the full and sincere Confession made by *Walter* late Earl of *Tarras*, of several Matters and Circumstances, relating to the late horrid Conspiracy,


the Discovery whereof, did in a great measure contribute towards the preventing the fatal Consequences and Effects, which so apparently Threatned the Peace of His Majesties Dominions: As also the Promises and Assurances given to him at the time of the said Discovery of his Princes Bounty and Favour upon that account: All which being proposed and laid open in plain Parliament, to the end the three Estates might give his Majesty their Judgement, Advice and Determination *re integra*, whether the same were True, Good and Reasonable Causes, for Dissolving from the Crown, the Lands of *Robertoun, Howcleuch* and *Borthwick-mains*, with the Pertinents which formerly appertained to the said *Walter*, late Earl of *Tarras*, and came in his Majesties Hands through the Doom and Sentence of Forefaulture, given and pronounced against him before the Lords of His Majesties Justiciary, upon the day of One thousand six hundred years, and were annexed to the Crown, by the 42 Act of the first Session of this Current Parliament: And the saids Estates of Parliament, after mature Deliberation, and Treating and consulting anent the Premises, being fully satisfied and convinced, that the particular Services done and performed by the said *Walter*, late Earl of *Tarras*, in his Confession and Discovery foresaid, and the benefite and advantage thereby accruing to the Crown and Kingdom, and the Promises and Assurances given to him of his Princes Bounty and Favour, the Truth whereof is sufficiently known, and was made appear to them, are Just, Weighty and Important Causes, concerning both His Majesties Interest, and the publick Good and Welfare of this Kingdom, that they should Advise and Consent to His Majesties Giving and Disposing the saids Lands of *Robertoun, Howcleuch* and *Borthwick-mains*, with the Pertinents, to the said *Walter* late Earl of *Tarras*, his Heirs and Assignes: And for that effect, that the same should be Dissolved from the Crown, and from the foresaid Act of Annexation. T H E R E F O R E, His Majesty with Advice and Consent of the Estates of Parliament, Decerns, Ordains and Declares that the saids Lands of *Robertoun, Howcleuch* and *Borthwick-mains*, with the Pertinents, may be Dispensed to the said *Walter*, late Earl of *Tarras*, and his forefairs; And for that effect, has Dissolved, and hereby Dissolves the same from the Crown and Patrimony thereof, and from the foresaid Act of Annexation, made the sixteenth day of June One thousand six hundred eighty five, and from all other Acts of Annexation, and from

from all Clauses, Qualities and Conditions therein contained. And His Majesty, with Advice and Consent of the saids Estates of Parliament, Do hereby Enact, Command, Fines, Decerns and Declares, That this present Act of Dissolution, having proceeded upon the Advice and Deliberation of the Estates of Parliament *re integra*; And found by and Publick Interest of the whole Kingdom, first Proposed and Advised, and maturely Pondered and Considered before any previous Grant or other Right or Deed, Given, made or Done by His Majesty, In Favours of the said Walter late Earl of *Tarras*, and his forefairs, of the Lands and others above-mentioned, or any Part or Portion of the same, Does fully satisfy the whole Clauses, Conditions, and Qualifications contained in the forefaid Act of Annexation, and shall have the Force, Strength, and Effect of a General Law, or Act of Parliament, and shall be als Valid and Effectual to the said Walter late Earl of *Tarras*, and his forefairs, for their Security of the Lands and others above-exprest, as any other Act of Dissolution; Granted by His Majesty, or His Royal Ancestors, With Advice and Consent of the Estates of Parliament, in favours of whatsoever Person at any time heretofore. Likeas, His Majesty with Advice and Consent forefaid, Fines, Decerns and Declares, that this present Act of Dissolution shal not be understood to fall under, or be comprehended in any Act *Salvo Jure*, to be past in this, or any other Session of this Current Parliament, but is hereby excepted therefrom in all time coming.

XXX.

ACT Anent the Measure of Bark,


June 15. 1686.

 OUR SOVERAIGN LORD and Estates of Parliament, Taking to their Consideration the great prejudice that does arise through the uncertainty of the measure of Bark within this Kingdom; Do Statute and Ordain, That the constant measure of Bark in all time coming shall be as follows, *viz.* That twenty two Gallons shall be the measure of one Boll of unbeaten Bark, and so proportionally for lesser measures, and that the *Linlithgow* Barly measure, shall be the measure for all small beaten mallowie Bark; And prohibits and Discharges all Persons whatsoever, to make use of any other measures than the measures aforesaid, in buying or selling of Bark, in time coming, under the pain of an hundred Pounds Scots, *tories quoties*, beside the Forefaulture of the Bark, so bought or sold.

XXXI.

ACT In Favours of John Meikle Founder, and others of that Trade,


June 15. 1686.

 HIS MAJESTY and Estates of Parliament taking to Consideration, the great advantage that the Nation may have by the Trade of Founding, lately brought into this Kingdom by *John Meikle*, for casting of Bells, Cannons, and others such useful Instruments, Do for Encouragement to him, and others in the same Trade, Statute and Ordain, That the same shall enjoy the benefit and priviledges of a Manufacture in all points, as the other Manufactures newly Erected, are allowed to have by the Laws and Acts of Parliament, and that for the space of nineteen years next following the date hereof.

XXXII.

ACT Salvo Jure Cujuslibet.

June 15. 1686.

 OUR SOVERAIGN LORD, Taking to Consideration, That there are several Acts of Ratifications, and others past and made in this Session of Parliament, in favours of particular persons, without calling or hearing of such as may be thereby concerned or prejudged; Therefore His Majesty, with Advice and Consent of the Estates of Parliament; Statutes and Ordains, That all such particular Acts, and Acts of Ratification past in manner forefaid; shall not prejudice any third Party of their lawfull Rights, nor of their Actions and Defences competent thereupon, before the making of the saids particular Acts; and Acts of Ratifications; And that the Lords of Session, and all other Judges of this Kingdom, shall be obliged

liged to Judge betwixt Parties, according to their several Rights, standing in their Persons, before the making of the saids Acts: All which are hereby Exponed, and Declared to have been made, *Salvo Jure Cujuslibet.*

XXXIII.

ACT of Adjournment.

June 15. 1686.



HE Kings Majesty Declares this Parliament Current, and Adjourns the same to the 16 day of August next, 1686. And Ordains all Members of Parliament to attend that Day: And that there be no new Election of Commissioners from Shires or Burghs, except upon the Death of some of the present Commissioners.

Collected and Extracted from the Registers and Records of Parliament, by

TARBAT, Cls. Reg.

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Act Dissolving from the Crown, Lands which held of other Superiours than the King.

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Act in favours of Sir *Alexander Gibson*.

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A N

ABRIDGEMENT OF THE ACTS OF PARLIAMENT,

Digested into HEADS, Set down after the order of the Alphabet.

A BERDEEN.

All, Granting to the Town of Aberdeen, an yearly Fair on the Monday before Whitsonday, to continue for eight days with the haill Jurifications and Customes thereof. Jam. 6. par. 13. cap. 186.

Confirmation by King, and Parliament, To the Town of Aberdeen of all Annuels, Fewfermes, Chaplanries, and Prebendaries, which belonged before to the Chaplans of their Parish Kirk, and contained in their gift libid. cap. 188.



ABSENT.

The causes of all Merchants, and others abroad not *anima morandi*, and these dying, should be discussed before their Ordinaries within the Realm, By whom their Testaments are confirmed. Jam. 1. par. 6. cap. 89. See passing forth of the Realm.

ACT AND LETTERS.

AB and Letters, of continuation of Summons discharged. Car. 2. p. 2. Sect. 3. cap. 6. See the A&B in Summons.

ACTION, See Judge, and Summons.

In all *Actions* in the Temporal Courts, the party perjured if present, shall swear, That the cause he troubles is good, and will Jam. 1. par. 9. cap. 125. See there the form of the Oath, to be sworn by the Advocate in the fault of his Client absent.

That all parties first pass to their Judge ordinarie and petrow Justice. Ja. 3. par. 5. cap. 27. See it in Judges.

That all Civil *Actions* be first perferred before the ordinaries, as Justice, Chamberlain, Shireff, Barron, Provost, and Baillics, and others; And that there be nole perferred before the Lords of Session, *Actions*, pertaining to the King, or moved by Kirk-men, Widows, Orphanes, Pupils, or Strangers, or Complaints upon other Officers, in which last case the Enrolments of the Officers Court are to be produced, and this Act to indure until the next Parliament. Jam. 3. par. 14. cap. 105.

If either Defender, or Perfever, in any *Action*, shall flay, wound, or Invade, the other, he may be mugged of a Criminal perfurt, or that he be sirt, and pairt, thereof at any time, from the executing the Summons, until the complete executing of the Decree. If he the Defender, he shall be condemned without any other probation, then that the invader is convicted, or denounced for the deed by the Justice, or other Criminal Judge: And if the perfever be the Invader, That on the like probation the Defender be sirtized, and the said Sentences to be irreduecible, even on the head of Minoritie, or any other ground. Item, the Invader being denounced for not finding caution, or not comparance, That immediately he tene his Life-ent, and the King pmissit, in grant no remission in this case, and the using of any such Remission, is declared to be reprob, as Conviction, to the effect foresaid; And this Act to indure, for seven years. Jam. 6. par. 8. cap. 138: But thereafter made a perpetual Law. Jam. 6. par. 14. cap. 219.

ADHERENCE See Marriage.

ADJUDICATION See Compyrings.

Adjudications Declared Redeemable within seven years of the date, at the instance of Compyrings, one after another, according to their diligences in adjudging in like manner; By payment of the principal summes contained in the Sentences of Adjudication, and Annuals thereof, with the expenses made in obtaining the same, at the Lords of Session their Modification, Dedicating always the Prior adjudgers their Intromissions, and the usual rent to be climat at the Common price of the Shire, betwixt Zule, and Candelmas. Item a Minor Renouncing to be Aite in his Minoritie, may be reponed, and redeemed by payment, and letch all the Priviledges granted to Minors, in Compyrings. Jam. 6. par. 23. cap. 7. The Act 66^t. *adnet Compyrings*, Extended to Adjudications, in all points. Car. 2. par. 1. Sect. 7. cap. 62.

That the superior have an yeas dewtie for the entering the Adjudger, as for entering the Compillier, And that Adjudications, and Compyrings, be in all cases alike, as to the Superiors. Car. 2. par. 2. Sect. 1. cap. 18.

That in place of Compyrings, the Lords of Session, at the instance of any Creditor, and decrees to him in satisfaction of his Debt, as the same shall be deemed by the Lords, such a part of the Debtors estate for meit Affordible, as shall be worth the principal summe, and Annual-ent resting, and a fifth part more, for the Creditors want of the use of his money, beside the composition in the Superior, and expenses of the Infirmment, and his Adjudication to proceed in probation, for the Creditor, and also for the Debitor, if he desire it, of the value of the Land, and what it hat payed for five yeas bygone, and may pay, and

what the rates are in the Country where it lyes: with power to the Lords, to determine on the warrant; Upon which Adjudication the Creditor shall have immediately the intromission for his Annual-ent without being liable to compt and reckoning. And in case the Lands, and others adjudged be affected with Life-ents, or other yeas yeell no rent, the same shall be expelled in the Decree, at the Redemption, and the Lands and others adjudged are to remain irreduecible, with the adjudger, if not redeemed within five yeas, be payment of principal, and Annual-ents, Composition to the Superior, and expenses of obtaining Infirmment, and Annual-ent of the same including, as said is. Item the Creditor, in Caution, until he get actual possession, as said is. Item that no Appyling beled heretofore of Lands or rights, unless they be already Apprifed, by another Creditor, Bot if the Debitor produce not the evidents of the Lands, and others adjudged, with a sufficient right thereof at the Lords sight, and if he renounce not all right, and possession, and Ratifie the Decree of Adjudication, then the Creditor may adjudge all Estate belonging to the Debitor, in the same manner, as if he might have compilled it before, conform to the Act 1661. and under the same Revision. Item, the Superior and Adjudger are Declared to be in the same case a fier citation in this Process, as if compilling were led, and a charge given thereon; and their Adjudications to be allowed, and recorded, as Compyrings. Car. 2. par. 2. Sect. 3. cap. 19. Anno, 1672.

ADMIRAL.

That the *Admiral* exercise no Jurisdiction, nor esta no kind of dewtie, or esialty but according to the use, before the Court of King James 1st. Non-Intromitting of any greater privilege contained in his Infirmment by one, or to come. Ja. 6. par. 12. cap. 157.

In this respect the *Admiral* Court, isa Sovereign Judicature, imposing of its own nature fullmar Execution, Therefore Letters of Honour pass upon their Decrees, siclike as on Shireffes, &c. By the Act Jam. 6. p. 11. cap. 10. Jam. 6. par. 20. cap. 15. And this Act Ratified, and the Court of Admiralty Decreed to be a Sovereign and superem Court, in itself; That the high *Admiral* is his Majesty's Lieutenant, and Justice General on the Seas, And in all ports, Harbours, in Creeks herin, and upon fresh waters, or navigable Rivers, below the first Bridges, or within the highest Flood-marks: That he hath the sole Jurisdiction in all Maritime causes, foreigne, or Domestick, Civil, or Criminal, exclusive of all other Judges. That he may cause parties find caution, bond for comparance, and performance: That he may punish the breakers of his affirmments, and deforcors of his Officers, and lath their to their fines: That the said high Court may reduce the Decrees of inferior Courts of Admiralty, and all review its own: That there be no Advocacion from the said Court, and no suspensions granted of their Decrees; For by the whole Lords in time of Session, and three Lords in time of Vacance, and they be sufficed unanimously. And likewise that the *Admiral*, and his Deputy have the sole right of granting passes, and Life-conditions, to all Ships, And all Acts and Customes contrary to this Act are reifinded. Car. 11. par. 3. cap. 16.

ADULTERIE.

That npen, manifer, and incorrigible Adulterees, after the Kirk censures executed upon them, be denounced Rebels, and their guides excom, Q. M. Par. 5. cap. 20. That open and manifer Adulterees after due monition made to them in public, be punished in the death, retaining the former Laws against other Adulterees. Q. M. Par. 9. cap. 74. And notour, and manifer Adulterie, worthy of death, Declared to be, where it is not procert, or the Adulterees keep company, and bed together, notoriouslie, or when suspected, and duly admonished, they refuse the Kirk by Repentance, or Furgation, And are therfore excommunicat. Jam. 6. par. 7. cap. 105. A Woman divorced for Adulterie, and married, is punishable as bed, and build reitring in company with her Adultere, may no annulize her Lands, or Possessions, in prejudice of the Ane of the first Marriage, after her first Aits. And all such alienations, as well since July 1587, as in time coming, are declared null, by way of exception, in all Courts. Jam. 6. par. 12. cap. 117. All Marriages betwixt persons divorced, and their Adulterees, Declared to be unlawful, and null, and their issue inhibited to succeed in their Parents. Jam. 6. par. 16. cap. 20.

ADVOCATS See Session.

Promise and Oath of the three Estates not to maintain, defend be Advocats, for, or stand at the bar with manifest Treasons, and other Notorious Malefitions, but only to comper with their Kin and Friends in sober ways, defence of them in honest *Actions*. Jam. 1. par. 14. cap. 98. See it in Treason.

Advocats may Intrie comper for, and defend persons accused in Parliament for Treason, or other ways. Jam. 6. par. 11. cap. 38. And this warrant morethell given as to Treason, and all other crimes before any Judge, and that the Judge may compel them to procure in case of their Intrie. Ibid. cap. 90.

Advocats Fees, see the Act of Regulation. Car. 2. par. 2. Sect. 3. cap. 16.

ADVOCATION See Declarator.

That no *Advocacion* be refused by the Judge ordinarie, Except for deadly feode, or that the Sheriff principal or the Judge be partie, or in the causes of the Members of the College of Justice. Q. M. Par. 6. cap. 130. Bot this Act is anent the warning of Tenents, and what is subjoined anent Advocacions, may seem to

are ordained to be obeyed as Laws, and all Laws, and Customs, in the contrary, refused, Jam. 6. p. 23. cap. 1.

ASSASSINATION.

That not only all Assissines, but all who shall offend, that it is lawful to kill any man upon difference in opinion, or because they have been employed in the service of the King, or of the Church as now established, shall incur the pain of Treason, Car. 2. p. 3. cap. 15.

ASSEMBLY. See Synod National.

The General Assembly of the Kirk held at Glasgow, in the year 1603, Declared unlawful, and seditious, and all its Deeds, and Acts, with all Ratifications thereof, made void from the beginning, and in all time coming, Car. 2. p. 1. Self. 1. cap. 24.

ASSISOURS, ASSISE, or INQUEST.

That no Officer of any Country, nor Indurer of any man, be on this Assise, under the pain of ten pounds to the Kings, Jam. 1. p. 3. cap. 50.

Assissours should swear, that they neither have taken, nor shall take meede, or buid of any party, and if any be given or hecht or any prayer made to them before the giving out of their verdict, they shall reveal the same in plain Court, Jam. 1. p. 3. cap. 131.

If any man be grieved by the partial malice, or ignorance of an Assise or Inquest of Heterages, not being an Assise of a Breve pleable, the Assise may be Summonsed before the King, and Council: And if the falsehood or ignorance be proven, that the verdict be reduced, and the Assissers punished after the Law in the first Book of the Majesty, *Car. 2. p. 2. cap. 10. super Assissam*. But if the Complainer be in the wrong, that he pay Ten pounds to the King, and to the Party his expenses, Jam. 1. p. 6. cap. 48. See *Error*.

Assissers in Criminal causes acquiring the Persons shown before them willfully, against honour or manifest knowledge, may be called by King, and Council, and inquired if they all agreed, or not, and the Persons confessing, or excusing, are convicted by a great Assise of Twenty five noble Persons conjoining on the former evidents, are ordained to be punished after the Law of the Majesty, for their *juramentum temerarium*, but the deliverance of the foresaid Assise, is stand quod the Party, Jam. 3. p. 8. cap. 64.

That in the Breve of Inquest, Persons present, may be compelled, without Summons, to pass upon the Inquest, Jam. 4. p. 6. cap. 94.

That Assissers may verify, and prove by themselves, Insinuar by the Act, Jam. 6. p. 6. cap. 79.

That in Justice Ains, and particular Dietes, the hall Assissers be called, and the absent Americit, to move them to better obediences, Jam. 6. p. 11. cap. 96. And that the extract of the Act of the Un-lives be delivered to the Treasurer, within six dayes, that the un-lives may be charged for, and taken up without Composition, Jam. 1. p. 12. cap. 126. See the Pains of Assissers absent, in *Paines*.

That the Accusation, Reasoning, Wits, and Witnesses, and Other Probation, and Insinuation, whatsoever, be Alleged, Reasoned, and Deduced to the Assise, in presence of the Party accused. In face of Judgment, and no otherwise, Jam. 6. p. 11. cap. 90.

Any Assiser having a doubt should propon the same openly in presence of the Parties, in face of Judgment, and after the Assissers have chooseth their Chancellour, they should be included in a house by themselves, and none suffered to be with them, or repair to them, in any wayes, neither Clerk, nor Others, under any pretence, or for any occasion, whatsoever, and that the house be kept fall, and they not suffered to come out for any cause, nor to continue the giving of their Sentence to another time, but that they be included until they be fully agreed, and return their Answer, and if the Accuser, Informer, or any Person pretend to inform, speak, or create to the Assise, after their removing, and including, or transgress any point of this Act, the Party accused shall be pronounced Clean, and this shall be a sufficient warrant to the Assissours to doe the same. *Ibid*, Cap. 91.

That the Clerk, nor no other Person be present with the Assise, after they are included. Item that the Chancellour of the Assise mark every Assissers vote, Condemning or Absolving, on the same Paper, with the verdict, and to be closed and sealed by the Chancellour; and some of the Assissers, and not to be opened, but by order of the Judges, Car. 2. p. 2. Self. 3. cap. 16. Concerning the Justice Court.

ASSURANCE.

That the King's Peesee be Assurance to all men, so that no man need have Assurance of another, Jam. 2. p. 6. cap. 13.

That none take, or sit under the Assurance of Thieves, or pay them black-maill, under the pain of Death, and Eflexion, Jam. 6. p. 1. cap. 22. See in *Theit*.

B

BAILS.

The manner of taking by Bails, to give notice of Invasions from England, Jam. 2. p. 12. cap. 48.

BAILLIES, See Judges, and Sheriffs.

BANKRUPTS, See Fraudful Alienations.

An Impoverishing the Lords of Session upon a Process at the instance of any Creditor having a right, to value such Estates as belong to notorious Bankrupts, and whereof the Creditors are in Defession, and to appoint Commissioners to sell the same, at the said rate, or more, and that the sale be made by a Roup, upon the Intimations first down in the Act, and being reported to the Lords, and Registered, that it be als valide, as if made by all Persons leaving interest; and that the price be distributed by the said Commissioners among the Creditors conform to their several Rights, and Diligences, Car. 2. p. 3. cap. 17.

BANDS, See Leagues.

There is mention, made in several Acts of Parliament, James Sixt, of a general Band. It seems it hath been a Band for keeping the Peesee, and it is Statute that the pains thereof be divided bewixt the King, and the Party, Jam. 6. p. 15. cap. 270.

BANDS PRIVAT.

That all Bands for sums of money bearing Annual-rent, made since the 16 of November 1641, be understood to be moveable, unless they bear an express obliged-

ment to Infeft, or be conceived in favour of Ains, and Assignes, (excluding Executors) in which cases, they are Declared Infeftable, Declaring nevertheless, that the said Bands bearing Annual-rent shall remain in the same Condition *quoad Beneficium & Jus Moris & Retinenda* they were before the 1641. Car. 2. p. 1. Self. 1. Cap. 32.

BANQUETING.

An limiting the number of Dinnes for every mans table, $\frac{1}{2}$, for the Earl, or Bishop, Eight; The Lord, Abbot, or Dean, Six; The Baron, Four; a Burgess, or Other Substantions Man, Three: And one Kind of meat in every Dinne, under the pain of 100 pounds, 200 Merks, 400 pounds, and 20 pounds, *respectively*, Excepting from this Act Marriages, as also Banquets, to be made to Strangers by Bishops, Lords, Barrons, Travellers, and Bailies of Burghs, and none els, Q. M. p. 5. cap. 25.

That no Persons under the degree of Barons & Landed-men worth, Fifte Chalders of Victual, or Two thousand Merks *per annum* have at their Table, for any Drags, or Confessions, and that there be no Banquets at suppers, after Supper times, under the pain of 20 pounds, to be paid by the Master, and all the Partakers, and Eflexion of the Offenders, Jam. 6. p. 7. cap. 14.

Another Act against Banqueting, and discharging Confections, under the pain of 100 Merks, Jam. 6. p. 23. cap. 25.

An Act returning the exorbitant expenses of Baptisus, Marriages, and Burials, Car. 2. p. 3. cap. 14.

BAPTISME.

That none Baptise their Children, but by the Minister of their own Parish, or by a licensed Minister, upon a Certificate from him, or in his absence, from a neighbouring Minister, under the pain of every Heterage, Life-tenure, or Wodieners, or fourth part of his Valued-rent, every Person above the degree of a Tenant, or every considerable Merchant, 100 pounds, every Inferiour Merchant, or considerable Tradinour, and every Tenant, 50 pounds every meane Burgess or Cottar 20 pounds, and every Servant, of half a yeats fee. And the Execution is committed to Sheriffs, Stewards, Lords of Regality, and Magistrates of Burghs, who are allowed all the fines, except those of Heterages, for which they are made Comptable to the Treasurers, Car. 2. p. 2. Self. 2. cap. 6. And this Act, and the pains thereto extended, to such as keep their Children un-baptised for the space of Thirty dayes together, or produce not a Testificat under the Minister of the Parish his hand, or if the Kirk be Vacant, under a Neighbouring Ministers hand, that the Children be Baptised without the said fine, *Ibid*, Self. 3. cap. 11.

The exorbitant expences of Baptisus self-said, Car. 2. p. 3. cap. 14.

BARRATRIE.

That no Cleric, Religious, or Secular, pass out of the Realm, except he make faith that he shall doe no Barratrie, and have License of the Lord Chancellour, or his Ordinarie, and he that does in the contrary, or makes Barratrie, that he be liable to the Statute against havens of money out of the Realm, Jam. 1. p. 7. cap. 107. See *Benefice*.

That none Sute, or desire Title, or Right of the Pope, or his Seel, to any thing in the Realm, under the pain of Barratrie, that is Banishment, and Infamie, and that no Bishop, or Prelate, use any Jurisdiction by the Popes authority, under the said pain, and Barratrie may be tried before the Justices, or Lords of the Session, Jam. 6. p. 1. cap. 2.

To Traffice abroad against the true Religion, Incures the pains of Barratrie. See James 6. p. 6. cap. 72. in Religion.

BARRONS.

Ratification of all Priviledges granted to Noblemen, and Barrones, Jam. 6. p. 1. cap. 26.

BARRONIE.

Annexation of Lands to Barronies, exempts them not from the Sheriff Courts, and Justice Ains, when they lye, but only obliges them to presence, and service, in the place whereunto they are annexed, Jam. 4. p. 6. cap. 63.

Magistrats of Burghs of Barronie, may arreall none for debt, but their own Burgesses, Car. 2. p. 2. Self. 3. cap. 8.

The Liberty, and Priviledge of Burghs Royall, as to Trade. See in *Burghs*, and Car. 2. p. 2. Self. 3. cap. 8. there.

BEEES, See Hyves.

BEGGERS.

That no Beggers bewixt Fourteen, and Seventie yeares be tholl to beg, unless they have a token that they cannot win their own living, in Lands, or of the Sheriff, and in Burghs, of the Bailies, otherways to be burnt in the cheek, and banished, Jam. 1. p. 1. cap. 25. Ratified, Jam. 4. p. 6. cap. 70. Item, that the Magistrats, and Sheriffs negligent, pay Fiftie shillings to the King, Jam. 1. p. 2. cap. 42.

That no Begget born in one Parish be tholl to beg in another, and that tokens be made be the Heads-men of ilk Parish for that effect, Jam. 5. p. 4. cap. 22.

That in Burrows the Chamberlaine in his Air, shall ilk yeare inquire, if the Aldermen, and Bailies have kept the Statutes of Beggers, and the breakers to be punished in 40. shillings to the King, Jam. 1. p. 7. cap. 104.

Ratification of the Acts against Beggers, containing particular orders for representing thele Vagabonds, and relieving such as are truly unable, and poore, Jam. 6. p. 6. cap. 84. See *Theit*.

An Act this Act Ratified, with a Commission to Justices in that part, for Execution of it, in case the Judges ordinarie be remis, or negligent, Jam. 6. p. 11. cap. 147.

The Act against Itinerant Beggers, Vagabonds, and Egyptians, again Ratified, and they that are taken that they cannot win their own living, in Lands, or of the Sheriff, mentioned in the Act, Jam. 6. p. 6. cap. 74. Is prorogued during life, and the power of Executing the said Act, granted to Kirk Sessions, Jan. 6. p. 15. cap. 268.

Item, all these Acts Ratified, and that the Kirk Session be assisted by one, or two, of the Presbytery, and that both they, and the Sessions, put the said Acts in Execution, under the pain of Twentie pounds, Jam. 6. p. 16. cap. 19. The Acts, Jam. 6. p. 6. cap. 74, and par. 15. cap. 268. Specially Ratified, Car. 2. p. 1. Self. 1. cap. 16.

An Act establishing Correction-houses in the Burghs therein named, for idle Beggers, and Vagabonds, Car. 2. p. 2. Self. 3. cap. 18. See *Poor*.

DRINKING BEIR.

Twentie shillings of Customs imposed on every Tun of Drinking Beir brought in to the Realm, Jam. 6. p. 13. cap. 179.

BENEFICE and BENEFICED PERSONS. See Dilapidation.

That Benefices purchased at *Remes*, by such that were never theret before, be of none avail; and if no Benefices be unite to *Abbotricks*, *Abbacies*, or *Priories*, and that such unions be null, and the purchasers punished as *Traitors*, &c. except that *Lords* and *Bishops* may purchase the Annexation of any Benefice, to Secular *Collegiats*. *Item*, That there be no higher Taxation of Benefices, but as the old use and custom was, and as is contained in the old Taxation of *Barnstow*, J. 3. p. 6. c. 44. And this last part of the Taxation of Benefices struck. And that the attempt in this country, on a Spiritual Person be unable to build Benefice, and if a Temporal, time life and goods, J. 4. p. 4. c. 39. *Item*, That none support, or supply with money the said unlawful purchasers of Benefices, J. 1. par. 11. cap. 86.

That no Clerk purchase Benefice belonging to the Kings presentation, the Seignioring, at *Romes*, under the pain of procription, and treason, J. 4. p. 1. cap. 4.

That *Reclams*, *Abbacies*, and other Benefices, remain and be disposed within the Realm, as in King *James* the first's time, under the pain of procription, against such as do in the contrary, J. 4. p. 4. cap. 38. *Item*, That duty be taken on the breakers of the said Acts, J. 5. p. 7. cap. 119. See the Acts against Clerks, or Spiritual men their pulling forth of the Realm, in *Passing forth of the Realm*.

That all gifts of Benefices, or pensions disposed by the Queen, since the Parliament 1600. To the Kings Coronation, be as valide, as if granted by the Popes Bulls, but prejudice of the Act of Council, against the Ministers, all Benefices within three hundredth merks yearly, and of Laick Patronages, J. 6. p. 1. cap. 20. And the Commisars are ordained, to Minister Justice on the said gifts; and likewise on gifts to be granted by His Majesty in time coming. *Idem*, cap. 29.

That all *Prelates*, and Possessors of Benefices, at His Highness gift, give up just Inventory of the two parts thereof, conform to the first assumption of this, otherwise their Benefices to void, J. 6. p. 1. c. 244. See *Third of Benefices*.

No Beneficed person under a *Trelate*, may for longer Tacks of Teninds, or others, belonging to his Benefice, then for three years, without the consent of the Patron, J. 6. p. 14. cap. 200. See *Treaton*.

That no *Trelate* set in Tack, any part of their Patrimony, for longer space then nineteen years, and no inferior Beneficed Person, for longer then their own lifetime, and five years thereafter, under the pain of deposition. And that all Tacks otherwise set, for discovery thereof, be registrat within six days, else are null; Excepting from this Act, all Tacks for the vertue of the Commission for plantation of Kirks, granted in this Parliament, J. 6. 1st. c. 23. cap. 46. also, as is declared. That the inferior Beneficed Person, must have the consent of the Patron to his Tacks, conform to the said Act, J. 6. p. 14. cap. 200. J. 6. p. 23. c. 15.

BESTIAL, or CATTEL.

That no Catel be fold out of the Realm, J. 4. p. 4. cap. 25. See *England*.

That *Thieves* or *hochers of Oxen*, or other Catel, be punished as *Thieves*, J. 6. p. 7. cap. 110.

See the Act in *Horfe*, and how it is limited, and extended, J. 6. p. 11. c. 82. *Idem*.

AC Ratifying all Acts made against the transporting of Sheep, Noll, or other Catel, young, or old, forth of the Realm, imputing any that finds them driving, to slay them, and keep the Drivesto to an *Abbie* before the Justice or Shiffen of the bounds where they shall be apprehend, whom His Majesty makes Justice in that part, for trying and hanging of the offenders, and executing their moveables, half to the King, and the other half betwixt the Judge and the apprehender, J. 6. p. 7. cap. 124.

Item, Sheep and Noll forbidden to be transported to *England*, or sold to *Englishmen* who transport the same, under the pain of excheat thereof, and of the whole other moveables of the usual transporers: And also of the causers and sellers thereof to be transported, half to the King, and half to the apprehender, and warding for six months, and otherwise at the Kings will, annulling all licences to come, or to be granted in the contrary, J. 6. p. 12. cap. 119. See *Free of the Bell*, *Thats*, *Noll*, *Sheep*, or *Swine*, may be exported by Sea, free of Custom or Bullion for 19. years. *Chr*. 2. p. 1. *Self*. J. cap. 11. *Ann*. 1663.

BIBLE.

That all *Houholders* have *Bibles* and *Psalm Books*, J. 6. p. 6. c. 72. See it in *Houholders*.

BIRN, See SKIN and BIRN.

Bishops, See Benefice and Dilapidation.

Bishops, *Abbots* and *Priots* set down in order before *Earls*, *Barons*, in the Latine Titles of the sixth, seventh, and eight Parliaments, J. 1. And before *Dukes* and *Earles*, J. 1. p. 7. cap. 102. And *Prelates* before *Nobles Princes*, J. 5. p. 1.

That *Bishops* inquire of *Heretics*, J. 1. p. 2. cap. 28.

That no *Bishop*, nor *Trelate*, any justification by the Popes authority, under the pain of banishment and infamy, J. 6. p. 1. cap. 2.

That all *Bishops* be disposed of His Majesty to actual Preachers and Ministers in the Kirks, J. 6. p. 15. cap. 211.

The estate of *Bishops* referred to their honours, privileges, livings, and rents, as the *Form* was in the reformed Kirks, make ample before the Act of Annexation, 1587. And this Act of Annexation, and all other Acts prejudicial to the said estate retained. Providing nevertheless that the *Bishops* exercise their Ministers estate retained. And that the composition appointed in the Act, as unto, excepting *Fewes* lawfully set and confirmed before the said Act of Annexation: And all Dispositions of Patronages disposed by the *Titulars* and His Majesty, providing they be ratified in Parliament. And all common Kirks pertaining of old to *Bishops* and their Chapters in common, disposed by His Majesty before the date hereof. Also, excepting the *Calke of St. Andrews*, and *Treth* thereof, to the Earl of *Dumbar*, and the *Lands of Almondball and Leitham*, with the *Mannot 11ace*, and Patronage of the Kirk of *Mannistoun* to *Sir Robert Melville*. There is also an exception from the fore said Composition, appointed to be payed by *Fewes*, in favours of the *Fewes* of the Archbishopsrick of *Glasgow*, J. 6. p. 18. cap. 2.

Act giving liberty to the *Bishops* to set Tacks, long, or short, as they please, without restraint: only it is recommended, that the duty be competent; and the duty of the said Tacks ordained to be the *Keatill*, nor to be diminished. And the *Bishops* are ordained to give up sufficient Receipts of their Benefices within a year after the date of the Act of the Clerk Register, under the pain of a thousand merks. Which Receipts are to remain in their integrity in all time coming; that the Ministers may be the more assured of their Suspendes to be appointed forth thereof. And the Act annulls all Acts and Laws made or to be made, whereby any Beneficed person is, or may be prohibited to set Tacks of Teninds, that may fill in *Law*, *ibid*, cap. 4. But *Bishops* and all other Beneficed Persons are again limited

in their Tacks, to a certain number of years, J. 6. p. 23. cap. 1. See the Act in *Benefice*.

A *Bishop* refusing a Testimonial to a *Prebogue*, in the case in the Act, may be called before the Council; and if he refuse not the Council, they may give one, J. 6. p. 20. cap. 1.

The *Commisars* referred to *Bishops*, with power to them to appoint *Commisars*, and erect *Chapels*, and all other Members of Court: And the Quotes of Testaments are ordered to be payed to the *Bishops*, and Letters to be directed to their *Commisaries* likewise. As also, to charge *Testaments* to continue Testaments, as formerly. And all former *Commisaries* are discharged, without prejudice to the Earl of *Argyle* of his hereditary right of *Commisars* within *Argyle*, J. 6. p. 20. cap. 6.

The *Bishops* have right to moderate in their Diocesan Synods, either by themselves, or by a Minister of the bounds appointed by them. That no sentence of Excommunication or abolition be pronounced, but by their direction to the Minister of the Paroch where the offender dwells. That all Testaments be directed to the *Bishop* of the Diocess, to whom also the *judicium* in such, in case of the *Minist* is preferred, the *Parson* retains the fruit of the benefice, and either he or the *Paroch* may complain to the *Archbishop*, and if he refuse, the complainers to the Council; who finding the *Bishops* reasons insufficient, may direct Letters of *Horning*, charging him to do his duty. *Item*, If the *Bishop*, by oath of *perjury*, or otherwise, find that the Minister hath made a *Simonical* paction with the *Paroch*, or the laics of the Benefice, he may refuse him. (See *Simony*). The *Bishop* applying to him if the Minister of the bounds, hath power upon trial, to depose of *Illicit* Ministers. That the *Bishop* by himself, or a worthy Minister of his Diocess, make his visitations. And lastly, That the meetings of the Ministers for exercise be moderate by the *Bishops*, or such as they appoint: Which Act being concluded upon at the Assembly at *Glasgow*, *Ann*. 1610. are all ratified, and made to be observed, and inviolable Laws. And last, J. 6. p. 12. cap. 114. (See it in *Curia*) and all other *Customs*, in so far as they are contrary to the premises, are reitained, J. 6. p. 21. cap. 1.

That *Bishops* be elected in this order, upon the vacancy, His Majesties licence is to be expedie, and then an *Edict* to be issued on the most pcurator due of the Cathedral, charging the *Dean* and *Chapter* to convene for electing, who, so many as shall be convened, shall choose the person named by the King, he being an actual Minister, and no otherwise: And this being testified under their seals, His Majesties sent under the Great Seal shall be sufficient to the *Spirituality*, during the ecclesiastical life: And thereupon, and on His Highness Mandat directed to a competent number of *Bishops* within the Province. The person elected shall be consecrate, and then he shall have His Majesties grant of the Temporarily under the Great Seal, for which he shall receive his honours, and sit in the Oath of Allegiance and fidelity, before he intronnet. And the Lords of the Session are not to authorize any *Bishops* provision, unless he be thus elected, J. 6. p. 22. cap. 1.

All *Bishops* and members of *Chapels* to set Lands holden of them by service of ward and relief, in *Fee-Term*, for a competent duty unalterable to the reposed duty of the Lands, if returned, or if not, of Lands of the like value in the Country, and doubling the same at the entry of the said Act: And this Act ordained to be in force for three years, J. 6. p. 23. cap. 1. *Ann*. 1621.

His Majesty and the Estates of Parliament finding Episcopal Government to be most agreeable to the Word of God, effectual for preserving of truth and unity, and suitable to Monarchy and the publick peace, Redempt at the site of *Bishops* to their ancient rights and places, and restore them to the exercise of their jurisdiction in the Church, power of Ordination, Censure, and Discipline, to be exercised by them, with advice of such of the Clergy as they shall think fit: Ratifying all Acts formerly made in their favours, and all Acts in the contrary, And for Presbyterian Government specialise the Act, J. 6. p. 12. cap. 113. are reitained. *Item*, They are referred to their Commisariats and Quotes, according to the Act, J. 6. p. 20. cap. 6. But prejudice to the present Commisars, their Quotes and *Prebules*, and doubling the same at the entry of the said Act, and Discipline, to be exercised by their prejudice, since the year 1637. are made void, and they are re-possessed for the year 1661. as they possessed in the year 1637. But all entries of *Vassals*, *Retours*, *Signets*, *Infeiments* granted by the King, or any having right from him, or the authority for the time, of Lands and others holden of the *Bishops*, in the time of their interruption, are declared not to be prejudged, providing they be not extended to any new gift, or original right, otherwise granted then preceding the year 1637. If being His Majesties intention, that the *Bishops* should be in the same estate and condition as in the year 1637. But the *Bishops*, or their Aites or Executors, are declared to have no right to the Rents betwixt the year 1638 and 1661. In prejudice of such who had sight for the rents: And also, those that have made payment of bygone Rents of the said *Diocess*, are re-secured thereunto. *Chr*. 2. p. 1. *Self*. 2. cap. 1. Ratified *Self*. 3. c. 1.

Act sent Supplications of *Bishops* *Revs*. c. 6. in Supplications.

BLACK-MALL.

That none take or sit under the assistance of *Thieves*, or pay them *Black-Mall*, under the pain of death, and excheat of their moveables, J. 6. p. 1. cap. 2. That duty be taken up of both takers and payers of *Black-Mall*, and justice done on them according to *Law*, and severity taken of them to abstain in time coming, J. 6. p. 11. cap. 101.

BLANCH HOLDING.

That the Kings *Vassils* holding *Blanch*, be only liable in their *Blanch Duties*, if the same be required allicred, and no wayes be charged with sums of money, as the prices thereof, J. 6. p. 13. cap. 14.

BLASPHEMIE.

That whoever be not being did rated in his writ, shall pull upon, or curse God or any of the Persons of the blessed Trinity, and obstinately continue therein, be proceeded before the chief Justice, and being found guilty, punished with death: And this Act is drawn back to the 17. of *Feb*. 1649. *Chr*. 2. p. 1. cap. 21.

BOLL. See METTS and MEASURES.

BOOKS.

Act discharging the Custom of Books, made amongst the unprinted Acts, *Chr*. 2. p. 2. *Self*. 1. Books erroneous forbidden. See Religion.

BORDERS. See ENGLAND and HIGHLANDS.

Act sent the Border Rivers of *Annand* and *Tweed*. See in *Salmond*. Act discharging all Decrees of excommunication and censuring obtained in the borders twenty years before King *James* the first, according to the Crown of *England*, except all such as be the objects of application, and the ordinary proies since the Kings going to *England*. And it is provided, that upon charges given after the date of this Act, the same be obeyed, otherwise the person denounced for disobedience,

to admit the benefice thereof, la. 6. p. 18. c. 9.
 Ad against relief of fugitives in the Borders be refered in the in-Countries, without a note born on long habitation in the Borders be refered in the in-Countries, without a Testimonial of the great Commissioner of the borders, and that none forge or use a false Testimonial, under the pain of death, la. 6. p. 20. c. 10.
 The Borderers, especially within *Berwick, Roxburgh, and Dumfriesshire*, and Stewartry of *Annandale*, are discharged of all actions, (Decrees already ob- tained being ill excepted) of spoliage, or wrongous intromission, for any thing done before King James his succeeding to the Crown of England, and also of all crime Criminal purpoted, and to be intended, for whatsoever crime, import- ing life, committed before the said time, without prejudice nevertheless to the Kings Adversary, Justices, and Commissioners, to pursue the same as accords, ja. 6. p. 21. c. 6.

BORGH.

The form of finding a Borgh in Court, ja. 1. p. 9. c. 116. And he who recou- ters a Borgh, and absents therafter, fines the action, *ibid.* c. 118.

BORROWS. See LAW-BORROWS.
BOUNDS AND MARCHES. See IN- FEFMENT.
BRANDY.

Ad allowing Brandy to be imported, and that it be lyeable to 20. pounds per Tun of Customs, and fix pence per Pint of Excise, to be payed by the retailer; and this Excise to be applied for the relief of the Annuity of Excheq. in Shites or Burghs wher the Brandy is retailed, Car. 2. p. 2. Seff. 4. c. 2.

BREAD.

The Privy Council should set down the price of Bread, according as the Wheat rules, Car. 2. p. 2. Seff. 1. c. 13.

BREADTH

Of what hreadth Droggats, Linnen, and Stuffs should be, Car. 2. p. 3. cap. 12.

BRIEVE.

That no exception avail against the Kings Brieves, holding the old form, and unstated or blobbered, in the name and fame of the Followel and Defender. The name of the Land, and use, and Date, ja. 1. p. 9. c. 114.
 The old form of serving the Brieve of Sealing, and of breaking of Sealing, *ibid.* cap. 127.

Order ancient Brieves pleadable, according to the old form of Procefs, Ja. 3. p. 6. cap. 42.

That exceptions be not proponed against the Brieve of Inqueffas against a Brieve of Plea, but only Exceptions against the Judge, the Inqueff, and that of Bailford by *Joan*, Persons present, may be compelled without Summons, to pass upon the Inqueff. *Item*, their Brieves should be eried openly in plain Mercat, or on an oulk day, fwa that the Officers of the Town, and fix more be present, la. 4. p. 6. cap. 94.

That Brieves for serving to Lands within the Stewartries of *Strathene and Men- zels*, be proclaimed at *Perth*. for Lands within the Stewartry of *Aife*, at *Cowper- ton*, within the *Bailiaries of Kyle, Carrick, and Cunningham*, at *Awe*. Within the Stewartries of *Kirkcudbright* and *Annandale*, at *Dumfriesshire*. But that they be always served within the Tolbouth of the head Burgh of the Shire, Stewartry, or Bailiary, as of before, la. 6. p. 11. cap. 60.

BREWERS. See MALT-MEN.

BRIDGES.

The Council may lay on modat Customs at Bidges, for the upholding there- of, Car. 2. p. 2. Seff. 1. c. 16. See the Act in *Widg.*

BROOM. See PLANTING.

BUCHANAN.

That *Buchanans* Chronicles, and *de Jure Regni apud Scotos*, be brought in by the havers, to the Secretary within 20. dayes after the publication of this Act, un- der the pain of 200. pounds, to the effect they may be purged of certain offensive and extraordinary matters therein contained, la. 6. p. 8. c. 134.

BURDING.

That every Prelat, Lord, and Landed Gentleman, make his ordinary dwelling at his own Houfe, with his Family; and that they forbear to build themselves in Burrows, Ale-houfes, or their own Houfes, under their pain of 500. marks. The Lord or Prelat: 100. marks the great Baron: And 200. marks lik other Lan- ded Gentleman, for the Kings use, la. 6. p. 7. c. 116.

BULLION.

That forty be reduced to the Customers of the Ports, for Goods exported, to bring home the quantities of Bullion mentioned in the Act, la. 3. p. 7. c. 143.

The quantities of Bullion again appointed, and that the Customers make com- pte thereof yearly in Exchequer, la. 3. p. 7. cap. 51. And that they satisfied: And that the Merchants have twelve fillings for ilk ounce of burnt Bullion from the Cui- nez, and that of ilk ounce be made twelve groats, 1. 3. p. 8. cap. 65. And la. 6. p. 2. c. 127. That there be brought home for Bullion four ounces of burnt silver of 6. 10. That there be brought home of Wool, or Linn of Salmond; And that the Mer- chant have ten of the fourteen penny groats for ilk ounce, la. 3. p. 13. cap. 93. The same Ratified, and that compe of the Bullion yearly in Exchequer, la. 4. p. 1. c. 2. and the p. 21. c. 74. And that the Cuiñez give for the ounce of burnt silver eleven fillings fix pennies, *ibid.* c. 17.

Ad trying the Acts about Bullion, that fovery be found for bringing it home equivalent to the goods transported, that it be compe for yearly in Exchequer, and defalcation given to the Merchants, if any loss of goods happens him. And that for every ounce of utter fine silver, the Maltner Cuiñez pay to the Merchant forty fillings, and make compe for the profit to the King, la. 6. p. 7. c. 107.

A restriction of all Adversant the home-bringing of Bullion, and that the The- saurer and his Deputies compe thereto yearly in Exchequer, la. 6. p. 14. cap. 203.

That for the ounce of Bullion twelve deniers fine, which the Merchants are a- stridged to bring home, they have an ounce of his Highnesss own Coy of eleven deniers: And that of all the said Bullion that they shall voluntarily bring in, the thirtieth penny only be retained to his Majesties Profit, la. 6. p. 3. c. 2. c. 2. c. 2. That all forsook Cuiñez be made use of only for Bullion, and that the Officers of the Mint make a Table of the prices thereof, *ibid.*

Commission given to the Lords of Council for asking order ainst the home- bringing of Bullion, and discharging the same for Gold, Silver, and forbid- den Bullion, under such pains corporal and pecunial, as they shall think fit, la. 6. p. 14. c. 6.

All Commodities lyeable in payment of Bullion, pay according to the Al- phabet set down in the Act: That the Customers, with concurrence of the Clerks of the Coines, cause every Merchant, Native, or Forreiner, expores of the said Commodities, find fickers loversy, or give pledges, that the due Bullion be deliv- ered to the Officers of the Mint: And that of Forrain Bullion, either Plate, or burnt Silver, twelve denier fine, and being half, to be made up by weight and reckoning, and that before he receive his Coquet. That none of his Majesties, or his Predecessors Coyn, or any other satisfaction be received for the said Bullion, under the pain of deprivation of the Coines, or Clerk of Coines; and that the said Bullion, if such collection, shall receive a third of the value of the Bullion to have been payed by the Merchant. That the Customers be Comptrol by the Receipts of the Officers of the Mint, and be answerable for the superplus: And that they give the Merchant convenient time, the interest not exceeding seven mo- neths, for some bringing of the Bullion. And lastly, that the said Alphabet be enforced from the date of this Act; and all Commodities thereto be enforced lyeable accordingly, without respect to any other Act made, or to be made in this Parliament, ca. 2. p. 1. Seff. 1. c. 37.

But all Native Commodities and others exported forth of the Kingdom, are dis- charged of the payment of Bullion, and the Goods imported on goods Imported, and at the rate lyeable in the Act: Which rates the Merchant is to pay to the Officers of the Mint at the importing, or twelve fillings Scots for ilk ounce to the Collector of the Port, to be deemed always within 40. dayes, upon payment of the Bullion. And for every ounce of Bullion twelve penny fine, the Merchant is to get back three pound ten pennies Scots, and of eleven penny fine fifty five fillings nine pennies, and for the. And all Customers who are declared countable Officers of the Mint for the said Bullion, or prices thereof, are bound to give in accounts of the whole foreaid Commodities imported, and that upon Oath yearly to the Exchequer, and to produce the Merchants subscribed entries: And the Officers of the Mint are obliged to import the Stock of Bullion them- selves, for the said prices they shall receive, and to Coin the same in his Majesties Coyn. And no Act made, or to be made in favour of Manufactures, or others, shall ease the said Goods imported from the foreaid Bullion, Car. 2. p. 2. Seff. 1. c. 8.

BURGHs, See Craft, and Merchant.

That in all Burghs there be Eight, or Twelve Persons, after the quantity of the Town, chosen of Secret Council, and fwa thereto, to decide matters of woonly or unlaw to the avail, of Five, or Eight pounds within eight dayes warning, ja. 2. p. 17. c. 46.

That no man in Burgh be found in man-ent, nor ride in towne, in feir owelt, with any burd the King, and his Officers, or the Lord of the Burgh, and that he purchase no Lordship in oppression of their Neighbours, under pain of Confiscation, and their lives to be in the Kings will, ja. 2. p. 14. c. 77. ja. 4. p. 3. c. 34. and Jam. 5. p. 4. c. 27. See *Leagues*.

That all Merchants be Free-men Indwellers in Burghs, Jam. 3. p. 2. cap. 11. See *Merchants*.

That Officers in Burgh be not continued farther then a year, that the Old Council shall choose the New; And then both Old, and New choose the Officers: And that ilk Craft have vote in the Election of Officers, by one to be chosen by the Craft yearly: And that no Captain, nor Constable of any Caille may bear Office in the Town, ja. 3. p. 5. c. 30.

In all Burghs four of the Old Council should be chosen yearly, to fit with the New, notwithstanding the preceding Act, ja. 3. p. 7. c. 17.
 That the Election of Officers in Burghs, be without partiality, or Malfeitship, ja. 3. p. 14. c. 108.

That all Officers in Burgh, be changed yearly, and that they be Persons using Merchandize within the Burgh, Jam. 4. p. 6. c. 10. Honest, and Substantiour Bur- gesses, Merchants, and Inwellers thereof, under the pain of Tinfel of their Freedom, who does in the contrary, Jam. 5. p. 4. c. 4.

That none be capable of the Magistracy, or any other Office within Burgh, except Merchants, and Actual Tresquequers within the said Burgh altogether, and no others: And that the Burgs Magistrates, and Commissioners of Burghs to Parliam- ents wear such decent Apparel in all solemn occasions, as his Majesty shall pre- scribe, Jam. 6. p. 20. c. 8.

That the Commissioners of Burrows convene yearly in *Interkatharine*, the Morn after St. James day to treat about the well-fare of Merchandize, and their own com- mon profite, and the Burgh absent to pay Five pounds, to the coff of their present, and that Letters be direct therafter, Jam. 3. p. 14. c. 111.

That all Shups, Stingers, and Others, come to free-Burrows, and these make their Merchandize, and that Strangers buy no Fish, but salted, and Barreled, and they make no Merchandize at the Lewes, and that no subject take Shups to freight in default of the King, under the pain of Tinfel of Life, and Gudes, and Strangers contravening, time Slip, and Gudes, Jam. 4. p. 1. c. 1. Cap.

This Act Ratified, and farther, that none buy from the fids Strangers, but from Free-men, at the ports of the fids Burrows, under the pain of Echeat of their Moveables, Q. M. p. 6. c. 59. But this Act is called an *Ad Antient Liberty of Mer- chants at the West-Sea*.

And these Acts again Ratified, and that Strangers neither buy, nor sell, any Merchandize, but at free-Burrows, and with Free-men, and that none Conduct, Freight, or Pilot any Stranger to the Isles, under the pain of Tinfel of Life, Lands, and Gudes, Jam. 6. p. 7. c. 120.

That Strangers Merchants, lodge in the free-Burrows, or principal Towns of the Potts where they arrive, and that their Hoits give an account to the King of their gudes, inward, and outward, Jam. 4. p. 4. c. 41.

That there be siclike Treceffs for the recovering of Anwels, at the Fourth Court in the Burgh of *Perth*, and in other Burghs, as in *Edinburgh*, Jam. 4. p. 2. c. 20. But this manner of Treceff is defende.

That the Common-gude of all Burrows, be spent for their Common profite, by the advice of the Town Council, and Deacons of Citis, wher they ste: And that the Chamberlaine enquire into this yearly. And that the Rens of Bur- rows be not let, but for three years aliently, under pain of Nullitie, Jam. 4. p. 3. cap. 36.

That the Priviledges of Burrows, and that none dwell out of Burrows, use Merchandize, nor tap, nor sell, Wine, Waxe, Silk, Spicic, Wadd, nor siclike Stuff, nor staple Gudes, nor speck, nor sell, in *Leith*, or other places, out with Burrows, under the pain of echeat of the gudes, Jam. 4. p. 1. c. 4. Cap. 84.

That Commissioners, or Heads-men of Burrows, be wanted to the giving of taxes, as one of the Three Estates, *ibid.* cap. 85.

That no Nighbour in Burgh, usurp against the Officers thereof. Ibid. c. 87. That none house Wood, Hides, nor Skins, in Leith, or other places, out with Burrows. Ibid. cap. 88.

That Magistrates of Burghs bring yearly to the Exchequer, their Compt books of their Common moneys, under the pain of fine of their Freedom, and that fifteen days before, they were all that pleases to come, and object against their accounts. Ja. 5. p. 4. c. 26.

That no Earl, Lord, Baron, nor Other noble Burrows, their Officers, or Merchants, in using their Liberties, under the pain of Oppression. Ibid. cap. 27.

That no man pack, nor pell Wool, Skin, or Hide, or Linn or laid, out of the free Burghs, and Privilege thereof, Jan. 5. p. 7. c. 10. Item, that no Persons Strangers, or Inhabitants within the Realm, pack, or pell any Hides, or Skins, in the Isles, out free Burghs, under the pain of Tinfel of the said Hides, or Skins, and the Sheriffes, and Over-loads of the Land where the same is done, are ordained to put the Act in Execution, Jan. 6. p. 7. c. 12.

He that cries the caufe within Burgh, payes the winners expences, Jan. 5. par. 7. cap. 180. And also Twelve pennes per pound to the Foot, Jan. 6. p. 6. cap. 52.

That the Officers of Burghs, have the only power to punish Fore-Defaulters within the Burgh, Jan. 5. p. 7. c. 113. Renewed, but the power of appealing, (because of the Negligence of Burghs) given also to the Theifour, or to his Majesties Advocate, Jan. 6. p. 12. c. 148.

That Burrows have an universal weight, Jan. 5. p. 7. c. 114. That the Officers in Burghs Search, and Apprehend, all havers of false moneys, or Counterfeits of the Kings Irons, for Coinage, Ibid. cap. 124.

That Magistrates of Burghs cause Deacons, Craftmen, and Hostellers, set and take reasonable prices, for their work, and victuals, or else deprive them of their Office, and Privilege, Q. M. p. 5. c. 23.

Ratification of the Privileges of Burrows, and Burgeses, and that Letters be directed upon their Privileges, and Acts of Parliament made thereupon, without calling any Party, Q. M. p. 6. c. 49. p. 9. c. 86. Jan. 6. p. 1. c. 26. p. 5. c. 64. p. 6. c. 83. and p. 15. c. 5.

That all Common high-ways to and from free Burrows, and to and from dry Burrows, front and to Sea-ports, mixt adjacent, be kept, and no flap made there-intill, under the pain of Oppression, Q. M. p. 6. c. 53. Ratified, and ordaining such as shall stop or impede the same to be charged summarily on Six days before the Lord of Session, (as only Judges thereto appointed) to be decreed to him one wrong, and to be dedit, and in such Judges thereto appointed, to be decreed to him as shall be modified, half to the King, half to the Party grieved, and the probation to be by Famous Witnesses, and not by an Affidavit, Jan. 6. p. 12. c. 156.

Act in favour of Burrows of the Weir, discharging unwarantable Exactions of Fishers in Loch-burn, and other Loches of the Isles, they bringing their Fishes within this Realm, for serving the Country allyenly, under the pain of Oppression, Q. M. p. 6. c. 56.

That none make privie Conventions, put on Armour, display Banners, or found Trumpet, or Talhorn within Burgh, without the Queen, and the Magistrate licence, under the pain of Death, Q. M. p. 6. c. 83. Ratified, and that none Convocat or assemble within Burgh, except they have licence of the Magistrate, and that they are not to be directing against the Acts of Parliament, & quarter of the Burgh, or otherwise the saids meetings, to be decreed to the King, and the Inhabitants are ordained to assist the Magistrates, and their Officers, for the suppressing of Tumults, under the pain to be punished by the Magistrate, and Council of the Burgh, as Fosters of the saids Tumults, Jan. 6. p. 18. c. 177.

That the Burrows may meet four times in the year by a Commissioner for ilk Burgh, and two for Edinburgh, at what Burgh they please, for matters concerning their State, Jan. 6. p. 5. c. 64. Ratified, and that the Burgh not keeping the Convention, when appointed, by the most part, or by the Burgh of Edinburgh, and any Sex, or Eglit, of the rest, and warned, by an introw of the Provost, and Bailies of the Burgh where the Convention is to hold, or otherwise lawfully cited, be fined, in Twentie pounds, toward the charges of them that meet, and that on the Act of the Convention, Letters of Horning, and pouding, be summarily directed, at the instance of the Burgh of Edinburgh, for payment of this fine, Jan. 6. p. 7. c. 159.

That the Taxation of Burrows be altered, but stand as formeille, that is to say, thairt be the Sex part allyenly of all general Taxations, Jan. 6. par. 1. cap. 111.

That no free Burgh, sell, or annaize their freedom in hall or in part, to any other Burgh or any other wayes, without the licence of the Highnes, and Three Estates of Parliament, under the pain of Tinfel of Freedom of the Burgh, either by way of selling, Ibid. cap. 112.

Act Ratifying all former Acts, and of new Statuting, that none exercise Merchandise nor being free Burgeses, under the pain of fine of their hall Moveables, half to the King, and half to the Burgh whole Commissioners shall apprehend the same, but prejudice of Landed-men, to have some Merchandise to their own use, and behoove, providing they fell not the same again, Jan. 6. p. 12. c. 152.

That all Inhabitants in Burghs, whether they be admitted Burgeses, or not, Exercing Traffique, or having change within the fame, bear their part of all Taxes, Stents, Watchings, Watiaings, and all Devoties, and Services, touching the King, or Burgh, without respect to any Privilege granted, or to be granted, except that the King may exempt one of ilk Craft for his own service, and without prejudice to the Members of the Colledge of Justice, Ibid. c. 153.

That there be three Burghs bigged, one in Kintyre, another in Lochaber, a third in the Lewes; with all Privileges of Burghs, Jan. 6. p. 15. c. 263. See the Act in Highlands.

That there be no Exercise of crafts in the Sub-urbs of Burrows, but that the Magistrates, and their Officers may in and out of, and execute all work, wrought, or working there, to whomsoever the matter may appertain, Ibid. 12. cap. 154.

And that two Acts be Ratified, extending the former to free and un-free, having their commode within Burgh, and having no other dwelling, and bearing no burden without the same, Jan. 6. p. 14. c. 225. But declared thus, that all residing within Burgh with their Families, who may spend a Hundred pounds yearly, or are rented to be worth Two Thousand merks, be subject to burdens with the rest of the Inhabitants, exceeding and excepting as supra, Jan. 6. par. 15. cap. 177.

That all Infree Persons not Adual Burgeses of the Royal Burrows where they dwell, and payes notax, and sent, dedit, and ease from using Merchandize, or any of the Liberties of the saids Burghs, under the pain of Tinfel against un-free Traffique, and that Letters of Horning be drawn in direct, charging the Infree un-free men to find caution to this Act, as also upon the decrees of the Convention of Burrows, betwixt Burgh, and Burgh, and Burgeses of free Burrows, upon ten days, Jan. 6. p. 19. c. 6.

That Letters of Horning on a simple charge of ten days, be direct on all Decretes, and Ads of Burrows inter Commos, and others subject to their Jurisdiction, and the Officers Execution thereof given on fifteen days, Jan. 6. p. 13. cap. 177.

That the Common gude of Burrows after the yearly tooping, and setting thereof, be yearly be moved at the sight of the Magistrates, and Council, to the doing of the Common affairs thereof, Ibid. c. 181.

That the Magistrate at the instance of the Heterot, take summar cognition upon citation of the Party, of the condition of Lands Life-rented within Burgh, and

ordain the Life-renter to repair them within a year, whether if the Life-renter failzie, the Heterot may enter the Possession upon securing himself to pay to the Conund-fair, the mill the house may give the time of the cognation, and this be extended to all Burgh, and w^{ch} Lands, Ia. 6. p. 14. c. 226.

That Burghs and their free Men do only rent Persons according to their lying out with free fame, Ia. 6. p. 15. c. 276.

Ratification of all Privileges, and Acts in favour of free Burrows, and Burgeses, and especially of the Acts, Im. 3. p. 7. c. 11. Ia. 4. p. 6. c. 84. Im. 6. p. 12. c. 151. and of the Act, Im. 6. p. 12. c. 156. (all here above) Declaring the Liberties contained vote in Parliament, and bear burden with the rest, Cat. 1. p. 1. c. 24. Burghs Act be corrected, and it is ordained that free-men of Royal Burghs, and none else may buy or sell, in great, or whole fair, Wine, Wax, Silks, Spices, and Wad, import any other Commodities, except as this Act allows, but prejudice to Noblemen, Knights, Barons, and Others of their Privilege of importing for their own use, but it is declared Lesaun to any subject, or any who shall buy from them to export parts of the growth of the Kingdom, all mannes of Cattel, Nolt, Sheep, and Horfe, Coal, Salt, and Wool, Skins, Hides, and all Other native Commodities, and Burghs of Reaplay, and Barony, and their Burgeses, and Members of Societies, may export all their own Manufactures, or such gudes, as they shall buy in Fairs, and Metecates, and all these exporters may import for their returns, or freights and hire of their Ships, Timber, Iron, Tar, Soap, Lint, Linn-feed, Manufactures, and also may use, and receive for Tillage, or building, or the use of their Manufactures, and also may use, and receive for any Commodities whatsoever. And if any un-free-man shall be found to have any gudes, or any Commodities, as aforesaid, or imported, contrary to this Statut, if within Burgh Royal sub-urbs, or penitentes thereof, then the gudes may be summarily fetched, as aforesaid, but if out with, then they may only be arrested, and perished as aforesaid, half to the King, and half to the Burgh appointed, but they may not only in this last case be summarily fetched, but also by way of duty, by any Burgh, or any for the use of a Riot, and all Acts and Ratifications contrary thereto, are rescinded, and Letters of Horning so ordained to be direct on this Act, at the instance of Burghs Royal, Cat. 2. p. 2. Secl. 3. c. 6.

That where houses are tithous within Burgh, by the space of three years, the Magistrate may visit their knowno to have letted, or letted, or propertie, or Annual-ten, Personally, or at their dwelling houses, and there, and all others, as the Paroch Kirk, and Metac-crofts, and in case of absence out of the Realme, at the Croos of Edinburgh, and Peer and Shour of Leith, on Sixty dayes, to repair them within year and a day, or otherwise, that they will cause the same be valued, and sold to others, by way of offering the price, who will repair them within the said space, or if none will buy, then the Magistrate may buy, and re-build them, and this right to be un-questionable security to the Builders, Cat. 2. p. 1. Secl. 3. c. 6.

That no Royal burgh keep Mercats on Monday, or Saturday, Cat. 2. p. 1. Secl. 3. c. 19. See in *Merch.*

Burgeses and Indwellers in Burghs Royal, may only arrest Strangers, living without the Burgh, for Horde-meat, or Mans-meat, Abusers, or other Merchandize, due to themselves originallie, without bound, or security given therefor, otherwise the Magistrate may be perished for wrongs Imprisonment, Cat. 2. p. 2. Secl. 3. c. 5.

BURIAL

Act Retrainging the exorbitant expences, and numbers at Burials, and discharging absolute Mourning Clocks, under the pain of an Hundred pounds, Cat. 2. p. 3. cap. 14.

BURNT LANDS.

Rules ancient repairing of burnt Lands in Burghs, 1. That if the Annual-renter, bear his part of the expence of repairing, proportionally to the Annual-rent, and Rent, he have his whole Annual the next term after the repairing, 2. If the Annual-renter do not contribute to the bigging, he want the Sixth part of his ground Annual, the Fifth of his few Annual, and the Sixth of his top Annual, Declaring nevertheless the saids Rules to be determined by the Annual-renter by payment to the Owner of Ten pounds, for ilk Merk given down, 3. If the Owner repair not within two years, then the Annual-renter may perfix his Annual (abating as above) as accords, 4. If the Annual-renter upon the hall Tenement and a part of it be only burnt, and if the part that remains pay the hall Annual, and twice as much to the Owner, then the whole Annual shall be payed, but not the Deduction to be proportional, efferring to the Third penny, 5. If the Annual be redemable and the Annular contributious in the first Article then a half more of the sum in the reversion shall be eeked thereto, 6. If the burnt Land belong to a Chapslain, and be not able, and the Patron not willing, or not able, to repair it, then the Chapslain may set it in feu, without the Patrons consent, (asking always the first offer to the Patron) for the true avail, 7. If the Land belong to a Life-renter, and Proprietor, that the Life-renter hath the preference if pleased to bigg, and therefore shall the Proprietor, and the Land shall be bound to round after the decease the third of the real expence to her Executors, or Assignees, the Land being always bigged as it was before, otherwise the Proprietor may bigg paying to the Life-renter, the third of the free-main, if payed before the burning, Q. M. p. 4. c. 10.

This order ancient burnt Lands betwixt the Owner, and Annular appointed to be observed, so Lands in Edinburgh, and about it, belonging to the true subjects, and burnt by the ten Rebels, Jan. 6. p. 4. c. 58.

Ancient, Life-renters repairing Burgh, or w^{ch} Lands in Burghs, Jan. 6. p. 14. c. 226. See the Act in Burghs.

BURSARES.

What Benefices, Patronies may prefer, and dispone to Bursares, See it in Patronies.

CALUMNE.

Of the Calumne, See *Advers.*

CARDS AND DICE.

That none play at Cards or Dice, in any Common-house, Town, Hostellarie, Cookes Houle, under the pain of Forty pounds, the keeper of the said House for the first, and loss of Liberty for the second tyme, and that there be no playing in any private Houle, except where the Minister play, And it more be win in the Twenty-four hours, then in fifteen, and if the same shall be cougish in the Kirk Thelousers hand in Edinburgh, or in the Collector for the loss of his hands in the County

Country, and Magistrates of Burghs, and Sheriffs, and Justices of peace in the Country, are empowered to peltow for this superfluous winning, or otherwise as are declared liable to the Informers for the double, whereof the halfto himself, if, to the other the Poor, Jam. 6. p. 23. c. 14.

CASHET.

The keeping of the Cashet committed to the Priory Council. See Council.

CASTLES.

That every Lord, having Land, and Castles, and manours thereon beyond the Month, big, and repair the same and dwell therein by themselves, or their friends, for gude Policy, Jam. 2. p. 5. c. 28.

That all towers of Castles, fluff and strength the same, against the English, Ja. 1. p. 1. c. 23.

That he who has received fine the King (King James the sixth) his Coronation, or shall receive hereafter, money, lands, or other goods, for rendering the Kings Castles and Strengths, with his Munition and Jewels therein, be liable to the same, as corrected, Ja. 6. p. 7. c. 12.

Particular Alignment of money and value for the better keeping of the Castles of Edinburgh, Strirling, Dumbaron and Blackesly, according to the possession by the Keepers of the said Castles for five years preceding. And declaring all deals in prejudice thereof null, Ja. 6. p. 9. cap. 2.

CASUALTY.

The Kings Casualties should not be given away in great, as thefe of a whole Country, or the confirmation of the whole Fews of a Prebey, or of any special Centes, Ja. 6. p. 11. cap. 69.

CATTEL. See BESTIAL.

CAUPES.

Caupes, that is a Hoffs, Mste, Ox, or Cow, under the notion of *best angli*, taken by Heads of Kin, Clanns, or others in Galloway, for maintenance of the fairs, discharged, under the pain of Reliff, Ja. 4. p. 2. cap. 18. And that triall betwixt of Caupes in Carrick, *ibid.*, cap. 19.

Caupes universally discharged, under the paines forefaid, Ja. 6. p. 22. cap. 21.

CAUSES. See ACTIONS.

CHAMBERLAIN of the KINGS PROPERTY.

That Chamberlains and Receivers of the Kings Rents find severity in Edinburgh, to make payment the ordinary time in Exchequer, and payment twenty dayes thereafter, Ja. 6. p. 11. cap. 65.

Ratified and extended to all Chamberlains and Fews of his Majesties property, Customes, Bailiies of Burrows, Sheriffs, and Others Intrumetars with the Kings duties or casualties, Ja. 6. p. 14. cap. 81.

And both this Act ratified, Car. 2. p. 1. Seff. 1. cap. 14.

All Offices of Heritable Chamberlainies of the Kings property declared null, Ja. 6. p. 15. c. 238.

CHAMBERLAIN of SCOTLAND.

Chamberlain Airs need not be continued, but continue of themselves until dissolved by the Chamberlain, Ja. 3. p. 5. c. 39.

That the Chamberlain inquire yearly how the common good of Burrows is kept, Ja. 4. p. 3. cap. 16. See it in Burgh.

CHANCELOUR.

The Lord Chancellor for the time hath right to preside in all Parliaments, and other public Judicatories, Car. 2. p. 1. Seff. 1. c. 1.

CHANCELLARY.

That the form of the Chancellary, in Briefs and other Letters, be observed, without innovation, or eeking new termes, under the pain of nullity, except the Brieve of Summons of Errors, Ja. 4. p. 31. c. 24.

CHAPTER.

That the Chapters of Bishopsricks remain according to their foundations. And the Act appoints a new Chapter for the Archbishop of St. Andrews, in place of the Priory, referring to the Bishop his privilege. That the common Seal to the made quoy by him, shall serve for the Chapters consent, without their Subscriptions; And the old common Seal to be sufficient in the interim, Ja. 6. p. 18. c. 3.

That the said appointment of a Chapter for St. Andrews consist of at least seven, to be chosen by the Archbishop, of their dwelling, and having charge within his Diocess: And the relevation above-mentioned is renewed, Ja. 6. p. 19. c. 8.

That all Deans, and other Members of Chapters of Cathedral Kirks be restored to their Manes, Gleibs, and Tithing, for which end the same are dissolved from the Crown, without prejudice of Fews, Tacks, and other Rights already lawfully made. As also, of Patronages disposed by the King, with consent of the Titular to Laick Patrons, albeit not ratified in Parliament. As also, of the cession of the Priory of St. Andrews to the Duke of Lennox. And also to the Town of Edinburgh, of the Rents, Teinds, and Tenements disposed to them for their Hospitals, Colledge, and Ministry. As also, of all Teinds and others dissolved to any of the Colleges of St. Andrews. As also, referring to the Marquess of Hamilton the House and Place of Hamilton, with the pertinents, in so far as they pertained to the Deany of Glasgow, to be holden hereafter of his Majesty, with the whole other restitutions in the Act restoring Bishops (See it in Bishops) in favour of Fews. Tack-men and others. Item, As to the entering of Vassals, the direct Superior may do the same, without the consent of the Bishop, merely Dean and Chapter of St. Andrews. As also, of their former right and power in the Act. And the Archbishop is to be chosen by eight Bishops, and five Ministers named in the Act, or the most part of them, The Bishop of Dunkeld Conventer, and Vicar-General: And three Bishops are added to the ordinary Chapter of Glasgow, for electing the Archbishop thereof, and the Bishop of Glasgow Conventer: Without prejudice to the ordinary Chapters of their former right and power in all other things, Ja. 6. p. 22. c. 2. Anno 1677. Ratified with this addition, That all deeds done since, or to be done hereafter, suppressing any Member of a Cathedral Kirk, being in office or dignity, or dissolving any Land, Parsonage, Vicarage, or other living, from the dignity, without his Majesties express warrant, and consent of Parliaments, are, and shall be null, without prejudice to the Marquess of Hamilton his right to the Patronages of Hamilton and Dalry: And the Earl of Mar's to the Patronages of Cariswath; and any other persons lawfull right before the said Act of Parliament 1677, Ja. 6. p. 23. cap. 11.

CHARGES Super Inquirendis, or under the pain of Treason. See *Inquirendis*.

CHARTERS.

Charters under the Great Seal should have the Precept of Seiving ingrossed, and may be written Book-ways, Ca. 2. p. 2. Seff. 3. cap. 7. See *Precept of Seiving and Seal*.

REGISTRATION of CHARTERS.

See *Registration*.

CHAUD-MELLA. See *Fore-thought Felony*.

CLANN. See High-lands.

For thouth or rife committed by any notorious Thieves, of the Clanns of Thieves, any other of the Clann, their servants, or dependts may be seized, until the Principals, or others of the Clann cause the slauht be redressed, or at least find fovery for that effect, in case it be found that the offender was any way rict among the Clann after his deed done, Ja. 6. p. 7. c. 12.

As also, the goods of any other of the Clanns, &c. may be seized, as said is, without any danger of seizure, or violent prois, and the Sheriff, or any other ordinary Judges to Burgh or Land, or any other Person of power present for the time, being desired, should concur and assist to the said seizure of Persons and goods, under the pain of repute and libel as patrollers, Ja. 6. p. 10. c. 16. If goods taken by one Clann be transported to another, that the chief of the Clann where the goods of his witing are received, be required to make redress, and re-paying, be liable: And laughter or hurt done by the Owner, in pursuit of his goods, is fully indemnified, Ja. 6. p. 11. c. 100.

CLERK, or CLERGY-MAN.

That no Clerk, nor Clergy-man pfs, nor sery Procurators for him over Sea, without the Kings leave, Ja. 1. p. 2. c. 13.

That no Clerk purchase any Pension out of any Benefice, or raise any Pension already granted, under all highest paines, *ibid.* 14.

That Clergy-men be obliged to warrant their Fews and Tacks from their own fids and deeds allantly, Ja. 6. p. 11. cap. 29. See *Barratry and Benefice*.

CLERK of the SESSION. See Session.

SHERIFF-CLERK. See Sheriff.

CLOATH.

That Woollen Cloath be metry by the Rdg, and not by the Selvedge, Ja. 3. p. 5. cap. 32.

That no man draw Cloath, under the pain of fining the Cloath and freedom for yeit and day: and that there be an able man appointed for trying and sealing the cloath and colour, Ja. 5. p. 7. c. 112.

COAL-HEUGHS, COALLIERS, &c.

COALS.

That no Coals more then necessary provision be carried forth of the Realm, under the pain of confiscation of the Coals, the Vessel and all the Goods therein belonging to the Owner of the Coals, Q. M. p. 9. c. 84.

Ratified, and the revealer and purchaser have the third of the Echeat, Ja. 6. p. 6. cap. 92.

Willfull firing of Coal-heughs declared to be treason, Ja. 6. p. 13. c. 146.

That no great burn Coal be transported, under the pain of confiscation thereof, and of the Vessel; and that the Magistrates of Burghs, and Customes, and Searchers apprehend the contraveners, and arrest the said Vessels, Jam. 6. p. 15. cap. 253.

That none hire Coalliers, Coal-bearers, or Salters, without they have a Testimoniall from the Sheriff M. d. c. or an Attestation from a Judge, of the euse of their away-coming; and who otherwise hires or intertains them, if challenged within a year, shall deliver them back within twenty four hours, under the pain of an hundred pounds. And the said Coalliers, Coal-bearers, and Salters, receiving fore-wages, to be punished as Thieves. Item, Coal, and Salt-masters may apprehend, and put to labour all Vagabonds and sturdy Beggars, Ja. 6. p. 19. cap. 11.

That Act extended to Water-men, Windem-fen, and Gste-fen in Coal-heughs. Item, That no Coal-maler give any greater Fee to Coal-hewers then twenty metes in Fee or bounth: And that the Coal-hewers, and other workmen in Coal-heughs, and Salters, work all the dayes of the week thorow the yeir, except the time of Christmas, under the pain of twenty billings per die, beside their Masters prejudice, and corporal punishment, Car. 2. p. 1. Seff. 1. cap. 55.

COAL MEASURE. See Measure.

COCQUET.

That all Cocquets be special in the quantity and quality of the Goods, and the Owners names: and that the Conservator admit of no other Cocquet, but certified all Goods and therein expressed, Ja. 6. p. 15. c. 35.

That the Conservator arrest all Ships wanting formal Coques, and echeat all the Goods therein to his Majesties use. *ibid.*, cap. 36.

That Cocquets pass in the names of the principal Owners of the Goods, and not in poor mens names, Ja. 6. p. 18. c. 6.

That no greater price be exacted for entering Ships and Goods then twenty three billings, four pennies: And for the Coquet forty billings: And that the keeper of the Coquet attend his Office, and exact no more, under the pain of deprivation, Car. 2. p. 1. Seff. 1. c. 55.

COLLEDGES. See Schools and Universities.

COLLEDGE of JUSTICE. See Session.

COMBAT.

That no fight any singular Combats, under the pain of death, and echeat of moveables, and the Troveket to be punished by the more ignominious death, Ja. 6. p. 16. c. 12.

That there be an ilk Burgh a Deacon of the Goldmines to mark made work, and his fee a penny of the ounce, Jam. 2. pat. 14. cap. 63, and Jam. 3. p. 13. cap. 66.

That no Craft-men, nor Cordoners take Custom from such of their own Craft, as come to the weekly Mercat, other then was wont by old Law, under the pain of being his life thereto, as for common Oppression, Jam. 4. pat. 4. cap. 47.

That all Deacons of Crafts cease for any year, and have no other power, but to examine the wages of their, and work. Item, that all makers, and users of the statutes, (that wages be payed for Holy-days, as well as for Work-days, and that no Craft-men end the work begun by another) be punished as Oppressors, *ibid.* cap. 49.

Who have biggines, and reparation, either Burgh or to Land, may charge Craft-men, free or un-free as their pleasure, and where he that begins delays to end the work, others may be taken in his place, and that no Craft-men make impediment thereto, under the pain of Tinfel of his Free-dome, Ja. 5. p. 7. c. 11. Ratified, Ja. 6. pat. 19. cap. 4.

That there be no Despoils of Crafts, but a Witness of every Craft, chosen yearly by the Towns, Bailies, and Council of the Burgh, to visit the Craft (specially upon Oath), but without any power to gather, or convene the Craft, and this Witness, to have voice in choosing of the Officers, and otherwise as Deacons had. Item, that no Craft-man bring Office within Burgh, except two of them to be chosen yearly on the Council, and on the auditing of the Compters of the common good, and the breach of this Act, to be punished by wadding for a year, Tinfel of Freedom, and the eldest of a third of their moveables, Q. M. Pat. 6. cap. 52.

CREDITOR.

That no deed made by a rebel un-relaxed, be valid against a Creditor. Item, that gift of Elcheat, Assignation, or other right thereto, alleged to be made in favour of the Creditor, and in favour of the Rebel, be voidable, if it be instantly verified by writ, that the Rebel is still at the horn, for the same cause, and that his good exception against any pretending title by Assignation, or gift of the Rebels elcheat, that is, his Wife, Bailies, or Friends, remain in possession to his behoove, Ja. 6. p. 12. c. 145. See *Frankful Assignations, Bankrupt, Debtors, and Creditor, and Elcheat.*

CRIMES, and CRIMINAL PROCEEDS.

Crimes may be perfwed by the Sheriff in the Kings name, if no follower Apppear, Ja. 1. p. 13. c. 140. (am. Jam. 6. p. 11. c. 76.) And that the Law for seven years (from the year 1424.) be holden where the trepals was done, without deferring to Regality, or Barrowes therein, Ja. 1. p. 14. cap. 148.

That in Criminal Pursuits the Letters be subscribed by the Writter, and Justice Clerk, and his Deputies, and that the Justice Clerk take soverie for reporting the same, under the pains contained in the Letters. Item, if the Defendant in mutilation be absolved, he may be called for any crime, and be found innocent, the Perfwer shall be in an issue of Ten pounds, less or more to the Defender, and pay the expences of the Assisors, at the discretion of the Justice, and who be not in gudes, may be punished Corporally, Jam. 5. pat. 4. cap. 35. Item, the accused being found Innocent, that their expences be modified by the Justice, Justice Clerk, and their Deputies, beside the foresaid pains for such as ate zequit, or pass from, Ja. 6. p. 11. c. 87.

In Criminal causes the Perfwer may compare with four, and the Defender with six of his Friends, and no more, otherwise the Justice may charge the Breakers to enter their Persons in ward, there to remain during the Queens pleasure, under the pain of Rebellion. And if they disobey, put them in the hoim, Q. M. P. 6. c. 41.

That no Criminal Letters be direct against complices in general, but against special Persons complained upon. And that no Officer presume to charge Complexes given in Bill, Item, that he summoned no more Persons without special warrant to be Assisors, then Fourtie five, given him by the Perfwer, in a Roll subscribed by him, or an Notar for him; which Roll shall be annexed to his Execution unaltered, and that under the pain of Five hundred marks, and Deprivation, and his Person to be in the Kingswill, Ja. 6. p. 6. c. 76.

That no Officers summoned more Persons on Assises, but as above, nor put out nor put in the filds, Volls, for grante or good deed, under the pain to be punished as an Oppressor, Jam. 6. p. 11. c. 88. But now the Roll of the Assisors is appointed to be signed by the Judges, Car. 2. pat. 2. Sess. 3. cap. 16. Concerning the Justice Court, that the unjust Perfwer in Criminal pursuits, if the Persons be acquit, and within the number of Ten, pay Ten pounds, and if not, Twenty pounds; and that doom be given thereto, and the Party kept in ward, until he make payment, and if the Kings Advocate be only Perfwer, that his Informer be liable, and Letters of Homing and nominating thereto summarily direct on the Assise, Jam. 6. p. 11. c. 88. And that the Justice Clerk, and his Deputies, raise forty every giving of Criminal Letters, for the reporting of them duly execut, and that the taller shall inflict, under the pains contained in the Act of Parliament, Ja. 6. p. 6. c. 78. See the pains, in *Pains.*

Capital crimes are reckoned, Treson, Slaughter, Mutilation, Adultery, Incest, Theft, Common Oppression, Usury, Perjury, and Falshood, Jam. 6. pat. 8. cap. 132.

That the soverie to be found in Criminal pursuits by the Pursuer to report, &c. and the Defender to compare, be found by them also for their comparing in proper manner, with the numbers prescribed, Q. M. p. 6. cap. 40. Reckoning their Prolocutors, otherwise the pains to be incurred by the pursuer and the defender to be adjudged absent and fugitive. Item, that the Justice Clerk and his Deputies make record of the persons present in Court contrary to the said Act, and cause denounce them. Item, that in the Criminal Denunciation made at the Mercat Cross of each Burgh, where the Justice Courts, and Registration in the Journal Books shall be as sufficient as Denunciation and Registration in the Shire where the Rebels dwell, Ja. 6. p. 8. cap. 147.

The Thesaurer and Advocate may pursue all crimes, albeit the Parties should be silent, or agree, Ja. 6. p. 11. c. 76.

That all Criminal Libells, Libell *Act and Part*, which part of the Libell shall be relevant against all exceptions, Ja. 6. p. 12. cap. 151.

That in all Criminal pursuits, the Defender, or his Advocates be the last speakers, except in cases of Treason and Rebellion against the King. Item, that the Defender have the lilt of Witness to be made use of against him, given him with the Libell, and the Pursuer in like manner such as the Defender intends no use for Exculpation with the Summonds thereof, Car. 2. p. 2. Sess. 3. cap. 16. concerning the Justice Court. See *Justices.*

CROWNER.

The Crowner shall arrest as well before as after the entry of the Justice Air, but only such as shall be found to him in porsuous by the Justice Clerk, and none other, Ja. 1. p. 13. cap. 139.

That the Crowner receiving his porsuous and thiefs, if there be any person therein that he dares not arrest, that he go to the Baron or Sheriff, and if they refuse to be soverie for the persons that are within their respective bounds, that they assist and fortifie him for arresting the filds persons, under the pain of ten pounds, to be payed by them to the King, Ja. 3. p. 14. c. 59.

That the Crowner do not intrude with the goods of male convict, but by the Sheriffs warrant, under the pain of Reiff, and that the Sheriff give the Crowner no more then his due, *ibid.* cap. 102.

That the Crowner shall have use of the goods of persons convict, the dismounted the Horie due to work, and not to the Saddle, never hood, nor tied to horse, *ibid.* cap. 113.

That the Crowner arresting persons at their dwelling places, and Paich Kils, take soverie of them, and arrest their goods until the said soverie be found, or else Writ the persons, or deliver them to the Sheriff, Ja. 6. p. 3. c. 5.

If the Crowner cannot apprehend personally, it is enough that he waime the Person to be arrested at his dwelling place, and make publick intimation at the Paich Kirk next Sunday thereafter, which shall be a sufficient striffment, the Crowner proving it by his own and one witness Oath, Ja. 5. p. 4. c. 24.

CRUVES and ZAIRES.

That all Cruves and Zaires let in fresh Waters where the Sea flows and ebbs, be destroyed, under the pain of an hundred shillings, and that they that have them in fresh waters, where the Sea flows not, keep the *Saturdayes* Hop, and suffer them not to stand in forbidden time, under the said pains, and that the Heck of the falds Cruves be three inches wide, Ja. 1. p. 1. c. 11.

Ratified with this addition, that the mid-fitt in in fresh Waters be free by the space of five foot, under the pain of five pounds, Ja. 3. p. 1. c. 74. Again Ratified, but the mid-fittsme ordered to be left free by the space of five foot, this filds of Cruves to be five inches wide, (that three inches is tomd by the Lords to be the just measure.) And that Sheriff, Stewards, &c. cause the said Ads ancient Cruves, under the pain of twenty pounds, Ja. 4. p. 2. c. 15. and Ja. 5. p. 4. c. 17. And the holders of Caves against the Laws to be punished as flayers of Red-ith, Salmon, and Smoils, *ibid.* c. 17. See *Salmund.*

The Act, Ja. 4. p. 2. c. 15. Ratified: And farther, that all Landed Gentlemen put the Ads for putting down of Craves to execution within their bounds, under the pain of an hundred pounds; and if they fail, that Sheriff and Bailies do it under the like pain, Q. M. p. 9. c. 68.

Ratified, and Sheriff, Stewards, Bailies, Lords of Regality, and Magistrats of Burghs next adjacent, are impowred to call and hold down the falds Craves, and to remove the Leiges for the same effect, Ja. 6. p. 6. c. 79.

A Commission given to certain Judges within their respective bounds throug the Kingdoms, granted for this end, without respect to such as ate duly letted, and in possession of holding of Cruves, Lincs, and Coopes within fresh Waters, providing they keep the *Saturdayes* Hop, and due wardenis of the Hecks, Ja. 6. p. 7. c. 111. No mention here of keeping the mid-fitt time.

CUNNINGAIRES and CUNNINGS.

Destroying of Cunnings and Cunnings point of ditty, Ja. 1. p. 2. cap. 33. and Ja. 2. p. 14. cap. 88. See *Thief.*

That the male Cunnings out of anothers Cunnings arid under the pain of ditty, this filds, Ja. 2. p. 6. c. 61. Q. M. p. 6. c. 79.

Ratified, with augmentation of the pains pecuniary, to ten, twenty, and forty pounds, or corporal, of Prison, Stocks, and Death, for the fild, *ibid.* and third fald, Ja. 6. p. 6. c. 84. See *Thief.*

CUINZIE. See *Bullion and Money.*

The Cuinzie coin not observing the Standard of the Groat, times life and goods, Ja. 4. p. 2. c. 17.

CURATORS. See *Minors, and Tutors.*

That a Minor desiring Curators, come before his Judge ordinary, and take out an Edict to waime two at least of the most honest of the Minors Kin personally, or at their dwelling places, and all others having interest generally at the Mercat Cross of the Shire where the Minor hath his Land or goods, upon nine days warning, to be heard the Curators desired given unto his perfect age of twenty one years counting day, and in full; And Curators being thus given, no other to be chosen, nor they to be removed, but by order of judgment, Q. M. pat. 6. cap. 15.

That the nearest Agnats and Kinsmen of natural Fools, Idiots, and Furious Persons be served, received, and preferred, according to the disposition of the common Law, to their Tutor and Custody, Ja. 6. p. 10. c. 18.

That Curators ought to be the Inventory of the Minors estate and means, Car. 2. p. 2. Sess. 3. c. 2. See the Act in *Tutors.*

CURSING, and CURSED PERSONS.

See *Excommunication.*

That Capion be given against cursed Persons, and if they flee, that their goods be distrizied; and if they have no goods, that they be put to the Horn; And this to endure until the next Parliament, Ja. 2. p. 6. c. 17.

That these Letters of Capion that may be given after fourty days against Persons cursed, Letters of Forging and Apprehit be also direct against them in payment of the debt, or Letters of four forms for doing of the deed, the ground of the sentence of cursing, Ja. 5. p. 4. c. 9.

Addition to this Act in case of Appellations, (now in defectus) *ibid.* cap. 36.

That Persons cursed lying in their last year and day, or receiving the Sacrament therein, unrepently, lose all their moveables and chattels to the Queen, with preference to the Creditor as whole last once they are denounced cursed, Q. M. p. 4. cap. 7. See *Excommunication.*

CUSTOMES.

Great and small Customes, with the Burrow Mills, are to abide with the King to his living, Ja. 1. p. 1. c. 8.

That of Nettle, Hie and Sheep had out of the Realm be payed for Customs twelve pennies per pound of the value; And of ilk throum be trech Meetings sold, a penny by the Seller; And of ilk Lait of Herring taken by *Societas*, and bottled, four shillings, and if by Strangers, five shillings; And of ilk throum Red-dieing made in the Realm four pennies, Ja. 2. p. 1. c. 31.

Customes of Metrick and other stens had forth of the Realm, for the Metrick raw *Shillings* per piece, for the hundred Canning stens *valute pennies*, &c. *ibid.* cap. 39.

Customes of ilk poundsworth of Woollen Cloth had out of the Realm *raw shillings*, of ilk poundsworth of Salmon brought and had out by Strangers, *three pennies*; And of ilk poundsworth of English Goods brought in, *three pennies*, Ja. 1. p. 2. c. 40.

They that have out of the Realm Merchandise not paying the Customs, either Cold or silver, to be banished without doome, but prejudice of other pains, Ja. 1. p. 2. c. 101.

That customers take no more Customs nor is due, under the pain of oppression, Ja. 4. p. 4. c. 46.

AD Ratifying former Acts about the Customs, and three Customs Roll be made, and the Sack of Wool to contain but twenty four stone, and the hundred

skins six fables, and the dozen of Cloth twelve ells allannerly, Jam. 6. pat. 7. cap. 12.

The taking of unlawful Customs dishonour'd, under the pain of oppression, and tharno Custom betaken, but according to ourd Laws and Acts of Parliament, and whereupon the up-takers have special warrant, atleast have been in possession past memory of man, Ia. 6. p. 1. c. 54.

That Customes and Duties concerning marriage fraud, in suffering forbidden goods to be transported, sine their moveables, and that their persons be in the Kings will, *ibid.* c. 85.

Item, That they compass yearly in Exchequer, and make faith that they have done their duty truly; and if they be found guilty of suffering forbidden or uncustomed goods to be transported, that they be deprived, and sine their moveables. Ja. 6. p. 15. c. 163.

That all Packs of English Cloth be brought whole unbroken up to the Customhouse, and that no English Goods be concealed, in default of the Custom, under pain of confiscation if found, and of the value if found. Item, Customes and Duties imposed to search Baulds and Housers, and confisca, and incomes with all English Goods uncustomed or Ever Cloas unsealed, and if need be, to make Doors and other lock-fast Looms open, and that the refusers be punished as defectors. Item, That Magistrais of Burgles give concurrence when required. Ia. 6. p. 12. c. 129.

The Allie Hering are a part of the Kings Customs, Ia. 6. p. 25. c. 237. That all Cloth and other Merchandise whatsoever brought from Foreign parts, upon its Comme at the arrival, at the rate of twelve pennies per pound of the value; and that theroe for an A, B, C. be made of their Wares, and their prices; as also, of such Goods transported as are not in the A, B, C. theroe already made: But prejudice to Noble-men, Basons, and Free-holders, of their privilege of sending their Goods outward, and bringing home Wines, Cloth, and other Furnishing for their own use, *ibid.* c. 251. See the Act Ia. 6. p. 12. cap. 152.

That the forbidden goods after-mentioned, if licensed to be transported, pay Custom as follows: The Stone of Wool five shillings, the dozen of ells of Linnen Cloth four shillings, and each Boll of Virtual five shillings, and each pounds worth of forbidden English Ware licensed to be imported, twelve pennies, Ja. 6. p. 6. cap. 254.

That none import or export uncustomed goods, under pain of echeat of their Moveables, the uncustomed goods to be medled with by the Comptroller, the sett by the Treasurer: And Licences not passed in Council, and through the whole Seals, and composed, are declared null, Ia. 6. p. 16. c. 15.

That each Web, Peece, or Steik of Cloth, Silks, or Stuff imported, be sealed by the Customers before it be piented to Merchants, under the pain of echeat thereof: And they are imposed to require and take the Oaths of Merchants ament what goods they had then uncustomed, and to Seal these with their otheir goods already Customed, Ia. 6. p. 16. c. 24.

That the Customers keep a Booke, and take notice of all goods exported, or imported to and from England, to be sent twice a year to the Customers of England, upon the like performance from them, and they send returns for discharging of Bonds mutually to one another, Ia. 6. p. 17. cap. 6. See the rest of the Act in England.

Ad discharging all Customs and Impositions not allowed by Acts of Parliament, especially the late two and an half per cent. and four pounds on the Tun of Wine, and all raising of Customs without consent of Parliament: As also, the taking of Merchants, Mathers, or Mariners Oaths, in matters of Customs. Item, That all goods imported, and again exported, paying inward Customs, be free of outward, as the wares in England. Item, Upon consent of the Burrows, a Commission is ordered to be drawn to the Exchequer to establish the Books of Rates, as the price of Merchandise now rules, Car. 2. p. 1. Seff. 1. c. 57.

Ad concerning the Customs and Excise, and how the non payers of the Customs may be proceeded against, and put to their Oath, notwithstanding any former Acts, Car. 2. p. 2. Seff. 1. cap. 12. See the Act in Excise. That all Customs augmented on Tax and Iron imported, *ibid.* cap. 14. Custom of Bandy imported, eight pence per Tun, and of Mum-bear twenty shillings per Barrel, the Barrel not exceeding twelve Gallons, Car. 2. p. 2. Seff. 4. cap. 2.

D

DAMAGE. See *Expence*.

DEACON. See *Craft*.

DEAN of GILLD. See *Gild*.

DEERE. See *Wilde Beasts*.

DEBITOR and CREDITOR.

Discharge of personal execution for six years after *Whitsunday*, 1661. For all debts exceeding a thousand pounds contracted before *Whitsunday*, 1658. In manner provided in the Act. But in case a Debtor have voluntarily renounced the benefit of any Act of this nature, made or to be made, the same is declared to be of force, and effectfull. As also, that the Laws, as all debts and payments, shall be observed inviolably hereafter, Car. 2. p. 1. Seff. 1. c. 62. The text of this Act is in *Complings and Wagers*.

DEBT PUBLICK.

Ad discharging such as during the late troubles, gave Bonds for sums imployed for the use of the Publick, and their Aisrs and Executors, with the said Bonds themselves, and all that hath followed, or may follow thereupon simpliciter, providing the persons claiming the benefit hereof take the Oath: That is, the principal Debtor for himself, and his Cautions, or if he do not, each Cautions for his own part: Dispensing with the Aisrs and Executors of the late Duke of *Restor*, Car. 2. p. 3. c. 26.

DECLARATION.

Ad for signing the Declaration therein set down, by all in Publick Trust, at, or before their admission thereto, under the pain, that if they enter or execute without doing the same, they shall be punished as usurpers of his Majesties Authority, and their places disposed upon as others, Car. 2. p. 1. Seff. 2. c. 5.

That same again enjoyed, with the method how and when the same is to be signed by all in publick Trust; and such as refuse, when elected to be Magistrais, Clerks, or of the Council of *Burghs*, to sign this Declaration, do also farther admit their liberty as Burgesses, *ibid.* Seff. 3. c. 3. See *Teff*.

DECLINATOUR.

The Act Ia. 6. p. 14. c. 212. That no Lord of the Session sit or vote in the cause of their Father, Brother, and Son, extended to the like degrees in Affinity, to their Father, Brother, and Son in Law. As also, that they do not sit or vote where they are Uncle, or Nephew to either party. And this Act extended to the Lords of Council, Exchequer, and Judiciary, and all other Iudges, who may be declin'd, when related in the degrees foresaid, Car. 2. p. 3. c. 13.

DECREET.

That on all Decrets given by the Lords of Session, or other Decretes whereunto their Authority is inteposed, Letters as well of Horning as Forcetsing be directed, whether the Decreet be given for a liquid sum, or that the execution consist in *factis*: And that nospension be granted, except real offer be made, and refused, and upon condition of satisfaction always had of the dayes of the Charge, diligence of the Party, and quantity of the Summs. Ia. 6. p. 6. c. 139.

DEFENCE of the REALM. See *Hoff* and *Weapon-shawings*.

DEFENDER.

The Defender not compassing should be Decreeted in costs and skaiths to the Party opposing, and *fourty shillings* to the King, Ia. 6. p. 3. c. 30. Persons accused of Treason, or other Crimes, may freely defend themselves by Advocats, Ia. 6. p. 11. c. 31. See *Advocats*.

DEFORCEMENT.

That the Lords proceed summarily in actions of Deforcement, to put them to a point without intermission, and the persons charged of Deforcement, to be punished by echeat of Moveables, and in their persons, at the Kings will, and that their Echeat be burdened with the payment of the debt, the Deforcement is highly taxed, and a sum to be modified by the Lords for their damage in the like place, Ia. 6. p. 7. c. 118.

Deforcets of Officials in executing their Office, may be called Civilly or criminally, and their lives and goods are in the Kings will, Ia. 6. p. 11. c. 34. An Officer or Sheriff in that part, being Deforc'd, Molested, Injured, or pursued, to the effusion of blood, in the executing of any Summons, or Decreet by the person summoned or charged, on any other of their summonings, the Deforcet or Injurer takes all his Moveables, half to the King, half to the Party, and the Execution is declared lawful, Ia. 6. p. 12. c. 150.

DEMEMBRATION.

Demembration by forethought Fellony, permissible by death, Jam. 4. pat. 2. cap. 28.

DENONCIATION. See *Horning*.

DEPONING against DELINQUENTS.

Ad declaring it to be the duty of every Subject, without exception, to declare and depone upon Oath, when called by the Risy Council, or any other having authority from his Majesty, their knowledge of any Crime against the publick Laws and peace of the Kingdom, especially of Conventicles and other unlawful Meetings, and of the Persons present, and things done therein, or of the defecting of intercommuning with Fugitives, and Rebels; and that who refuse, or delay, or refuse by feigning, Impignment, or banishment to the Plantations in the *Indies*, or else when called by the Council, shall be punished, provided that no mans deposition against another, shall inter against himself, loss of life, or member, or banishment, Car. 2. p. 2. Seff. 2. cap. 2.

DEPREDAATION, See *Robberie*, and *Spuilzie*.

DICE, See *CARDES*.

DELAPIDATION.

That Ministers provided to Benefices under Prelacies, make no disposition of the Rens therof, to the prejudice of their Successors, or Diminution of the Rental, under the pain of deprivation, both from Office, and Benefice, and these Set, and Location, be deemed null, Ia. 6. p. 7. c. 101.

That all Persons provided to Bishopsricks, and other Benefices, whatsoever at his Highnesss prelation, find Caution to the Clerk at the passing of their Signatures, to leave the same on their Decease, or Dimission unhurt, or vitiat, and all Fees, Tacks, Penions, changing of Vidual into money, or other Disposition in the contrary, are declared null, Ia. 6. p. 19. c. 11.

Ratified, and that no Person provided to a Bishoprick, dispone or give in pension, any part therof, or to outdure longer then he shall bruck the said Bishoprick, or if he shall dimmber any part therof, the same to be a deed of Delapidation. Item, that no Bishop sit in Few, or Tack, or Dispone otherwise of any part of his Benefice, without consent of their Chapters, or greater part of them, but no necessity that the Chapter be Chapelle convened for that effect. Item, that ten benefices in one of his Bishopricks, to remain in their Integrity in all time coming, Ia. 6. p. 18. c. 3. See *Bishop*.

Ratified, declaring all Tacks of *Quotes* of Testaments, or other Casualties pertaining to Prelates, to be fit in time coming to be null, and that they can only dispone, or set the same during their own life-times allannerly, Ia. 6. p. 22. cap. 5.

DISSOLUTION, See *Annexation*.

Ad of Dissolution, that his Majesty may [c] all his Lands annexed, or not, in Few, fere, so that it be without Diminution of his Rental, and other duties. Item, the Dissolution is but for the Kings life, albeit he few by virtue therof stand perpetually, Ia. 6. p. 6. c. 90.

Ad of Dissolution, Jam. 5. that it be not in diminution, but in augmentation of the Rental, Ia. 6. p. 7. c. 116.

Ad of Dissolution, Jam. 6. In order to the setting of Fews, Providing they be not within the justt vall, which it declared to be the dewtie, to which the Lands are or may be returned for the new extort. Ia. 6. p. 2. c. 6. *Ann* 1584. Referred Anno 1594. As also all Acts of Dissolution, made by Kings in their Minority, albeit the same with the Beneficements therein be Ratified in Parliament, in their Majesties, Ia. 6. p. 14. c. 203.

Another Act of Dissolution in order to certain Lands therein express, bearing the ordinary conditions, and the Earlom of *Rest*, and Lordship of *Armanesch*, the

(the Patrimony of the Kings second Son, are also contained in this Dissolution. l. 6. p. 11. c. 30. Anno 1587.

Dissolution of all Augmentations of fore-faulted Lands, where the fore-faultures are reduced. l. 6. p. 11. c. 31.

General Dissolution of all Lands pertaining to the Crown, and un-annexed, to be set in Fee, with Augmentation of the Rental, and with preference of thole that have already Fee Intermittents hereof, Providing they renew the same betwixt and a day prefixed, Excepting from this Ad, the Kings Castles, Palaces, Yeards, Woods, Parks, Forests, and Offices, and in special the Lowmonds of Falkland, Coat-heughs, and Offices. Jam. 6. p. 14. c. 206.

But the ground of denolvished Callies, with the bounds, Meadows, and Loches, theretobelonging, as also his Majesties Coat-heughs are also dissolved, to be set in Fee with augmentation of the Rental. l. 6. p. 16. c. 8.

Dissolution of the Lands so Earlom of Gornie, especially of the Lordship of Huntinour, and Lands of Strathbrack, to be set in Fee for augmentation, &c. Declaring certain parts thereof to be dissolved, to be set in Fee to the Earl of Murray. l. 6. p. 18. c. 12.

Dissolution of the Lowmonds, and Moors of Falkland, to be set in Fees for Augmentation, &c. l. 6. p. 19.

Dissolution of the annexed property, to be set in Fee for Augmentation, &c. But excepting the Kings Castles, Palaces, Yeards, Woods, Parks, Forests, Parks, Pastures, and Sheep and Nolt, and in special the Lowmonds of Falkland, Coat-heughs, and Offices, and the dissolution to indure ut supra. Car. 1. p. 1. cap. 11.

DONATIONS PIOUS.

Gifts Legacies, or Donations for Pious uses, may not be invented from the specific use definiate be the Disposer, and the Persons instituted are made comtable for the same, and ordinary profits thereof, to the Kirks, Colledges, and others to whom they are disposed, or to the Bishop of the Diocese, for their use, and this extended to all such Dispositions made since the Majority of King James the Sixth, and that Letters be thereon directed. Car. 1. p. c. 6.

DOOMES,

The forming of falling of Doomes, and the faller to offer a Borgh, as illoga a reason, and proffit for moe. l. 1. p. c. 117.

The process of falling of Dooms now notice, l. 1. p. 6. c. 95. The words to be used in falling of Doomes charged, l. 6. p. 99.

DOWCATS, and DOWES.

Destroyers of Dowcats a part of Dittay, Jam. 1. par. 2. cap. 33. See it in Thieff.

That no man break, or take, or feel Dowes out of anothers Dowcat, under the pain of Theft, l. m. 1. par. 7. cap. 61. l. m. 4. par. 6. cap. 69. Q. M. par. 6. cap. 58. Ratified with an Augmentation of the pains even to death, against such assennot pay the Fines. l. m. 6. par. 6. cap. 84. and l. m. 6. par. 19. cap. 3. See Thieff.

That Lords and Lairds make Dowcats, &c. l. 4. p. 6. cap. 74. See it in Planting, and Policies.

That no man have liberty to build a Dowcat in Burgh, or in the Countrey, except he have Lands and Teinds to the value of Ten Chalders of Vidual yearly, within two miles of the said Dowcat, and he may only build one, and no mote. l. m. 6. par. 22. c. 19.

DRUNKENNESS.

That Persons convicted of Drunkenness, or haunting of Taverns, and Ale-houses, after ten of the clock at night, or any time of the day, except the time of travel, or for refreshment, pay for the first fault Three pence, or be put in Jogs, or Jaily Sex hours, for the second Five pence, or be put in Jogs, or Jaily Twelve hours, and for the third Ten pence, or Stocks, or Jaily Twelve four hours, and if they neither transfer, to be put in Jaily till they find caution, and all Shirreffs, Stewartis, Provosts, Bailles, Justices of Peace, and Kirk Sessions, are impowred to execute this Ad, and apply the pines, ad pios & necessarios usus, l. 6. p. 22. cap. 20.

Ratification of all Ads against Drunkenness, and farther who drink to excess shall pay, the Noble-man Twentie pence, the baron Twentie shillings, and the Servant Mercet or Burges Ten pence, the Yeomen Twentie shillings, and the Servant Twentie shillings, &c. p. 10. And the Minister the fifth part of his Stupend, and the Fines to be applied as in the Ad against the Justices of Peace made this Parliament, and the Unable to pay, to be punished in their Persons. Car. 2. p. 1. S. 1. c. 19. And both these Ads Ratified, Car. 2. par. 2. S. 1. c. 22. See Ads in Profaness.

DUMFERMLING.

Confirmation of the Gift of the Abbacy and Lordship of Dumfermling, Lands, Teinds, and Others thereof, lyand on the North-side of the water of Forth, made by the King to the Queen for her life-time, at Upslo in Norway, the 24. November, 1519. l. 6. p. 13. c. 390.

Another Ad concerning the same Gift, calling it the Kings Morning-gift to the Queen, but mentioning neither for her life-time, nor yet to her Aits, but confirming her Chantor and Selin thereof, and compensing to her in much as wants of the said Abbacy, l. 6. p. 191.

Ratification of the Queens Infirment of the Lordship of Dumfermling to her, & the Aits of her bodie, by the King, which falling to the King, and his Aits, and Successors, l. 6. p. 21. cap. 10. See Queen.

EDINBURGH.

Order for Bigging Leith wind in Edinburgh, and removing the Flethers from the East-side of it, l. 5. p. 7. c. 102.

That the Meat-Mercat of Edinburgh be removed off the High-gate, l. 6. p. 103.

That there be three Bread Mercats oukely in Edinburgh, where all may sell Bread, viz. on the Mounday, Wednesday, and Fryday, l. 6. p. 111.

As also three Fleth Mercats, on Sunday, Mounday, Thursday, wecklie with the same liberty. l. 6. p. 112.

Ratification of all Donations and Mortifications, made by the King since his Coronation, or by his Monarchs in her best age, to the Town of Edinburgh, for sustentation of their Ministers, and entertaining their Hospitals, especially of Lands, Annual-rents, and Tenements within the same, founded to whatsoever

Benefice, great or small, and Lands, or Annual-rents without the same, annexed to any Benefice, or Religious place within it, annexing the premises to the Community of the said Burgh, and dissolving the general Annexation, and dischargeing the Kings Revocation, in so far as they may be prejudicial thereto, l. 6. p. 1. c. 159.

Ratified, and all Gifts given by His Majesty of the premises also others, since the date of the Gift of the same granted to the said Town; Revoked; &c. referred, l. 6. p. 13. c. 185.

That none of whatsoever Estate, or degree, dissolve, or contraven the Charge of the Provell, and Bailies of Edinburgh, proceeding by immediate command of his Highness, by vertue of Letters of the Lords of Secret Council, or of the Lords of session, or by fault of their own Council, or by their own Authority, agreeing with their own Liberty, and not prejudging that of others, nor do violence to them, or their Officers, in the execution of their Aids and Authority, in any way of Detourment, and Sedition. Item, full power, and Office is given to them, having full acquainted His Majesty for his Allowance, to convenat, and sit in the Aits, to raise men of war on pay and use Habguts, and all other Acts at all times when they shall think expedient. Item, if any Person in resisting the Aids Magistars, or in the redding of Parties, (Providing it be with long Weapons, and not by beating Habguts or the like) shall be hurt, or slain, the said Magistars and the Community of the Burgh, and all their Alliances, are therefore made indurmed, l. 6. p. 13. c. 184.

That no person build in Edinburgh in time coming any Houses, except such shall be covered with Skat, or Skalie, Lead, Tyle or Thack-lime, and that such Houses as are now chaced with thack or Straw, becoming ruinous, shall be repaired, and covered as aforesaid, and that Letters be directed for this effect, l. 6. p. 23. c. 26.

Act of the Ad of Trivy Council 17. of February, 1618. That no fracks of Hether, Broom, Whins, or other Fowls, be kept in Edinburgh in the Streets, or Houles thereof, after the first of May, 1618. unless the pain of Ten shillings, and Five Hundred pounds beside, to be payed by the keepers; but that the same be set at free remote parts of the said Burgh, where there are Houles, Item, that Flethers keep no laughing Houles in the said Burgh, nor room the fifth on the streets thereof, but at the Airs, Leith-side, and that Goddemeas keep no uncleaning Houles, but at some remote parts of the Town, after the said day, under the said pain of 500. pounds, and that the Magistars take special care to see this Ad observed. l. 6. p. 29.

EGYPTIANS, See Beggars.

Ad Banishing all the Vagabonds commonly called Egyptians, forth of the Kingdom for ever, after the first of November, 1609, and not to return, under the pain of Death, to be executed upon them, as notorious Thieves, on trial to be taken by an Assize, that they are holden, and repare Egyptians, and that none refresh them, and all warrants in the contrary are declared void. l. m. 6. par. 20. cap. 13.

EJECTION, See Removing.

That the Defendens in Ejection, find caution for the violent profits, as in causes of removing, the first day of the said outcitation, or otherwise decreet to be given against them, l. 6. p. 14. c. 117.

E. L.

That the Ell contain Thirtie seven Inches. l. 1. r. p. c. 68.

ENGAGEMENT.

Ad approving the Engagement in war for the Kings relief, in the year 1648. Car. 2. p. 1. S. 1. c. 9.

ENGLAND, and ENGLISH, See Boulders.

That no man buy English Cloth or gudes from English men in Scotland, or without, under the pain of eicheat, and that no English man bring any, except they be speced in his cookbooke, or in payment of Ransome of English men, l. m. 1. p. 14. cap. 145.

That Saltmoe be neither sent to, nor sold in England, but to English men buying them in Scotland, for English gold. l. 6. p. 146.

That no Carrel be sold to English men in Scotland, but for tready Gold, and Silver, under pain of eicheat, betwixt the King, and the Waider, l. 2. p. 8. cap. 35.

That no man pass into England in time of War, without leave, under pain of Treason, l. 2. p. 21. cap. 50.

That any English man coming into Scotland without conduct, may be made Prisoner, and that no man sit upon special Assurance of any English man, without leave of the King, or Warden, under the pain of Treason, and that none supply Berwick, or Roxburgh under the same pain. l. 6. c. 51, and 52.

That no English man have Benefice in Scotland, l. 3. p. 1. c. 7.

That no man (and, or sell Carrel, Vidual, Fish, or Salt, to England, l. m. 5. p. 4. c. 20. This Ad made, because of the Scarcity thereof in Scotland.

That no man assure by English men, if he wamed to discharge the Assurance, give no restitution of goods (puzilized from them) theretore by Scots men un-assured, Q. M. p. 5. cap. 13.

That no man furnished by both Scots and English in company, hes gude adion of Resurrection against the Scots men. l. 6. p. 14.

An assured Scots man trying with the English Aitmes; may be perfused for all the skith due to Scots men un-assured. l. 6. p. 15.

All English Cloth or other Wares, and Merchandice of Wool, forbidden to be imported for sale, under the pain of eicheat thereof, or of the value, and the transfession to be punished in his Person, Q. M. p. 6. c. 45.

That no Scots man Marrie an English woman, in the opposite marches, without the Kings licence under the great Seal, under the pain of death, and eicheat of moveables, l. m. 6. p. 11. c. 104.

That the Wardens put in Bill all English men occupying posselions in Scotland, against the Treaties, and seek redress thereof, l. 6. p. 105.

All English Cloth or other Wares, and Merchandice of Wool, forbidden to be imported for sale, under the pain of eicheat thereof, and of the whole other gudes of the Importers, l. 6. p. 11. c. 252.

That all gudes passed by Land, to, or from England, pass by the wayes of Berwick, or Carlisle alternately, and with Certificates from the Counties of Scotland, and England, as aforesaid, under pain of Confiscation of the gudes, Jan. 6. par. 18. cap. 6.

Admone the Unions of the two Realms, marked Ad 2. of the Index of the not Impaired Ads. l. m. 6. p. 19.

That Persons committing any offence in England, declared by the Law of Scotland, be to pettie Treason, Murder, Man-Slaughter, Felonies, Burning of Houles, and Com; Burglary, Robbing of Houles by day, Robbing, Theft, or Rape, and

and being into Scotland, and there taken, may be remanded by the Judges or should alter examination of the fact, to be tried, and punished, in England; 3. In ordinary cases, this is the first Parliament held in England, after the date of this Act. 4. Treaty third of October, 1612. the like Act be made in favour of Scotland. Ja. 6. p. 21. cap. 2.

A high imposition on all goods imported from England, or of the growth and Manufacture of England, imposed from any other place, as by the rates set down particularly in the Act, and of 40. per cent of all others omitted, and that the Commissioners give the Cause and Reason, with other strict orders thereunto. Cap. 2. p. 1. Sect. 1. c. 13. This Act was made because of some retainers the English had laid on Scots Commodities.

ERECTION, See Kirk-lands.

ERROUR, See Summons of ERROUR, and Prescription.

ESCHEAT simple, and LIFE-RENT, See Creditor, and Horning.

That the Horning be executed before the effect be difposed, otherwise as the gift is null, and that no gift bear, (or when it shall happen the Offender to be Attainted,) 12. p. 1. cap. 23.

That the Horning due Executed being presented to the Treasurer, Letters shall be issued at his instance direct to the Sheriff of the Shire, or Messengers, for up-taking of the Rebels &c. and the party to be payed of his Debt, and expence out of the fill and death. Item, if the Messenger be deforced, that Letters be directed to the Lords Deliverance, to the Sheriff, or others well affected to his Majesties service, to see the former be executed, and the latter punished, and they are acknowledged, as these are that pelted the Kings Rebels, 1. m. 6. p. 6. c. 75.

That all Inheretments with effects simple or Life-rent, Donaty, Assignayes, or Others, be holden to pay the debt in the Horning, whereon the effect fell; And that Letters be summarily direct against them for that effect. Jan. 6. p. 12. cap. 24.

The Effect is bound to dispoise effects, to the behoove of the Parties effected, or otherways to responal men upon good reason for his relief, of the debt, and if the Douat be found not responal, the gift is declared null, 1. m. c. 145. And that the Creditor cannot be prejudged by any deed of the Rebel, upon any Gift, or Right of his effect, given or taken to his behoove, for the same Act in Creditor, and in Rebel.

Gifts of Escheat, and Life-rent, granted to the Bishops, or Comons Persons of these who being suspected of Papistry, have been excommunicat, and have retained possession of their Lands, and Gades, are declared null. Notwithstanding of any Decree following thereupon, and what ever might have been the cause of the falling of the saids effects, Ja. 6. p. 14. c. 197.

Life-rent Tenements, and Goods, fall not under simple effect, but the Life-ent effect only, and if the Tenes contain more Life-rents, the Rebels Life-ent effect prejudices only the Rebel, but not his Airs or Assignay alter his decease, Ja. 6. p. 22. c. 15.

ESCOINZIE, or EXCUSE.

The Escoinzue must show his Power, and find Caution to prove; And that no Escoinzies be admiked, but such as the Law allows; Or if a poor man fall sick, two well men his neighbours, or his Paroch Priest shall swear it, and it shall be admitted, 1. 2. p. 9. c. 15.

EXCEPTION.

That Exceptions lawful be admitted, and frivolous, or fraudulent repelled; and that Pleys be not wrongfully prolonged, 1. 2. p. 3. c. 55.

Who proposes within Bugh an Exception proposed before, to the delay of the Party, whether Procurator or Party proposer, should pay twenty shillings to the poore, 1. 6. p. 6. c. 97.

EXCHANGE, Bills thereof.

That Foreign Bills, or Letters of Exchange from, or to this Realm, in case of non-acceptance, or non-payment, be Regitable, with the Proests against the Drawer or Acceptor, within six months after the date of the fill, or day of payment respectively, that Execution on six dayes may p[er]s thereon as on Regillat Bonds; and that sums contained in the said bills, in the cases foresaid, bear Annuity after the said respective dayes, but after six months they cannot be Regitable, but must be paid by way of ordinary action: As also, relating to purchase for exchange (if not in the bill) re-exchange, damage, interest and expences as accords, Car. 2. p. 3. c. 20.

EXCHEQUER.

That all sheiffs, Stewarts, Chamberlains, Cntrollers, and others Inheretments with the Kings Treas, compare at every Exchequer, and make their Accounts, and all payment *de p[ar]te* with the Kings, and that they also make compt, and payment of casualties, under the pain of imprisonment, 1. 5. p. 7. c. 96. Declared be sundry ordnances of Council, that the Kings Compositors should not deny his Confirmation upon the reasonable expence of the Party, and upon his pencil, Ja. 6. p. 5. c. 66. See Confirmation.

That the Exchequer for the Kings Treas begin in the first of July, and end the 1st of October. That the liable in compt be made in the first of the pain of forty pounds, to the jailer; and be charged at all times to the end of the Exchequer, to compare, and in case of disobedience, be denounced; and this denunciation at the Mercat Cross of Edinburgh, and registration in the Thesaurers Books, or sheiffs Books of Edinburgh, is declared to be as good as if made at the Cross of the head Bugh of the Shire, and in the sheiffs Books where the persons live. That he that be in arrears pay and party the Exchequer for every Tuesday afternoon, during the Session, or at other times when the King pleases, 1. 6. p. 11. c. 63. Articles Car. 2. p. 1. Sect. 1. c. 14.

That no Precept of Discharge of the Property be allowed in Exchequer, except be subscribed and accepted by the Comptroller: And that acquaintances be produced upon compt, and nothing allowed *periculo comptantis*, either in the Comptrollers, 1. 6. p. 1. c. 67. or the Treasurers accounts, c. 77. That the Treasurer received not 2000. nor more in year in his Discharge, otherwise no *supersedeas* to be granted for *supersedeas*. Item, That inferior accounts that should enter in the Thesaurers, be first heard. Item, That no Intendment be paid, except presented by the Thelauer, that composition may be payed to him, 1. m. c. 78.

The Exchequer impowred and declared to be proper Judges to cognosce and decide in all causes concerning his Majesties property, and the Annuity of Teinds; and that they direct Letters under their Deceets on a simple Charge of ten dayes, on this side, and on twenty dayes by North Deallanly. Car. 1. p. 1. c. 8. But for explanation of this Act, it is declared that the validity or invalidity of Inheretments

of the property, or of any other, may not be discussed and decided in Exchequer, but is only proper to the Lords of Session, Car. 2. p. 1. Sect. 1. c. 59.

Intiments, Gifts, and others paid in Exchequer, the years 1649, and 1650. Albeit the authority of their meetings be declared null, 216 appointed to find a bill, except new Gifts, and other Gifts to his Majesties penance, and such as upon complaint to the new Exchequer, shall be found unntully entered in prejudice of his Majesties service, or his Majesties hand, though not paid in Exchequer, Car. 2. p. 1. Sect. 1. c. 9.

The Gifts and proceedings of the Commissioners of Exchequer under the English Statutes Ralied, excepting new Gifts, Gifts of Baitanday, and *ultimus hereditatis* not of new paid in Exchequer; as also, Gifts and Confirmations paid to prejudice of his Majesties hand, or his Majesties hand, or his Royal Father: And generally, providing that all these gifts and proceedings may upon complaint be reviewed by his Majesties Exchequer, Car. 2. p. 1. Sect. 1. c. 12.

Act regulating the proceedings and matters of Exchequer, Car. 2. p. 2. Sect. 3. c. 16. concerning the Exchequer.

EXCISE. See Annuity.

Act imposing the Excise for raising his Majesties Annuity of forty thousand Sterlings, viz. *viz.* about thousand pound Sterling thereof by an Excise upon the Inland Salt, and Foreign Commodities specified in the Act, and the other 2000, pound Sterling, by an Excise of *two mers* on the Boll of Malt, and three shillings upon *the Pint of Ale* not made of Malt, brewed and sold in the Kingdom, (which firm is proportioned upon the Shires and Burgis, and what shall be installing in their excise, to be supplied by the heretors by way of Cofs: And that the Commissioners in every Shire and Burch up-hill and be liable for the said proportions, in manner as in the Act Car. 2. p. 1. Sect. 1. c. 14. But the proportions here set down are in the Act, 1. m. c. 103.

Act regulating the payment of the Excise, as to the Importer and Retailer, and containing several rules and provisions thereunto, especially that the Excise be payed according to the Book of Rates for the Customs: And if there be any Excisable Goods not there set down, that they pay at the rate of five per cent. That the Merchant not paying the Excise, he, and all accessory to his concealing or abating, may be punished upon Oath, or any other probation, providing it be within six months of the imbezzling, and the Delinquent convicted, may be imprisoned for twenty four hours, and until he pay the full value of the goods imbezzled, and shall be further liable by the Exchequer. As also, goods not duly entered, and sealed, shall be confiscat, and their Owners imprisoned and fined as fail is. And the same Statute, as to the not paying of Customs, Car. 2. p. 2. Sect. 1. c. 12.

Act declaring, that if three quarters payment of the Annuity of Excise in the Shires of *Refs. Sutherland, Cathness, Argyle, Inverness, and Burgis* thereof, shall run in the four upways, then the Shire, Burch, or Person directed, shall be liable in the double of the whole years Annuity, *utres quones*, but prejudice of the obligation for single payment on the Commissioners of the saids Shires, contained in the Act, Car. 2. p. 1. Sect. 1. c. 16. above Car. 2. p. 2. Sect. 1. c. 20.

All Sale made in this Kingdom exempted from Excise, and *fourty shillings per Boll* imported on Foreign Salt, Car. 2. p. 2. Sect. 4. c. 1. See the Act in Salt.

Excise of Brandy *two shillings per pint*, to be payed by the Retailer, and the Excise of Mumm-beer *three shillings per barrel*, the barrel not exceeding twelve gallons, and both appointed to be applied for the relief of the Excise of Shires and Burgis, 1. m. c. 103.

That the Quarters for the Excise be regulat according to the rules set down for Quatering for the Cofs in the Act Car. 2. p. 3. c. 3.

The Excise on Foreign Commodities, and of *two mers* on the Boll of Malt, and three shillings on every pint of Aquavite not made of Malt, brewed and sold within the Kingdom, established by Act, Car. 2. p. 1. Sect. 1. c. 14. above, continued for five years as his present Majesties decease, but then neither the Commissioners, Heretors, nor Land Rent of the Shires are to be liable for it, but only the Brewers, Vintners, and Tappers, Car. 2. p. 3. cap. 8.

EXCOMMUNICATION. See Carfing.

Persons Excommunicat, after 40. dayes may be charged by Letters of four parts, at the instance of the Party, the Kings Advocate, or the Procurator of the Kirk to satisfy the sentence, and reconcile themselves to the Kirk, and if they failzie, are to be denounced, and Caption and other Executorial to p[er]s against them, 1. 6. p. 3. c. 53.

A person Excommunicat entering the Kirk the time of the Ministeration of the Sacraments, or Comimon Prayers, should be charged in God and the Kings name to remove, and if he refuse, the Minister of the Service may cause apprehend and warrant him, and he be in the Kings Custody, at the Ministers, or Elders sight, to reconcile himself to the Kirk, and make amends for the offence: And if he refuse any in the execution of the premises, that his moveables be effect, and his person in the Kings will, 1. 6. p. 11. c. 26.

That no persons Excommunicat for not conforming to the Religion presently professed, directly nor indirectly, possess their Estates; but that the same be medled with by his Majesties will, 1. 6. p. 20. c. 3.

That the shoppes give up to the Thesaurer and Director of the Chancellery yearly a Roll (subscribed with their hands, of all Excommunicat for Religion within their Dioceses; and that the Thesaurer receive no Relinquations, nor grant Infirmetments, nor the Director direct Brieves, nor Precepts, nor receive Letters in their favours, until their Religion be certified by the Bishop. And all Lords of Regality, and other Superior may refuse to grant Brieves, or Precepts of *Class communi*, or Charters on Appellations to the said Persons, 1. m. c. 4.

Restitution of all the Acts of Parliament or Council proceeding the year 1640. against Excommunicat Persons; and that forty dayes after sentence Letters be direct by the Lords of Privy Council to Session, at the instance of the Kings Advocate, for denouncing them Rebels: And that the same being done at the Cross of Edinburgh, and Peer of Shoch of Loth, shall be sufficient for Caption and Effect, providing that the Process of Excommunication be first exhibit to the Lords of Session, in Session time, to consider the same, Car. 2. p. 1. Sect. 1. c. 55. But this proviso is removed, Car. 2. p. 1. Sect. 3. c. 23.

EXECUTIONS, or INDORSATIONS.

See Summons.

Executions of the Kings Brieves or Letters should be sealed or stamped by the Official of Fee, or in thatpart, before witnesses, otherwise make no faith, 1. 3. p. 5. cap. 33.

That all Execution or Indorsations be stamped, otherwise make no faith, and the Executor to be deprived, 1. 5. p. 6. c. 74.

That all Writs, or Letters delivered to any party, be subscribed by the Officer Executor thereof, 1. 6. p. 12. c. 119.

That Executioner at dwelling places where the Party cannot be personally apprehended, be made at the principal dwelling where the Party actually resides: And if the Officer get entry, that he flew the Parties, and leave a Copy, or affix it on the Gate; and if he get not entry after six knockes, that he shew a Copy on the Gate, and shall there fasten up windows, and the key to be given to the Officer; and if the Officer fail, that he be imprisoned, and punished at will, 1. 5. p. 6. cap. 75.

Item, That in Criminal Letters the Copy be delivered to the Party personally, if he can be apprehended, or otherwise be delivered to his wife or servants, or affixed on the Gate of his dwelling House, and there set open Proclamation to be made, and a Copy affixed on the Cross of the head Burgh of the Shire. *Item*, If there be more than two in the Letters all called for one Crime, this order used to two of the Principals shall be sufficient as to the rest, Q. M. p. 61. c. 33.

That all Executions and Warnings in the Kings Causes against Wives, men, High-land-men, or Bondsters in broken Courts, *whom non parit tunc accessit* be made at the Mercat Crosses of the head Burghs of the shire in the Low-land, J. 6. p. 11. c. 66.

That all Criminal Letters, Letters of Law-borrow, or others importing tinfell of Life or Goods, be execute upon all persons contained therein, personally, or at their dwelling places, and by open Proclamation at the Mercat Crosses of the head Burghs of the shire, they dwell, betwixt eight and twelve in the Forenoon, in open time of day, before famous Witnesses specially designed, and that Copies containing the whole names be affixed on the Gates of the dwelling houses and Mercat Crosses, under the pain of 200. marks, *Ibid.* esp. 85.

That Charges of Treason be executed by Heralds and Purfuevans in their Coats, or by Messes, as of before: Declaring all Executions under the pain of Treason, otherwise execute to be null, J. 6. p. 12. c. 125.

That all Executions of Summons bear sufficient names of the Parties Pursuers and Defenders, and that it shall not be sufficient to relate generally to the Summons, else they shall not be sustained, Car. 2. p. 2. Sess. 3. c. 6.

That the Witnesses in all Executions of Inhibitions and Interdictions, Homings, or Arrilements, or for Interruption of Prescription in Real Rights be designed in the body of the Execution, and also subscribing thereto, Car. 2. p. 3. c. 3. See the Act in *Wimels*.

FEEDES. See Peace.

Deadly feede no juill pretence, to excuse from not Communicating, J. 6. p. 16. c. 17. See in *Commons*.

Ad and Order for extinguishing deadlie feedes, and for prevention thereof in time coming. That the Perfever doe not invade, or bear, feede against any friend of the Offender innocent, and not accused, under the pain of Tinfell of his Conscience, or fugitive, may not bear quartel theretore, or tellet him, under the Articles in the Act, and the King solemnly promittes to give no relief, or remission for odious crimes, until these inveterat feedes be rooted out, J. 6. p. 16. c. 22. Ratified 14. p. 20. c. 7.

FERRIERS.

That all Boat men, and Ferriers have Trevene bridges for receiving Hostie, under the pain of 40. *shillings* each Boat, J. 6. p. 16. c. 19.

That all Ferriers on either side the Firth, make Bridges, and Ports, in their Boats for ease shipping of Hostie, under pain of Confiscation of their Boats, J. 6. p. 16. c. 20.

The same Ferrier, and also the quantity of the freight appointed, to be paid at *Kingsburgh, Queens-ferrie, and Portmahomack*: And that Hostie, or Goods, paying freight, make the Ferriers, and Burdens free, Jan. 3. par. 7. c. 62.

That Ferriers take no more freight nor is it stur, under the pain of Five pounds Scots to the King, and to Assign the King, J. 3. p. 10. c. 75.

Ratified Jan. 3. par. 73. esp. 95, with an Augmentation of the pines. Freight appointed for Ferriers at *Kingsburgh, Queens-ferrie, and Dundie*, and that they observe the same under the pain of death, Q. M. Par. 5. c. 21.

The freight at *Kingsburgh* for Hostie and Man appointed by King James 3. June 14. 92. See *pennies*, and for the Man *Town pennies*, but is higher *Annus 1551*, for *Heriot*, and Man *Wurde pennies*, and for the Man *See pennies*, Q. M. Par. 5. c. 21. See *Wages*.

FEW, and FEW-FERM, See Few cum Martagio in Waird.

That the King, Prelates, Barons, and Free-holders, may fet their Lands in Few, and the Lands waiting to the King, the King shall only have the Few-dewtie, so that the fer be made to a competent value. J. 2. par. 14. esp. 91.

That all men Spiritual, or Temporal, may fet their Lands in Few, without diminution of the Rental, and it shall be no ground of recognition, J. 4. par. 6. c. 91.

The Act J. 2. explained, and declared not to extend to the Vassals of any Earl, Baron, or Free-holder, holding their Lands waird of their fairs Superiors, or waird of their superiors not to be lesion, to them, to their Lands in Few, without the consent, or confirmation of their Superiors, and any Alienation otherwise made, is declared null by way of action, or exception, J. 6. par. 18. c. 17. And this explanation, and statut, extended to the King and Vassal, and Vassals holding waird of them, and all former Acts that may any way derogate to this Act, are rescinded, Car. 1. p. 1. c. 6.

That all Fewers not paynd their dewtie by the space of two years hill and together, and at time their Fewes, as if there were a clufe tennant in their rights, J. 6. p. 15. c. 246.

FIRE.

That to prevent fire, no Hemp, Lint, Strie, Hys, Hedder, or Bloom, be put near, or above the fire, in Houses within Town, and that the Officers within Town make trial every Month, under the pain of 40. *shillings* to the King, J. 1. p. 4. cap. 71.

That the Lord of Hay, and Fodder come not to their Hys-houes withouta Lintetn, under the same pain, *Ibid.* cap. 72.

That Ledders, Sayes, and Cleiks of Iron, be appointed, and kept in Towns for fire, under the same pain, *Ibid.* c. 73.

That after the fire hath happened, the Magisttars inquire into the cause, and if it be found on purpose deed, that three-fourth be the punishment, and if it howe negligently, the Lord of Hay, and Fodder shall be punished in his Goods, and Person, if he have no goods, and banished for three years, if a Man, his Wife, or Bairns, in his own Houe, or if of a Miller, shall shall repair the skairt of omdes, and be banished three years; if of a Stranger he shall repair the skairt or abide in prison at the Kings will, if the fire happen thow chance it is unpunished, if the Magisttars neglect the Execution of this Act, that they pay Ten pounds to the King, that fire be not ferched from houes to houes, but in covered vessel, and if fire happen in Towns of Barony, that their Lords punish it as above, *Ibid.* esp. 73.

That Burning of folk in their Houses, and all Burning of Houses, and Corns, and willful fire raising be treason, and lese Majestie, J. 5. p. 3. c. 8.

That fire kailers be put under feverty to the Law, as in the crimes of Slaughtre, and mutilation, and that there be no remission given to them that burns Corns in Recks, or Barns, but that they be punished to death, or else banished, Jan. 5. par. 1. c. 8. But it is again statut, that Burning of folk in their Houses, Burning of Houses, and Corns, and willful fire raising, be treason, and lese Majestie, Jan. 8. par. 1. cap. 33.

Willful firing of Coal-heughs is also Treason, Jan. 6. par. 12. cap. 146. See *Treason*.

FISH, and FISHING.

That for Fishing certain Lords Spiritual, and Temporal, and Burrows, make Ships, Busses, and Boats, with Nets, and Other pertinents, Jan. 3. par. 6. cap. 49.

That Ships, and Busses, with all their pertinents for fishing, be made in each Burgh, in number according to the fishance of the Burgh, and the least of them to be Twenty Tuns, and that all s. l. men be compelled by the Shireffs in the County, and by Bailies in Burghs, to pasture their nets, under the pain of Banishment out of their bounds, and that the Shireff or Officer in Burgh negligently, pay Twenty pounds to the King, Jan. 4. par. 4. cap. 49. Ratified, *Ibid.* esp. 52.

The times of Mercat appointed for Fish, and that no white Fish be fear out of the Realme, but that Strangers may come and buy them. *Item*, where any Person hath Fish, paked or sold, that they be ready to sell the same, for the service of the Leiges, under the pain of Confiscation of the Fish, Jan. 5. par. 7. c. 98.

That Barrels of Fish be white and merked, *Ibid.* cap. 109.

That the Hettung and white Fish Barrel, contain some Gallons, of the Sterling gpat, J. 6. p. 4. c. 57. See *in Statutum*.

EXECUTORS. See Testament.

A sum feuted by the Ad to the Life-renter upon Land, yet declared payable to her Executor, Q. M. p. 4. c. 10. at the end.

Executors Strangers nominate, are obliged to make compt and payment to the Defindits Wife, Bairns, and nearest of Kin, referring only to them the third of the Defindits part after deduction of Debts, in which third, any Legacy left them, to be computed without prejudice to them of their Legacies, if they exceed the third, J. 6. p. 22. c. 14.

EXPENCES.

He that thines the Action before the Lords of Court, should pay the Winnes Expenses, at the Lords Modification, and *fourty shillings* to be disposed upon by the Chancery, J. 3. p. 6. c. 60.

The Expenses of Plei to beinfert in the Deereet Comendatour or Abolvitor, Q. M. p. 7. c. 64.

Who induces the Plei within Burgh, payes the Parties Expenses, and *twelve pennies per pound* to the Poore, J. 6. p. 61. c. 91. See *in Burghs*.

That the title of the Plei pay the others Expenses, at the Judges modification, J. 6. p. 11. c. 43.

Of the damage, interest, and expenses of Plei made and sustained by the Parties, be admitted and liquidat by the Deereet, whether Abolvitor, or Comendatour, before all Judges, especially where the Wit, the ground of the Action, or the Summons bears it, J. 6. p. 12. c. 142.

F

FACTOR. See Merchant.

That no Merchant employ an Alien as Factor beyond Seas, on the account of Scots Merchants, under such Pecuniary paines, as the Council of Trade shall impose, half to the King, half to the Informer and Purfuer, Car. 2. par. 1. Sess. 1. esp. 44. *Ancient Shipping and Navigation*.

FAIRS.

At Fairs the Sheriff should only have the best Ox, or Cow, or un-ridden Horse, flailed and broken, and of great Stalls, or covered Crains, if he may take a distrest, but he should deliver it again at the Court of the Fair, if the Perfon hath done no default. And that no distrest be taken hereafter of Goods of little quantity or price, brought on mens heads or backs, J. 2. p. 13. c. 59.

That in Fairs, Parliament times, or General Councils, great Contibables of Cattles, Sheriffs, or Bailies of Burghs use no extortion, or by raking from poor folks for Loads or Burdens, what they call their Fees, under the pain to be punished at the Kings will, and approved for a year, J. 3. p. 5. c. 14.

That no Fairs be holden on Holy Days, but on the moir after, *Ibid.* c. 35.

FALKLAND WOOD.

Falkland Wood ordained to be cut and hained, as being found by an Allie to be old and failed, Q. M. p. 6. c. 48. *The Livermouts of Falkland*. See *Annexed Property*.

FALSHOOD.

That false Nottas and Wimmels, or who induces them thereto, or uses false Instruments writingly, be punished with all rigour, according to the disposition of the Common Law, J. 5. p. 6. c. 80.

That the Ad extended to all manner of Evidents and Writings, and the Makets, Feinziers, Ufers, Seducters, Corrupters, and Falfers thereof, and the pain declared to be Proscription, Banishment, Dismembering of the Hand or Tongue, and other paines of the Canon, or Civil Law, or Statutes of the Realm, Q. M. par. 5. cap. 22.

That false Wimmels and their Inducts be punished, by piercing the Tongues of the Mouths, and Infamy, and farther at the Judges discretion, Q. M. p. 6. c. 47.

That makets or users of false Writ, or conveyance to the making therof, be punished with the paines of Falshood, and the Counterfeiter, Falsifier, or Acevoryer, cannot by passing from the Writ quarrelled, free himself of the punishment, Jan. 6. p. 23. c. 22.

FEE.

The Sheriff Fee appointed to be *twelve pennies of the pound*, J. 4. p. 3. cap. 30. See *in Sheriff, Cooks, and Servants Fees*. See *Callagers, and Justices of Peace*.

That all Fishes of Herring, or white Fish, upon the coast or within the Isles, or in the Firths bring the same to free ports, that the Lieges may be first served, and the rest bought, litted, and transported by free-men, under the pain of Tinedr cap. of the Vessels, and shall other Moveables of the Contravenors. *Ibid.* cap. 60.

Ratified, and all Judges ordinary Impowered for executing thereof within their bounds, Jan. 6. p. 6. cap. 86.

That there be a just hand for herring, or white fish, kept at Edinburgh, and staples are appointed for the said herring, and white fish, and that no Fishers sell their Herring to Strangers, or Un-freemen, or to any port to other Countries, under pain of forfeiture of their Moveables, Jan. 6. p. 1. cap. 147.

But the Ruple of Herring and white Fish upon either side of Fouth, appointed to *Leith*, and *Garray* by the said Act is discharged, and full Liberty allowed to the free Burrows upon either side of the said Water, Jan. 6. p. 1. to cap. 14.

Caution be taken of Ships going to the North-fishing, to return the third part of their loading of Herring, or white Fish within the Firth or other free-Burrows, under the pain of an hundred pounds, Jan. 6. p. 11. to cap. 57.

Act for Fishing, and erecting of Companies for improving the Fishing of Herring, and white Fish, letting down their Ropes, and Priviledges, as in the Act, and that each Barrel of green Fish contain Twelve Gallons, Car. 2. par. 1. Sect. 1. cap. 39.

FLESH.

That none errie Flesh forth of the Realm, under pain of forfeiture of the whole moveables of both Owner, and Skipper, Q. M. p. 6. cap. 40.

That for preventing this transport, that Ships be Viewed at the sight of the Magistrates, and Customers of the Burghs and free Ports, where they lye, and if any more be found, that it be Confiscated, 15. 6. p. 3. c. 67.

But Beached, Fleis, may be exported by Sea free of Custom, Bullion, or other Impositions, for Nineteen years, Car. 2. par. 1. Sect. 3. cap. 12. Anno 1663.

FOOT-BALL, and GOLF.

That no man play at the Foot-ball, under the pain of Fifty shillings to the Lord of the Land, or to the Sheriff in his neglect, Jan. 1. p. 1. c. 17.

The Foot-ball, and golf discharged, and that they are not to be used in time coming, Jan. 2. p. 14. cap. 64. Jan. 3. p. 6. c. 45. and Jan. 4. p. 3. cap. 32. And this last Act appoints to use shooting, and archery, in place thereof, see it in *Whoson-shooting*.

FORBIDDEN GOODS to be Exported, or Imported.

Goods forbidden to be transported, Linen Cloth, Lint-feed, made Candle, all Tallow, errie Bark, Harked Hides, or made Shoes, under the pain of forfeiture of the buyers and transporters whole Moveables, Jan. 6. p. 1. cap. 59. See *Belial*, *Carrell*, *Canis*, *Fleish*, *Horfe*, *Tallow*, *Wool*, &c. in their own places.

Act Ratifying all Acts made against the transporting of forbidden goods, 15. 6. p. 6. cap. 9.

Calf Skins, Hudderos, and Kids Skins, forbidden to be transported, packed, and peeled, under the pain of Confiscation thereof, to the King, Jan. 6. p. 12. cap. 155.

Ratified and extended to Schutting Skins, under the same pain, and in Transporters to be further punished in their Persons, and Goods, at the Kings will, 15. 6. p. 13. c. 178.

Ratified, and further, that none export Galf, Kid, Hudderon, or Schutting Skins, or any Goat, Hart, Buck, Deere, or other wild Beasts skins, under the pain of Confiscation, referring to the Exchequer to grant Licenses, Car. 2. p. 1. Sect. 1. c. 45.

That none export, or import forbidden goods, under the pain of forfeiture, the forbidden goods to be intromitted with by the Comptroller, the rest by the Treasurer, and that Licenses not granted by the Council, and composed, and paid all the Costs be null, 15. 6. p. 16. c. 18.

That none, Stranger, or other, transport forth of the Countrey, Butter, Tallow, or other forbidden goods, under the pain of Confiscation of the Ship, and whole goods the Owner of the forbidden goods hath therein, Jan. 6. p. 23. cap. 12.

That none export, Worked, Wollen-Yarn, Raw or unworked Cloths, or Stuffs, made in *Scotland*, (halving excepted) broken Copper, Brass, or Pewter, under the pain of Confiscation, (help to the King, half to the Apprehender, or Persewer, Car. 2. p. 1. Sect. 11. cap. 45.

FORBIDDEN to be imported.

Wade-work by Tradesmen, Car. 2. par. 1. Sect. 1. cap. 47. See it in *Made-work*.

That no *Aquavit*, strong Water, Mum-beit, or other Drinking-beit, (black or Spure-beit excepted) be Imported, under pain of forfeiture thereof, Car. 2. p. 1. Sect. 3. c. 7.

But Brandie, and Mum, or Brimbe-beit, Licenced to be imported, Car. 2. p. 2. Sect. 4. cap. 2. See *Brandie*, and *Mum-beit*.

Great prohibition of Import, Car. 2. par. 3. c. 12. See the Act in *Trade*, see *Licence*.

FORE-STALLER, and REGRA-TOUR.

That Fore-stallers buying Virtual, Fleis, and other stuff, before it be presented to the Mercat, or in the Mercat before lawful time of day, be punished by Imprisonment, and forfeiture of the goods bought or sold, two thirds to the King, the third to the Discoverer, Jan. 5. par. 4. cap. 21, and Jan. 5. par. 7. cap. 98.

That Magistrates of Burghs, and none other, punish Fore-stallers within the same. Jan. 5. par. 7. c. 113. And all these Acts Ratified, and the saids Magistrates continue his Highness Justices for the effect thereof, Jan. 6. p. 2. cap. 88.

Who buy any Merchandise, or Vidin coming to Market, or Metest, by Land, or Water, or makes any bargain about to make it be in the Mercat place, Burgh, Port, or Road ready to be sold, or who makes any motion by word, or writ, for raising of prices, or delaying the bringing of any thing to the Mercat, he is a Fore-staller: And who gives any Corn, Fleis, Fish, or other Vivers, in any Fair or Mercat, and sell again in any Fair, or Mercat in the same place or four miles about it, or who buys, or bargains for growing Corns, he is a Regrator, and the Treasurer, Kings Advocate, all such as the Magistrates of Burrows, may peruse such, and that without a special lybell, but only upon Fore-stalling in general, and

the pains for the first Fall, 40. pounds, for the second an hundred merk, and for the third Tinedr of Moveables, 15. 6. p. 12. c. 148.

FORE-THOUGHT Felonie.

That all Judges, and Officers, whom it offiers, upon complaint inquire diligently if the deed was done on fore-thought felonie, or throw Chaud, melle: And if on fore-thought felonie, that the Party hurt be Aligned, and the life and goods of the Trespasser in the Kings will, and that the Trespasser be incontinent Imprisoned, but if the deed was done throw Chaud-melle, it is to be followed after the course of the Law, 15. 6. p. 1. c. 51.

If any man bargain, (that is quartered) either in Burgh, or Land, that whether plaint be made or not, both Parties be arrested, and the same, or next woful day, Inquisition be made by an Assize, whether it be fore-thought felonie, or sudden felonie done: And if sudden done, that they be demanded as the Law tears of before, and if be fore-thought felonie, the Party to be Imprisoned, and a mends made, and the Party to be free, 15. 6. p. 1. c. 95.

If such Bargain in Burgh shall be called fore-thought felonie, and the Party escape unarrested, the Sheriff, or Lord of Regality, where he is elected, when certified, shall persew, and fend him backe to abide the Law. 15. 6. p. 1. c. 36. See *Girth* and *Slaughter*.

FORE FAULTURE.

Sentence of Fore-faulture of the Earldom of *March*, and Lordship of *Dumbar*, and of all other Lands, which the Earl of *March* held of the King in chief, Jan. 1. p. 12. c. 131.

All Alienations by Persons Fore-faulted, or to be Fore-faulted, for the murder of the Kings Father, and of his Regents, made since the committing of the Crimes are declared null, Jan. 6. par. 2. cap. 136. Extended against Bureges, for their detection from the King, and Affiding declared Traitors. *Ibid.* cap. 39.

That all Faithful subjects bruike and joyse their Tennydies, to be holden of their next Superiors, notwithstanding of any Fore-faulture of their immediat Superiors in this Parliament, Providing they do not thereafter make default from the Kings authority, 15. 6. p. 2. cap. 37.

Act Ratifying the former Act, 15. 6. p. 2. c. 37. And declaring it to have beene valid from the beginning, 15. 6. p. 1. c. 65.

That no Proceis of Fore-faulture for Treason against the King, or his Estate be reduced for any pretended nullitie of Proceis, while first the Crime be freely remitted, or the Party tried, and acquit: And that no Advocate, Writer, or Other, travel, follow, or advice, in the Countrey without warrant of King, and Parliament, under the pain to be reputed partakers with the saids Traitors. *Item*, that the King retiore against Fore-faultures, only by way of Grace, 15. 6. p. 1. cap. 151.

That by Fore-faulture of Persons convict of Treason, the King hath right to all Lands holden of himselfe: As also to present heritable Tenements in their place, to their other Over-Lords, and likewise to all Tacks, and Possessions, pertaining to them, And thereunto, and for preventing the abridging of King, is ordained, that all Lands, and Heretages, peaceable possessed by any Persons Fore-faulted for *lese Maitie*, or by them to whom the Appelland Air Fore-faulted should have proceeded, for five years before the Sentence, or the decease of the said Appelland Airs Predecessors, by labouring, sowing, and uplitting, the mails thereof, as their Heretage, and to use present Heretable Possessions of the same for the saids Five years, shall appertain to the King, and his Donour, without any question to be moved thereunto, and about it, until they nor their Heiries make thereunto to the Persons Fore-faulted, or their Predecessors. *Item*, that the said Poffession be tryed upon a commission under the former Seal, by an Assize of the Shire where the Lands lye, or Others that befits know the rule, and their veridit to be returned to the Chancery, and to be of as great strength as the Fore-faulted Persons Rights to the Lands. *Item*, that the King, or his Donour be summarily entitled to the Poffession, & Tacks of the Rebel, and may continue therein as altered, notwithstanding of five years, that they may fetch out the Tacks, & Titles. *Item*, that the Person presented to a Few Fore-faulted, or any Vassal of a Fewer Fore-faulted, be not compelled to produce acquittances of Few-mills, or Annual-rentout of the Fore-faulted Lands, of any years preceding, or since the Fore-faulture, they always payand the saids Annual-rents, or Few-dueties in time coming, how soon it shall be verified that the Lands are lye by the Inclosures of the Persons Fore-faulted, 15. 6. p. 9. c. 2.

Ratification of the Forfallours of the Earl of *Gowrie*, and of the Earl of *Gowrie* and his Brother; that no restitution of grace prejudice the Kings Donators, but be assently extended to the rehabilitation of the Person to whom it is granted: and that the Extracts of Dispositions or Confirmations shall be as valid to the Kings Donour, as if the Principal evidents were extant, which are not impovner for no production: the Donour abiding at the verity of the deed, and of its extra, 15. 6. p. 8. c. 4.

That no Bands, Assignations, Leasoun, or Factory, granted by Persons Fore-faulted be valid, unless either confirmed by His Majesty, or authorized by a decree before the Persons Fore-faulted were full Summoned, for the Crime. *Ibid.* cap. 2.

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FORRESTS.

That all preceeding right by Infeftment, or Tack of keeping the Kings Forreles, produce the same, and that no such keeper infer any manner of Goods to be Fa-
luced

figured therein, under the pain of fine of their Offices, and echeat of their Moveables: If others be found purling therein, that they be imprisoned, and the Goods found echeat, two parts to the King, and a third to the Keeper. *Item*, That the negligent Keeper take his Office, and that Landed men, or their Keepers may echeat all Goods found within their hined Woods or Forests, Jam. 5. pat. 4. cap. 12.

All Goods found Purling in the Kings Parks or Forests without the Comptrolers Licence, may be by him echeated to the King, Ja. 6. p. 12. c. 128. And the Keepers may intrude or therewith, half to the King, half to himself, who owns any Timber within the Kings Woods, or Forests, or Hayes Deere, or Wilde Fowl therein, with Gun, Bow, Dog, Hawk, or other Engine, or fowls with any Gun therein, or in the night, within a mile thereof, or fowls any Deer staying in time of storm, tise all their Goods as echeat. *Item*, That none Hunt or Hawk within six miles of the Kings Woods, Parks, Castles, and Pallaces, under the pain of an hundred pounds, half to the King, half to the Delator, Ja. 6. p. 14. c. 210.

That the Keepers of Forests, and Others having right thereto by their Infeoffments, shall have power and jurisdiction to convene before them the transgressors of the said Statutes, and to try them by an Inquest, and execute the said Acts against them, to wit, the layes and moorers at Deere, Rae, and Wilds Fowl, being Landed men, under the pain of five hundred merks, and being un-landed, an hundred merks, &c. conform to the former Acts, Ja. 6. p. 22. c. 58. But this pain of 500. merks laid to be formerly frigate against Landed men does not appear.

FRANCE.

That the old Alliance with France be renewed and confirmed, and reformation sought of abuses, conform thereto, Ja. 4. p. 30. c. 25. French-men naturalized in Scotland, as Scots-men are in France, and the French Letter of naturality for the Scots is insert and recorded in the A.B.Q.M.p: 8: c:66.

FREE-HOLDER.

That all Free-holders dwelling in the shire, compete at the three Head Courts, with their Seals, or send a sufficient Attorney therewith; and if upon Courts set on fifteen dayes warning, and if the Court be not sufficiently furnished in the trial, the Sheriff may charge the Georles of the Regality, and the pain of non-compearance, an law of Court, Ja. 1. p. 9. c. 130.

That all Free-holders give suit and presence at the three Head Courts, if they owe the same, or find sufficient Sallors if they owe but Suit, Ja. 5. p. 6. c. 71. The A.Ds ancient Free-holders, or small Barons sending their Commissioners to the Parliament, or Convention, See in Parliament.

FUGITIVE. See Horning, and Rebell.

That all Fugitives from the King, or any of his Lieutenants, be punished as publick and notorious Rebels, Ja: 1: p: 8: c: 111.

FURIOUS.

That their nearest Agnats or Kinsmen be served and preferred to be their Tutors, or Curators, according to the Common Law, Ja. 6. p. 10. c. 18. See Curator, or Idiotry.

G

GALLEYS.

That Barons and Lords having Lands in the West and North, on the Sea Coasts, and not less than his burden, have Gallies, each four merk Land an Oar Galley, Ja: 1: p: 2: c: 126.

GARRISONS.

Order for Garrisons in the Borders, and that the Sheriffs Tax and return mens Awards for bearing the charge, Ja. 2. p. 12. c. 55.

The power of commanding, ordering, or otherways disposing of all Strengths, Forts, and Garrisons, doth properly belong to the King and his Successors, as their undoubted right; so the Subjects being always free of their provision, unless concluded in Parliament, Car. 2. p. 1. Sell. 1. c. 5. See the Act in King.

DEAN OF GILD.

Confirmation of the Dean of Gild and his Council their jurisdiction, in all Affairs concerning Merchants, and as it is used in *Edinburgh*, and according to the form used in *Paris, Rouen*, and other towns of France and Flanders, Ja. 6. p. 13. cap. 180.

GIRTH, or SANCTUARY.

That where the Committer of slaughter on fore-thought Fellony flees to Girth or Sanctuary, the Sheriff require him on Caution, and take tiall by an Inquest if the Crime was committed by him on fore-thought Fellony, *Tanquam Infractor & perjurus & fratriam*. And if so, then the Committer to be punished; And if not, then he be restored to the Girth, Ja. 3. p. 5. c. 36. Ratified, Ja. 3. p. 6. c. 43.

That all Matters of Girth make Deputies under them, dwelling at, or near the Girths, who may be charged to deliver all Committers of slaughter on fore-thought Fellony, and other Treasons to, who break Girth, and may not trunk his privilege: And if these Bailiffs being charged, refuse to deliver, that they be rigorously punished in their Boses and Goods, Ja: 5: p: 4: c: 23. This Act made because the Masters of Girth, Spiritual men, were fild to refuse to deliver Trepassors.

GLEIB. See Manse.

The Quantity, Designation, and Priviledges, and other things relating to Gleibs, all set down under the Miles, because of their Contingency. That all Ministers and Readers pay no Teinds for their Gleibs, Ja. 6. p. 5. cap. 62. Or for their Sums Graf appointed in feud thereof, Jam. 6. pat. 23. cap. 10. but see *Manse*.

GOLD and SILVER. See Money.

GOLD-SMITH. See Craft and herein

GOLD and SILVER WORK.

That Gold Work made be Eleven Grains fine, and that it be marked by the Maker and Deacon; and if there be but one Gold-smith in a Town, by him and the Magistrate: And if either the Work be not of that fineness, or not marked in

the first case, both the Maker and Deacon, and in the second, the Maker shall tise his Goods to the King, and his Life be in the Kings will, Ja. 2. p. 14. c. 65.

Item, That Gold-smiths work be marked by the Maker, Deacon, and Towns Mark, of the fineness of eleven penny fine, otherwise the Work to be broken, and the Maker in the Kings will: And that Gold-smiths be admitted by the whole Craft, and their Officers, Ja. 3. p. 13. c. 56.

Item, That their Work be marked by the Maker, and Deacon; and that Silver Work be of the fineness of the new Work of *Brass*; and Gold Work as hae as the Matter of the first melting down by the owner Ja. 4. p. 2. c. 13.

That no Gold-smith make Work of Silver under 1. penny fine, and of Gold under twenty two Carat fine, under the pain of death, and echeat of moveables, and that all Work be marked by the Makers, and Towns mark, Q. M. p. 6. c. 56.

GOLF See Foot-Ball.

GOVERNMENT.

If any person by Writing, Falsing, or any malicious and advised speaking, express or declare words to stir up people to the hatred or dislike of the Kings Supremacy, or of Episcopal Government, as now established, or so justify any of their things declared against in this Act, that he be incapable of all Publick Trust, and lyable to the pains of Law, providing he be proceed by the King or Councils order, and not otherways, within eight months after the offence, and sentenced within four months after Process, Car. 2. p. 1. Sell. 1. c. 2.

Ratification of all Acts for securing the Government of the Church as now established. Car. 2. p. 1. c. 4.

EARL of GOWRY. See Forfaultour.

CLANN-GREIGOUR.

A Bill Act against the Clann-Greigour, Ratifying all former Acts of Council against them. Impleading the name, and obliging them after 16. years of age to make competence yearly the 24. of July to the Council, to find Caution, or otherways if they be denounced for their falsitie, declaring them to be inter-communed, and that none refer or assist them: And the Act constitutes several Justices in that part against them, Car. 1. p. 1. c. 30.

GUERRA. See Courts.

GUNS.

That Landed men and Others provide Guns: For each hundred pound Land of new extent, an Hagbut: For each hundred merk Land, two Culverings: And for each forty pound Land one Culvering, with all their perments, as in the Act, Ja. 5. p. 7. c. 94. And that Merchants bring them home, *ibid.* c. 95.

That no man shoot with, or wear Guns, under the pain of cutting off the right hand, except that men may shoot for pasture within their inner Gleis: And also, for coming from Weson-shawings, or called to Hells, or to assemble in Arms, or in defence of usurpation of Thieves, Ja: 6: p: 1: c: 18.

Ratified, and the pain lessened and changed to be ten pounds, and tinsell of the Gun and Armour, unless the King appoint the former pain to be execute, and Magistrates of Burghs are impowered to execute the same, and waide the persons convicted, until they pay; as also, to cause them find Caution to desist, under double pains, Ja. 6. p. 4. c. 87.

Again Ratified, and the pain made echeat of Moveables, half to the King, half to the Apprehender; but prejudice of the pain in the *Edin* Act, Ja: 6: p: 1: c: 19. And all Sheriffs, Stewarts, Magistrates of Burghs and Baronies are impowered to execute this Act *ut supra*, Ja: 6: p: 1: c: 248. Simple Bearers and wearers of Guns guilty of no odious violence, declared credible before the Council, and the thing to be probable by Wimelles, or Oath of Party, but only to intet the pain of warding and echeat, or a pecuniar pain; but prejudice of the former Acts, if his Majesty like better to have the offenders punished Criminally before the Justices: And all Licences except granted by his highness and Council, and composed and pass all the Seals, are declared null, Ja: 6: p: 16: c: 6.

H

HAGBUTS See Guns.

HAINING. See Forests and Planting.

HAULKING. See Hunting.

HAULKS and HOUNDS.

That no man take or flesh another mans Haulks or Hounds, mad or wilde, nor Eggs out of Haulks nests, under the pain of ten pounds Ja. 3. p. 7. c. 60. And this pain of ten pounds, hightred to an hundred pound, half to the King, half to the Dilator, Ja. 6. p. 23. c. 34.

HARES. See Hunting, and Wilde Beasts.

To tise Hares in Snow time is a point of Dittay, Ja. 2. p. 14. c. 88. Ja. 3. p. 7. c. 61. And Ja. 5. p. 4. c. 13.

That no man shoot at Hares with Gun or Bow, Ja. 6. p. 1. c. 16. See this and other Acts in *Wilde Beasts*.

HEDGES. See Planting.

That no man make Hedges, dry Straks, Rice, or kewan Wood, but only of lynch Wood, Ja. 2. p. 14. c. 83.

HERALD. See Lyon, and Messenger.

HERESIE.

That Hereticks be punished according to the Law of Holy Kirk, and that the Secular power assist, Ja. 11. p. 21. c. 28.

HERRING. See Fish and Fishing.

That no one buy, Pack, Peill, Sals, Barrell, or Transport Herring fouth of the Realm before *Michalms* yearly, under pain of confiscation of the Herring, ship,

Ship, and all other Goods of the contraveners, to be part to the King, and third to the Apprehender: And that all Licences in the country be granted in Council, and pass all due Seals, otherways are null, l. 6. p. 16. c. 10.

HIGHLANDS, and BORDERS.

That the Council meet premortally the first day of every month, for testifying the boundaries of the High-lands and Borders, and that particular Kegillies be kept of all things concerning their good rule, l. 6. p. 21. c. 92.

Act appointing Land-lords and Bailiffs of Lands in the Borders and High-lands, where broken men are contained in the Roll at the end of this Parliament, have dwelt, and dwell, to find Cautions, and be otherwise liable for the dwellers on the fairs Lands, and for all things passing through the same, in manner contained in the Act, l. 6. p. 91. § 1. But if the Land-lord or Bailie do diligence to remove these In-law dwellers, and make them the Kings Rebels, and do all he could do to relieve him of the pain and danger, l. 6. p. 107. And if they shall be contented to do burn any Malefactor House or to hold them, and their Wives and Bairns of the ground, for their not leaving them, they shall be absolved thereto, l. 6. p. 108.

That the Captains, Chieftes, or Chieftains of all Clans, and their Etanches within the fairs bounds, and noted in Roll as said is, give Pledges to be kept and changed, and also be otherways liable as in the Act; And that such as refuse to give Pledges, be purified with Fire and Sword, as enemies to God and the King, and the fairs Pledges may be executed to death, in case refused not be made by the Captains or Chieftains, l. 6. p. 111. c. 94. And the Pledges for the High-lands to be placed on the South side, and for the Borders on the North side of the Water of Forth, l. 6. p. 106.

That all notorious Thieves born within the fairs bounds be removed out of the Land where they dwell, to the place where they were born, unless their Land-lords will become surety for them, l. 6. p. 92.

That a Kegillie be made of the fairs Pledges, and other Persons for whom they are bound, and who should relieve them; As also, of all the Land-lords, Bailiffs, In-law dwellers and Clans within the fairs bounds, l. 6. p. 96.

That all Vagabonds within the fairs bounds be punished, and their goods be charged to find forewaits, in case of fall, and be denounced, and them, their refectors, or the Magistrates of the bounds where they are sitting, to testify with Goods hollen or left, to be able to satisfy the ratty, l. 6. p. 97.

That all Bands and Ads made for, or aient broken men, oblige Aits, albeit not therein mentioned, l. 6. p. 98.

That lovettes made by Land-lords and Bailiffs, and by Chieftains of Clans, are not prejudicial to the King, to the place where they were born, unless their Land-lords will become surety for them, l. 6. p. 99.

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That all Bands and Ads made for, or aient broken men, oblige Aits, albeit not therein mentioned, l. 6. p. 98.

That lovettes made by Land-lords and Bailiffs, and by Chieftains of Clans, are not prejudicial to the King, to the place where they were born, unless their Land-lords will become surety for them, l. 6. p. 99.

of Edinburgh his Books, decreed to be sold as in and at the Crofs of the Head-burgh of the Shire whete the Perion lives, as in the Books of the Sheriff l. 6. p. 11. c. 63. See the Act in Exchequer; as also the Act, Car. 2. p. 1. Self. 3. c. 14. In King.

That Denunciations to the Hom on Ads of Adjournal, made at the Mercat-crofs of Edinburgh, be as lawful to make the echeit fall, as if made at the Head-burgh of the Shire whete the Rebel dwelt, declaring nevertheless the Inhabitants not to be made fairs to refuse, untill the Denunciation be duly made within the same, l. 6. p. 12. c. 126.

Denunciations to the Hom of Persons excommunicat, made at the Mercat-crofs of Edinburgh, and Peis and Shout of Lerts, declared to be sufficient both for captio, and echeit, Car. 2. part. 2. Self. 1. cap. 25. See the Act in Excommunicat.

That Letters of Homing, and Relassations of Persons dwelland within Steuaries, and Ballaries, Royalty, or Regality, be executed at the Mercat-crofs of the Head-burgh, and registar in the Books thereof, and that all Excommunications, and Registation otherways be null, l. 6. p. 15. c. 264.

That the Registation of Homings, and Relassations be made Judicially by the Notar, and four witnesses beside the Clerk, and if the Sheriff, Stewart, or Bailie, refuse to registar, and be thereupon influenced, the Letters may be registar by the next Sheriff, Stewart, or Bailie, or by the Clerk Register, and his Deputies, l. 6. p. 261. But that part of the Act requiring a Notar, and Witnesses refused, declaring Registations made by the Sheriffs, Stewards, and Bailies Clerk, or by the Clerk Register, and his Deputies, to be sufficient, Jan. 6. p. 16. c. 13.

That the tenor of Letters of Homing, and Executions thereof, shall not be admitted to be proven by witnesses, l. 6. p. 6. c. 94.

That Letters of Homing be not generally directed against all and sundry, except it be a Burgh, College, or Community, except a bodie, at least he that is directed by them denounced, unless first specially called to hear the fairs Letters directed against him, for a special cause, and forth after that in all Ministers Assignations to thirds, or the like, the fairs Lands, Tenents, and duties, be contained. Item, a Beneficed man may seek General Letters, conform to his provision, for Publikation thereof, but not to denounce thereupon, as said is, Jan. 6. p. 12. c. 140.

A Relassation of an Homing and Denunciation, being presented upon an acquittance, proving the Debt to have been payed before, for preventing collusion in prejudice of his Majesty's Casualty, the Producer thereof shall forewaitle the fairs Lords, that the acquittance is true, and of a true date, otherways he shall not be heard again the King, l. 6. p. 174. c. 29.

That no Letters of Homing, such as for finding in and at the fairs Letters directed before the Council) be directed against Persons dwelling be North Dore, upon short time then fifteen days, oientays the same to be null, l. 6. p. 16. cap. 25.

That Letters of Homing be directed to Sheriffs, Stewards, and Bailies of Royalty, or Regality their Deputies, as on Deputies of Burgh, and Bailies of Burgh, by the Act, l. 6. p. 177. In Burgh, l. 6. p. 18. c. 10.

The same Statut as to the Admirals Decrees, l. 6. p. 20. c. 15.

And also committaries their Deputies, l. 6. p. 21. c. 7.

Ratified, and pointing shewell as Homing, ordered upon the fairs Sheriffs, Committaries, and other inferior Judges, their decreets Ca. 2. p. 1. Self. 1. cap. 29.

The Act indeed only Ratifies, and Retests to the fairs, l. 6. p. 18. cap. 10.

Whetein certain Committaries, not Admirals, had been sitting at the fairs Committaries before that inferior Judicatories, as therein named, is probable that the meaning of the Act is as large as here it is made.

Homing for a Civil cause, declared to be no defence to any Party who shall fly out to mutiar, the Perion to denounce, and that this Act have place sillannele, for sic crimmis shall be committed thereto, l. 6. p. 21. c. 3.

HORSE.

That no Horse under three years old gone, be fold out of the Realm, under pain of echeit of the Horse, l. 6. p. 2. c. 3. 1.

That no Horse be transported forth of the Realm by Sea, under the pain of echeit of the Horse, Ship, and remanent goods of the transporter, Jan. 6. part. 1. cap. 22. The preface of this Act mentions transporting of Horse to Bourdeaux.

That a Smith fencing a Horse in the quick, pay the cost of the Horse, till he be whole, & And furnish the owner with another, and if the Horse will not mend, that the Smith hold the Horse, and pay the price, l. 6. p. 10. cap. 79.

That layers, or hockers of Horse, or Oxen, or other Cattel, and their maintainers, and refectors, be punished to the Death as Thieves, And the maintainers, and Refectors of Thieves, l. 6. p. 7. cap. 110. Ratified, but Confined to the time of Labouring, and extended to Cutters, and Destroyers of Fleasheegat, in time of Tilling, And to fletters, goaters, and fellers of Oxen, or Horse, in time of Leading of Cornes, or Fewel, l. 6. p. 11. c. 82.

That one under a Barton, or Landed man, with a Thousand mecks of yearly free Rent, keep Horse at the hid meat, after the Fifteenth of May, or take them in before the fifth of October, under the pain of echeit of the Horse, l. 6. p. 7. cap. 122. But this Act reformed, And it is Statute, That none under Two Thousand yearly, keep Horse at hid meat after the first of June, And that after the said day, the Estate, and Lord keep only two, and the Barton one, at moff, under the pain of echeit of the Horse kept in the contrary, with which the Sheriffs are impowered to trotmet, half to the King, and half to themselves, l. 6. p. 11. cap. 56.

HORSE - RACES.

If any man gain by Wagers upon Horse-races above the sum of an Hundred mecks, the superplus gain be assigned in the hands of the Collector for Poor, and Magistrais in Burghs, Sheriffs, and Justices of Peace in the Country, are impowered to peruse for the said superplus gain, or else a Decree lyable to the Informer in the double thereof, half to him, the other half to the Poor, l. 6. p. 23. cap. 14.

HOSPITALS.

That Hospitals be visited by the Chancelour, the Ordinary, and two honest men, and their Foundations examined, or if they cannot be found, that Inquisition be taken, and the matter referred to the King, l. 6. p. 14. cap. 69.

That where the Foundations of Hospitals cannot be found, the fruits be assigned to the Poor, l. 6. p. 1. cap. 10.

That Hospitals be visited, and the King name Visitors, l. 6. p. 7. cap. 161. A new Visitation appointed, &c. For Hospitals of the Kings foundation by the King, without the consent of the Bishop, with power to the Visitors, to Charge for production of the Foundations, Fees, and Tacks, And that they report betwixt, and Pepp next, l. 6. p. 5. cap. 63. Anno 1578. See Donations p. 101.

HOST.

HOST.

That all men between Sixtie and Sixteen be ready Horfed, and Geled, as they best may, for Defence of the Realme, and to come to the Borders, Otherwise to be punished in their Bodies, and Goods, and that Weapon-hawking be kept, from thirty dayes, to thirty dayes, 1s. 2. p. 13. cap. 56. Anno 1456. See *Weapon-hawking*.

That no Felon coming to the Kings Hoell, destroy Meadows, or Coms, or Spoilles Kings, in coming, or going, and that each Bartron answer for the men of his Leasing, to prevent them, or pay the skarth. 1s. 3. p. 11. cap. 22.

That for loving Coms, and Meadows, the Kings Army be unhorsed, and ready to march on foot, except Lords, Bartrons, and others Licensed by the King, 1s. 2. p. 6. cap. 86.

If any man be slain, or hurt to Death by the Enemy, or Die in the Kings Hoell, during the time of it, that his Att be with his Waird, Relief, and Marriage of the King, 1s. 4. p. 7. cap. 102.

This Act bears to be made at *Wusburgh*, in *Northumberland*, by the King, and his Lords present in the Hoell, 24. of *August*, 1513, the first Statut. and extended to the Vassils of all other Superiorities, 1s. 5. p. 2. cap. 3.

But this Act mentions not such as die in the Hoell, this is also extended to un-landed men, that their Wives, and Bairns, brulek their Tacks and Feedings for five years after their slaughter, or wounding to Death. *Gratum free*. *Ibid*: cap. 4.

A Church-man slain, or hurt to Death, or dying of Sicknes taken in the Hoell, then matching against the English, That his nearest of Kin (most able therefore) have his Benefice. Q: M: p. 3: cap. 4.

Also that any Vassil foine, or dying, have his Waird, Marriage, Non-entry, and relieve free, only if their be betwixt before the Air, that then they have the benefit of the Waird of the Lands, *Ibid*: cap. 5.

That in case of any mans death as forefid, his Wife, Bartrons, Attorneys, or Executors, have his Tacks, and Steedings, *Gratum-free* for five years thereafter, payaid the wanted Dewty, *Ibid*: cap. 6.

That three last Acts renewed in favours of such as should be slain, or wounded to the Death by the Rebels, then within the Burgh, and Cattle of *Edinburgh*, refusing his Majesties Authority, 1s. 6. p. 2. cap. 41: 42. and 43.

HOTELLERS.

That in all Burtrons, and through Fairs, their be Hotelliers having Stables and Chambers, and provision for Horfe, and Assen, 1s. 1. p. 1: cap. 24.

That all Travelling men on Horfe, or Foot, lodge in Hotelliers, unless they lead money with them, in which case, they may lodge with their Friends; and that none receive Travellers, except Hotelliers, under the pain of *Forfeite* *per King*, to the King, 1sm. 1. p. 3. c. 56.

That honest, and competent Hotelliers, be made in all Burghs, 1sm. 1. p. 6: cap. 85.

Ratified, and that all Bailiies of Burtrons, and Bartrons fee to the provision of the saids Hotelliers, 1s. 5. p. 4: cap. 18.

HOUSE-HOLDERS.

That all House-holders worth *Three Hundred marks* of yearly rent, or *Five Hundred pounds* of stock, have an Bible, and Islm book, in vulgar language, in their Houses, under the pain of *Ten pounds*, two thirds of it to the Poor, and the other third to the Magistrais in Burgh, And to the Kings Commissioners in Parishes to Landward, who are appointed to execute this Act, 1s. 6. p. 6: cap. 72.

HOUSES Ruinous, See Burghs.

HUNTING, and HAULKING.

That none fly Hares in snow time, See *Hares*, and that no man slay *Dee*, *Rae*, nor *Deere*, in time of Horne, or snow, or their Kids, while they be yeat old under the pain of *Ten pounds*, 1s. 3. p. 7: cap. 61.

See in *Wild Beasts*, and the Acts that there follow.

That no man ride, or gang in his neighbours Corns, in Hunting, or Haulking, from *Psgh*, till they be storn, and upon Whies: at no time in the year. Item that no Faridge be taken till *Michaelmas*, and that no man range others Woods Hinnings, nor Inclosures, within Dikes, under the pain of damages to the Fattie, and *Ten pounds* for the first, *Twenty pounds* for the second, and elefth of Moveables for the third fault, to the King. Q: M: p. 6: cap. 57.

And that no man hunt, shoot, or fly *Deere*, or *Rae* in others inclosures. See in *Theris*.

That none hunt, or Haulk within Six miles of the Kings Woods, Parks, Callies, and Palaces, under the pain of an *Hundred pounds*, half to the King, half to the Delator, 1s. 6. p. 74: cap. 21.

That no man Hunt, or Haulk who hath not a Pleugh of Land in Heritage, under the pain of an *Hundred pounds*, half to the King, half to the Delator, 1s. 6: p. 23: cap. 37.

I

IDIOTRIE.

That the Brevie of Idiotrie, beate to inquire of the folly, and furiosity, and how long time the Person was of these conditions, to the effect, that all Alienations made by the Fool, or Furios Person, after that time, may be retraced, as well as Alienations made after leaving of the Brevie, 1sm. 1. p. 3. c. 67.

That the nextest Agent, or Kinman, of uttural Fools, Idiots, and furios Persons, be letted, and preferred to their Tutor, or Curator, after the disposition of the Common Law. 1sm. 6. p. 10. c. 18.

IDLE-MEN.

That the Sheriff inquire after Idle men, and put them to Work, or Service, or els in Prison, and that the like be done in Burtrons, 1s. 1. p. 3: cap. 66. See *Burtrons*, *Manufactories*, and *Poor*.

JESUITS.

The Acts against Jesuits. See in *Papists*, and *Religion*.

IMPORT, See Forbidden goods, and Trade.

IMPROBATION, See Falshood.

Who offers to Improve a Writ as fals, either by way of action, or exception, should find caution, or enact himself to pay a pain arbitral, in case he be accused, half

to the Queen, half to the Party, and where the Kings Advocat perfors, that the Informer find the caution, Q. M. p. 7. c. 62.

INCEST.

That such a concement inced, by abusing their bodies with Persons in degree expressly forbidden by Gods word *Leviticos*, Chap. 16. be punished by Death. 1s. 6. p. 1. c. 14.

INCLOSURES.

That no man range anothers Inclosures, Q. M. pat. 6. cap. 57. See it in *Hunting*.

Act for making of Inclosures, Cap. 2. par. 1. Sell. 1. cap. 41. See it in *Planning*.

INDEMNITY, See Oblivion.

Act of Indemnity, and Exoneration to them that served the King in the civil troubles, Preceding, 1s. 6. p. 7. c. 109. Anno 1551.

INDORSATION, See Execution.

INFERTMENT, Sec Charter, and Seafair.

A bounding Infertment proceeding upon the Vassils Reformation, albeit it contain a new Gift, priviledges none spent the founds, and Matches, except the Superior the grantee, 1sm. 6. p. 12. c. 156.

INHIBITION and INTERDICTION.

That all Inhibitions and Interdictions, with their Executions, be Regitrat within in fourty dayes after their Publication and Execution, both in the Books of the Sheriff of the Shire where the Party dwells; and if he have his Lands, or most part thereof lying in another Shire, in the Books of that Shire also, and that the Clerk give back the Letters and Executions marked by him within twenty four hours, receiving *five pence* for his pains; and the Estates to make faith in all cases, except that of Improbation; and that no inhibition or interdiction be of Force, but null, except it be Regitrat, 1s. 6. p. 7. c. 139.

That Inhibitions and Interdictions against Persons dwelling within Steworties and Balliaries in Regality or Royalty, be execute at the head Burgh, and Regitrat in the Books thereof, otherwise the Executions and Regitratations be null, 1s. 6. p. 12. c. 244.

That these Regulations be made judicially, or before a Notar and four Winesse, three the Clerk; And if Sheriff, Stewart, or Bailie relate, and be thereupon influenced, the Letters may be Regitrat by the next Sheriff, Stewart, or Bailie, or by the Clerk Regitrat and his Deputes, *Ibid*: c. 265.

But that part of this Act requiring Notar and Winesse Releined, and Regitratations made by the Sheriff, Stewart, and Bailie Clerk, or by the Clerk Clerk, and his Deputes declared sufficient, 1s. 6. p. 16. c. 13.

SUPER INQUIRENDIS.

That the Secretary and his Deputes pais no Letters charging men to compare *Super Inquirendis*, or to enter their Testimonis in Writs, or to do any other deed, under the pain of Treason and Rebellion; and in case of Failure, to denounce, notwithstanding the Subscription of his Highness, or any two, or more of his Council, unless they be furnished by the chief Officers of State, at least four of them, Wherof the Chancellor, Theasurer, or Secretary, one, who shall answer that the Letters are for Treason, or matters of the highest importance, 1sm. 6. par. 10. cap. 13.

INSTRUMENT. See Notar and Witnesses.

INTERRUPTION. See Prescription.

IRELAND.

That no man pass to Ireland without licence, 1s. 1. p. 3. c. 61. And that such as come from Ireland have a Certificate of the cause of their coming, *Ibid*: c. 62.

And that they be examined before their landing, *Ibid*: c. 63.

And that be declared that this is not done to break old Friendship with *Irish*; but to prevent correspondence with the Kings Rebels there, and English Spies; And that the pain of contravening, be elefth of Goods, and Body in the Kings will, *Ibid*: cap. 61. and 64.

Imposition of *three pounds* upon each Boll of *Witall* imported into Ireland, but when Meel and Buley here exceed *eight pounds* the Bull, the Council is empowered to remit this imposition, Cap. 2. p. 1. Sell. 3. c. 14.

Another Act most furiously prohibiting the importation of *Vitall* from Ireland, or to retes the same, under pain of Confiscation of Vell and Goods, and *twelve hundred pounds* upon the Heretors, and Magistrais of Burghs within the Shires, named in the Act, in case they, or their Tenants, or inhabitants *refrefref* import or retes the same; and that they give Bond for this effect: But the Council when Meel and Beate at, or exceed *eight pounds*, and Wheat at *ten pounds*, or above, may allow importation, Cap. 2. p. 1. Sell. 3. c. 3.

ISLES. See High-lands.

That Justices and Sheriffs be appointed for the North and South Isles, 1s. 4. p. 6. cap. 39.

JUDGES or OFFICIARS. See Sberiff.

That Officers and Ministers of the Law be appointed, that can hold the Law to the Commons, and that be sufficiently of their own, wherein they may be punished if they retap: And that such as are Inlet in Offices, and not sufficient, ord. In Deputes, los whom they shall be answerable, 1s. 1. p. c. 6.

That all Judges do full Law, and Justice, as well to poor as rich, but fraud or guile, and appoint Advocats for poor folk at the Kings direction, who should be payed by the other Party, if found in the wrong; and that Judges relating to do the Law evenly be rigorously punished, 1s. 1. p. 2. c. 65.

That all men that keep the Law be made Justices and other Officers, 1sm. 2. p. 6. cap. 12.

All Officers willfully trespassing in their Office, tines the same for yeat and day, *Ibid*: c. 16.

That Officers or Sheriffs, &c. faultless or negligent, if Heretors, tines their Office for a yeat, and if not, for all the time they have it, and both to be further punished at the Kings will, 1s. 1. p. 2. c. 76.

1s. 1. p. 2. c. 65.

That all Parties shall poss to their Judge Ordinary and puitie Justice, and if he refuse,

refuse, that he be put from his Office by the King and his Council for a certain time, and if he falke and do wrong, and be an Officer of Fee, that he be put from his Office for three years; and if he be not of Fee, that he be put from it for one year, and both the one and the other shall pay the expenses of the Party, and be in error, and both the one and the other shall pay the Judges expenses...

That in case the Ordinary fail in his Office, both he and the Party be summoned before the King and his Council for Justice and Reformation, Jan. 3. par. 8. cap. 65.

That all Civil Actions be first pleaded before the Ordinaries, and what Actions are proper for the Lords of Session, Ja. 3. p. 14. c. 10. See it in Actions: But the AEs only appointed to endure until the next Parliament.

That all Sheriffs and other Temporal Judges set their Counts in all Personal Actions upon eleven dayes pretermittor, and at thirday proceed summarily, & de plano, Ja. 3. p. 6. c. 72.

That all Sheriffs and other Judges make their Deputes able men, for whom they will answer, and tharthey cause them be sworn, and that yearly, if continued, at the Head Court after Michaelmas, ibid. c. 73.

That all Judges whosoever do take and equal Justice, without any partial Council, Rewards, or Bribes, under the seal of Justice, and if any murmur them fully, he shall be punished in fensible manner, providing that Spiritual men be called before their Ordinaries, Ja. 5. p. 7. c. 104.

That the Depute may be Judge where the Principal Sheriff, Stewart, or Bailie is the Justice, Ja. 6. p. 6. c. 84.

Who strikes or hurts any person before any Inferior Judge sitting in Judgement, pays an hundred pounds to the Justice offended: But who strikes or hurts any Judge sitting in Judgement, incurs the pain of death, Ja. 6. p. 3. c. 173.

JUDICIAL PROCEEDINGS.

The Judicial proceedings under the English Writs Ratified, abate the Authority was unknown, in manner set down in the Act, Cal. 2. p. 1. Seff. 1. c. 12. An Act concerning the Regulation of the Judicatories, Cal. 2. p. 2. Seff. 3. c. 16.

JURISDICTIONS.

All Judgements and Jurisdictions either Spiritual or Temporal, not approved by the King and Parliament, are discharged; certifying that the Kings Authority, they shall be punished as Usurpers and Contemners of the Kings Authority, Ja. 6. p. 8. c. 131.

JUSTICE AIR, COURT, and CLERK.

Attorneys in the Justice Air should be honest sufficient persons, Jan. 2. par. 3. cap. 13.

That the Justice pass through the County twice in the Year, and once after the Old Laws, Ja. 2. p. 3. c. 5. p. 6. c. 12. p. 14. c. 70. Once on the Grass, and once on the Corn, Ja. 3. p. 13. c. 94.

That Justices, Crowners, and others making course through the Land, ride in competent and este numbers, and that the Justice Clerk, nor translate any Action otherwise then was given him, but for the better to the King, nor change names any way for another, nor put any out of the Rolls without command of King and Council, under pain of tinfell of his Office, and his Honour and Goods to be at the Kings will, ibid. c. 28.

Justice Ains need not be continued, but continue of themselves until dissolved by the Justices, Ja. 3. p. 7. cap. 19.

All persons Aired in the Justice Air, that may be apprehended in the Town the time of the Air, shall be taken and delivered to the Justices for to be justified, Ja. 3. p. 7. c. 52.

That the Justice in his Air in the head Burgh of the Shire may give an Assise to all Inhabitants of other Burrows of their own Neighbourhood, and seizing of them of these of the said head Burgh, Ja. 4. p. 2. c. 25.

That the Justice Air be held twice in the Year, as above, and that it ride and come to fortie the Justice, as they shall be him charged, under the pain to be punished as Art and Part with the trespassours, Ja. 4. p. 3. c. 29.

That the Justice Clerk take forth all Statutes having pain of Dittay in the end, and take up Dittay thereupon, Ja. 4. p. 4. c. 45.

That Justice Ains be kept for Sheriffs, Glentworth, Mesworn, Lochobers, Ardele and Burges, as in the Act, Ja. 4. p. 6. c. 60.

That the Process of Justice Ains or Courts be warranted at the second Air or Court, so that Fugitives not then comparand, shall be denounced, and their Goods sequester, Ja. 5. p. 4. c. 33.

The Justice General may set particular Justice Courts upon any manner of Crimes, as recent Slaughter, Mutilation, Fire, Ravishing, &c. And for Depredations, Redds, and Squalls, that particular Dies be set at the discretion of the Lords of Session, the matter being first Civilly decided, ibid. c. 34.

That no Precept for Continuation of any Justice Court be admitted by the Justice or his Deputes, Ja. 6. p. 1. c. 79.

That Justice Ains be holden twice every year, over all the Shires, in April and October: And that the Justice General, or his Majesty under the Quarter Seal, make eight Deputes of the Lords of Session, or permitted Advocates, two for each Quarter of the Realm, with a Depute from the Thesaurer, and another from the Justice Clerk; And that Stewartaries and Bailies come to the head Burrows of their Shires: That these Justices be received at their entry in the Shire, by the Sheriff Principal, or his Inferior Depute, and all the Free-holders warned by Felmation for that effect, who shall convey, attend, and accompany them till they be received by the next Sheriff. That the said Justices upon the morrow after their coming to the head Burgh of the Air, call the Suits, and try Offenders, Prisoners by an Assise, therewith call Medges and Cautioners. And thirly, the Persons newly Indried and Arrested, that they died Precepts for Summoning Aides, each person under the pain of forty pounds: and that the Air being ended, they give a subscribed Extract thereof to the Thesaurer Depute, for up-taking and comping for the Sums there in contained; in the first instance potuous to the Justices and Clerks, and to be allowed, as they shall be modified by the Thesaurer.

That to prepare for the Justice Courts, the King with the advice of the Chancellor, the Justice, and Justice Clerk, give Commission to Honourable Lauded men in each Shire, in number set down in the Act, with four of the Council of each Burgh within it self, who shall be the Kings Justices, and have power to take up Dittay by themselves, or a woun Inquor, or woun men, of greater Crimes, and either to apprehend the persons indicted, or deliver them potuous to the Crowner every month, that they may issue them to the next Air, and for leiff Crimes, and to Justice themselves; and for that end to meet four times in the year, first of May, full of August, first of November, and full of February: As also to direct their Precepts to the Crowners, and to Sheriffs, or Officers of Arms for Summoning Aides, each person under pain of ten pounds, and that they lend their Exports to the Thesaurer, and have their Expenses allowed, as above: and that these Justices of both sorts endure for a year, and farther during the Kings will, Ja. 6. p. 11. c. 81.

Their or Refit by broken Borderers, or High-lindes, may be purified either before the Lords of Session, or the Justices, ibid. c. 93. See it in Rebbery and Refit.

That the Justice Clerk, or his Deputes, within six dayes after the return of Criminal Letters, deliver names of the petions denounced, with a note of the causes the Thesaurer or his Clerk; as also the Act of Adjournal, with the Precept thereon, to denounce petions finding fovery and not comparand, Fugitive, within the like space after they be decreed, that the clerks may be taken up, Ja. 6. p. 12. c. 126.

Who strikes or hurts any person before the Lord Justice or his Deputes sitting in Judgement, incurs the pain of death, Ja. 6. p. 12. c. 173.

An Act concerning the Regulation of the Justice Court, suppressing the Justice Deputes, and adding five Lords of Session to the Justice General and Justice Clerk, and appointing four of the whole number to be a quorum, except in Circuits, with rules about the proceedings of the Court, Cal. 2. p. 2. Seff. 1. c. 16.

But in time of Vacation the Lord of Session, three of the said Commissioners are declared a quorum, and appointed to meet Edinburgh in July yearly, Cal. 2. p. 3. cap. 22.

JUSTICES OF PEACE.

That his Majesty appoint yearly in every Shire sufficient Gentlemen living within the same, to be Justices of Peace, as in the Act: As also, they are ordained to give advertisement to the Lords of Council, Justice General, and others whom it concerns, of the names of the best Wives and Allibours to be Summoned in all Crimes that shall happen to fall out in the Shires, that such as are unable to travel, or ignorant, may not be vexed, Ja. 6. p. 2. c. 7.

Exaltation of the Justices and Inferior Judges given by his Majesty to the Justices of Peace and the Constables, L. 6. p. 22. c. 8. Anno 1617. (See them as renewed Anno 1661. in the Act then made.)

The Act 1617, again Ratified and Confirmed, with power to the Lords of Privy Council to impose penalties on Justices that keep not their meetings, as also to amplify and enlarge the power of the Justices, as they shall see cause, Cal. 1. par. 1. c. 25.

Commissions and Infructions to the Justices of Peace and their Constables: The Justices of Peace are to be nominated by his Majesty and his Successors, and at their first meeting are to swear the Oaths of Allegiance, and de fidelis, &c.

They should meet four times in the year, the first Assembly of March, May, and August, and last Trinity of October, where they should administer, give down Fees for Services, and Prizes for Crafts, choof Constables, dispose of Fines, abate continue or adjourn their Sessions.

Any one Justice upon complaint of a Party, swearing that he hath just cause to dread another, may bind the other under a litem to the peace, and commit him till he find fovery; or without complaint he may bind both, unless they purge themselves by Oath of mutual grudge; and these Bonds to be kept by the Clerk of the Peace.

A Justice of Peace may call and compell any man to come before him, if his Rent exceed nor Ten Chalders of Vitual; and if such a Party refuse, the Justice may inform some of his Majesties Privy Council, that he may be fined.

If the Sheriff or Bailie hath sentenced an Offender, the Justices have no more power: But if no satisfaction be ordered to the Party, they may modify, or if the pain or satisfaction be not condign, they may remit it to the Council. And so if any Party be further questioned, bur upon their information, the Judges are to be called, censured, and punished by the Council.

The Justices have power to proceed on all Persons committing Rots and breaking the Kings Peace, and in the degree of a Nobleman, Prelate, Councilor, or Senator of the Colledge of Justice, and to punish and fine: And they may refer to Oath, or hold the Party in confinement, if personall apprehended, in the first Citation, on the second Citation at his dwelling house: And for these of a higher degree, they may charge them to find caution for the peace, and for their comparance before the Council.

They should execute the Acts of Parliament against Beggets, Vagabonds, Idle Persons, and Apyrrians and their Refusers: And if they find any of them, they should give order for sending of High Ways, to, or from, Meccat Towns, or to, or from, Meccat Towns, and to punish such as wrong them: And the breadth of Ways to Meccat Towns is declared to be twenty foot at least, and where larger, they are not to be straitned: And they should maintain the Ways to Pascho Kirks, and where they find need of a new Way, inform the Council.

They should execute the Laws against Cutters and destroyers of Planting, green Wood, Orchards, Gardens, Eskimings, Brekers of Dogwats and Cunnings, freeholders of Acres or Lanes, Eulers of Seccing Dogs, Layers of Red and Black Fish and Smolts in forbidden time, Eulers in other mens Lands, makers of Mirrand Molsburn, letters of Cruives, Creels, and Nets in Waters or Dams, keepers of Cunnos and Zairs in forbidden time. And that Commissions be granted to them try and fine the said Offenders, with warrant to proceed by Wintcliffs, or Oath of Partry: But they may not meddle with such as are not in their limitations, or are convicted before any other Judge. And farther, this is declared to be without prejudice of all other mens Commissions or Rights.

They should inform the Council, Thesaurer, or Advocate, at least once a year, of Fore-fallers and Regeters.

If the Baron and Master punish not the Hostler for refer of Rebels, Vagabonds, Malfelers or lupter Persons within fifteen dayes, the Justices may fine them in forty shillings till the first, four pounds for the second, and ten merks and five of Liberty for the third Fall, without prejudice to the greater pains wherein they may be liable.

That they inform as said to be the breakers of the AEs against Mall-makers. They shall set down orders in the time of Flag ue, and punish disobeyers. They may compell Servants to serve for their Fees, and also Masters to pay them.

They should take notice that Prison-houses be kept up, and inform the Council when they are wanting.

They may rate Paroches for weekly rate, not exceeding five, nor under one shilling, for the intertainment of poor Prisoners, and fit it as they please.

All Magistrates and Keepers of Prisons shall receive their Prisoners, the Justices feeling to their intertainment.

The Justices should set prices for Penny Biddis, Sheaters Fees, and Crisgmenes fees.

They should cause single and double Ale be Brewed, and appoint Wives with consent of the Baron and Master, and punish Drunkards.

Three Justices of Peace are declared a full number to decide in matters betwixt Sessions.

Justices of Peace are not chargeable on Letters of Caption.

They should care that Limiting Measure be unfeffily used, and that they take a conformity in Measures and Weights betwixt Head Burghs and Country about, and for that end they may require a Note of the Magistrates and Dean of Guild, of their Weights and Measures, and inform the Council of any wrong.

When required they shall order their Constables to apprehend contemners of Church Censures. They should keep the Quarter Sessions. They should appoint a Colledge who should find Caution. Justices under the degree of a Lord of the Session may have forty shillings per week.

them for their attendance (not exceeding three days at one time) from their Colleague: And such Justices as have benefited of this allowance, and shall be absent from the Sessions, or when required from other Meetings, not excused, shall payable in *fourty pounds*.

The Lords of Session are directed general Letters to the Collectors Inlance for all Fines and Sessions dayes, and no Suspension but upon Conflagration of the Fine, and Caution for payment of Charges.

The Justices should lead in to the Council after every quarters Session a list of the under fornication, or pay under fornication by them, with the cause.

They shall execute the Ads against Curriers and Swearers, or ruckers of Tiddy, by exacting the pains/latitude against Swearing in this Parliament. (See *Swearing*) And that Wives be lyable in their Husbands Fines, and their Husbands pay for them.

As also, they shall execute the Laws against Fornication, and exact the pains thereof (See them in *Fornication*) the one half to be applied to pious uses, in the Paroch where the offence was committed, and the other half to be divided betwixt the Informer and Prosecuter, and Contable, and other uses, at right of the Justices.

That they execute the Ads against Drunkenness, and Hauners of Taverns, and Ale Houses, and exact the pains therein in this Parliament. (See *Drunkenness*) As to against the keepers of such Houses as sell them drink, and apply the fines as above.

That they execute the Ads against Profaners of the Lords day, and apply the pains as above.

In Heinous Crimes, as they shall apprehend the Persons, and Commit, or be taken as the cause allow, and take the Accusers Information upon Oath, and bind him to Prosecute, take the Depositions of the witnesses, and bind them to give evidence, and also take the examination of the accused, all which the Justice, or Justices shall certify to the Quarter Sessions, or Criminal Court, *replevitur*.

Any Noble-man, Baron, or Barillie, reclaim right to proceed against a Criminal Offender apprehended by a Contable, the Justice shall take forty of him, to Minister Justice duly, and shall report the same.

That the Justices twice in the year, the first of *December*, and the first of *June* take up a List of the Poor in every Paroch, and appoint two or more Overseers in each Paroch, to provide for them, as in the Ad, and that the said Overseers accept, and discharge faithfully, under the pain of *20. pounds*.

CONSTABLES.

That the Justices in their Quarter Sessions, appoint two or more Constables in every Paroch, or great Town from Six months to Six months, but in Burghs Royal and free Cities the Constables to be chosen by the Magistrates, and the Constable refusing to Accept, or Swear, may be by the Justices imprisoned, and fined.

The Constables Oath in the Ad.

All the Constables at least one in each Paroch, in name of the rest, should attend the Quarter Sessions, inform concerning breaches of the Peace, and the evidences thereof, and receive the Justices Directions.

The Constables may apprehend night Walkers, suspect Persons, Vagabonds, stouid Beggars, Egyptians, and idle Persons, and carry them to the next Justice of Peace.

The Constables shall apprehend Persons for Slaughter, Murder, Theil, or any other Crime, and carry them to the next Justice, and require Neighbours to Assist, who refusing shall be punished by the Justices.

They shall arrest all weavers of Guns, norbing in his Majesties service, or duly licensed, and carry them to the next Justice.

They should redd frays, and call thereto the assistance of the Neighbours, and if they get scath, the Justices are to punish the doers of it.

A Constable may follow a Person, that hath made a fray, to the House he flies to, and require open Doors to be made, and upon refusal take Witnesses.

In a fresh pursuit he may follow without his bounds, and require Neighbours to Assist.

The Constables should execute the Justices of Peace their Orders.

Upon complaint the Constable may apprehend a Threater, and carry him with the other to Justice of Peace, and if he refuse may Impison him.

That the Constables, and Clerks of the Peace, be payed for their labours, out of the fines, or otherwise if they fall short, at the sight of the Lords of Exchequer.

Lasslie the whole premises are declared to be without prejudice of any mans Right, or Priviledge of Jurisdiction whatsoever: And therefore the Justices may use any Party until the expiring of Fifteen dayes after the Faik, and then if others neglect, they may cite and proceed, Car. 2. p. 1. Sess. 1. & 18.

K

KING, See Annexation, Dissolution, and Revocation.

That the King cause make trial by Inquest, what Lands belonged to his Predecessors, and he may lynnmond his Tenants to follow their Chances, and Evidents, Ia. 1. p. 1. c. 9.

The King hath right to all mines of gold, and Silver, if three half pennies of Silver may be found out of the pound of Lead. *Ibid.* cap. 12.

The King may gasr strike new money when him likes. *Ibid.* cap. 23. See *Money*.

The Kings Governour during his Government, might annulize from the Crown, lands fallen to it throw the decease of full. Ia. 1. p. 1. c. 133.

The Breakers of the Kings Procession should be Punished, *Iam.* t. p. 1. c. 134.

See in *Protestation*.

King James the Second brought by all the Earls, Lords, Barons, and Freeholders, from the Castell of *Edinburgh*, to the Abbey of *Haly-rood-house*, to be there Crowned upon the Twentey of *March*, Anno 1437. *Iam.* 2. pat. 1. cap. 1.

The Kings perfect age, at twenty one year compleat, *Ibid.* cap. 2. and *Iam.* 4. p. 2. c. 10.

That the King ride throw the Realm for the punishing of Crimes. And the Barons are obliged to assist with their power, in bodies, and gudes, as oft as shall be seen speedful by the Council, Ia. 2. p. 3. c. 6.

That it shall be lawful for the King, to take decision of any mater that comes before him, at his emplaceance, as it was wont to be of before. Ia. 3. p. 5. c. 27.

See in *Judges*.

That the King present to Benefices belonging to Bishopsicks, the Bishops seige valing. *Iam.* 2. p. 11. c. 85.

And that no man purchase from *Rome* Commissions in the contrary, *Ibid.* c. 86. under the pain of Proscription, and Treson, Ia. 4. p. 1. c. 4.

That no man break the King safe conduct, under pain of Death, Ia. 3. p. 1. c. 33.

They that withhold the Kings Rents, may be distrainued upon, and their Persons brought to the King. *Iam.* 3. pat. 13. cap. 21. See the several Ads for better payment of the Kings Rents, in *Chamberlaine, Comptroller, and Exchequer*.

Yronie and Oath of the three Estates not to counterance manifest Traitors, and other notorious Malefactor, but that they shall assist the King, in doing Justice again them, Ia. 3. p. 14. c. 98. See in *Treason*.

A Council chosen to the King Minor for the rime by the Parliament, and made accountable to them, and the King humbles himself to promise to abide at their Councils, until the next Parliament, and until then all Gifts be granted by the King with their content, *Iam.* 4. p. 2. c. 12. *Constitution*.

That no man compel the Kings proper Tenants to doe service by Condition, or Dread, under the pain of Oppretion, *Ibid.* c. 21.

The Priviledges, and Liberties of the Kings Forests, and Parks, See in *Forests*.

That no man doe contrary the Kings Priviledge, granted him by the Siege of *Rome*, Ia. 5. p. 7. c. 119. See *Benefice and Clergy-man*.

That the Nomination to Prelacies, valking, pertains to the King, and the provision to the Pope, Ia. 5. p. 7. c. 125. See *Prelacies*.

Ad ordaining all Signatures, and Gifts, granted by King James 5th, before his decesse, to be as they should be, and keep the Rights and Rents of the Crown, Decesse, and the change of Seals, Providing they be presented betwixt and certain day, Q. M. p. c. 1.

Declaration of the Queens perfect age, to be at Twenty one year compleat. Q. M. p. c. 97.

That the Declaration made by King James the 6th, and his Successors, *Iam.* 6. p. 11. c. 22. Also after the sunning of the same under King James his perfect age of Twenty five years compleat is also mentioned, *Iam.* 6. p. 12. cap. 159.

That all Kings, and Princes, or Magistrates, whatsoever holding their place, shall happen to reign, or barbe rule whatsoe their Reins, at the time of their Coronation, and before their Princely authority, first to be sworn, according to his word, and according to the same word to maintaining the true Religion, the preaching of the word, and right Ministration of the Sacraments now received, and to uphold, and gain stand all full Religion, contrary thereto, to rule the people according to Gods word, and the Laws of the Land, and to procure peace to all Christian people, and preferre, and keep the Rights and Rents of the Crown, to be forbid, and repress all oppression, and wrong, and to procure Justice, and equity to all Creatures, and that they shall root out of their Lands, all Heretics, and enemies to the true Kirk of God, Ia. 6. p. 1. c. 8. Anno 1567.

Ratification of all things done in King James the Sixth his name, and for maintenance of his authority, by his Regents, and Others, since his Coronation, and annulling all things acted by any other authority, since that time, *Iam.* 6. p. 3. cap. 10.

Ad Ratifying the Royal power, and authority over all Estates, aswell Spiritual, as Temporal, in the Person of the King, his Airts, and Successors, and that they and their Councils, are Judges competent to all Persons, their Subjects, and in all matters that shall be submitted to their judgement, and to answer such, as shall be inquired of them, and that none decline the King, or his Council in the premises, under the pain of *Treason*, Ia. 6. p. 8. c. 129.

No Council, Convention, or Assembly, to treat, or determine in matter of State, Civil, or Ecclesiastical, (except the ordinary Iudicatures) can be held without his Majesties special command, and licence, under the pain of unlawful Convocation. *Ibid.* cap. 137. (See *Convention*).

This Ad revived, and ratified, and to explain it, so as not to extend to Councils, and Conventions kept for preservation of the King, Religion, and Law, or for the gude of the Kirk, or Kingdome, is declared to be false, and dilloyal, Car. 2. p. 1. Sess. 1. c. 64.

Ad for establishing a Horse Guard to the King of *Fontaine* Perions, with two Hundred men, ready to be called, and that for that end, the King have the first years fruits of all Benefices, (laick Patronages excepted) with all the Fruits during the Vacancy, as also the fifth part of the Rents of all Benefices yearly, beside the thirds, that his Highness hath right to, and may intronnet with all Monks, and Priests, and other Benefices, and that the presentation, Gifts, and Nuns portions decreed, or who shall fall decreed, and be assigned, and Disposition, of all Prelacies pertains to the King, by right of his Crown, *Iam.* 6. p. 8. c. 131.

No Leagues, or Bands, may be made amongst the Leiges, without the Kings privy, and content, under the pain of Sedition, Ia. 6. p. 10. cap. 12. See *Leagues*.

Ad revived and Ratified with the same rejection of the said gifts put upon the Ad, Ia. 6. p. 8. c. 131, and Car. 2. p. 1. Sess. 1. c. 64.

That the Kings party furnish his House, and that who intronnet therewith, ought to furnish the expences of the House, in ready money, *Iam.* 6. p. 11. cap. 67.

The Kings Casualties, should not be given away in great. *Ibid.* c. 69. See in *Casualty*.

To strike, hurt, or say, any person, within the Kings Inner-Chamber, Cabinet, or Chamber of Justice: The King being for the time within the Place, or within the Kings Council House, the Council sitting, or in the Kings presence, where ever he be, is *Treason*, and if it be done within the Inner-gate of the Kings Palace, where His Highness resides, for the time, it is *Death*, *Iam.* 6. p. 13. cap. 173.

The Kings of this Realm being free Princes, of Sovereign power, having all great Priviledge as they have the King, or Potentat, Therefore, they ought to have the like Customes of all gudes imported, and thereupon the Ad imposing the saids Customes proceeds, Ia. 6. p. 13. c. 251. (See the Ad in *Customes*).

The negligence of the Kings Officers in performing, or defending his duties, pre-judges not his Majestie, but may be supplied by their Successors, in their Offices, without necessity of Reducation, *Iam.* 6. p. 1. c. 1.

The King may invade, or perform another, within a mile of the place of his Majesties residence, for the time, or reform within his Palace, or Place of residence, armed, with Jack, or Collier, under the pain of waiting for day and day, and fining at his Majesties pleasure, *Ibid.* c. 26.

Ad acknowledging his Majesties Own Authority, and Royal Prerogative, over all Estates, Persons, and Causes, referring all things done or to be done in the contrary, with a faithful promise perpetually to acknowledge, obey, and maintain, the Life, Honour, Authority, and Royal Prerogative, of his Majesty, his Airts, and Successors, with Lives, Lands, and Gudes, not to withstand all who shall intend to impugne, hurt, or impeach the same, and never to come in the contrary, *Iam.* 6. p. 18. c. 1.

The same Ad ratified, and the Prerogative asserted, in favours of King Charles, Car. 1. p. 2. c. 2.

The bill Estates acknowledge the King to be Sovereign Monarch, absolute Prince, Judge, and Governour over all Persons, Estates, and Causes, Spiritual, and Temporal within the Realm, Ia. 6. p. 18. c. 1.

The Temporal Jurisdiction of the Kirk, flows from the King only, as all other Jurisdiction doth, Ia. 6. p. 20. c. 6.

The Parliament refer to the Kings appointment, to prescribe the lawes of Man, and Ministers of Justice, and Commissioners of Bishops, Lords of Session, inferior Judges, and Ministers, and of all Kirk-men, and in what manner, and at what times, to be called, Ia. 6. p. 20. c. 8. (See the Ad in *Apparel*) and the same protest as to the appeal of Kirk-men, is declared to remain with King Charles, and his Successors, Ia. 6. p. 2. c. 3.

All erections granted and Ratified since the Act of Annexation of the Temporalities of the King, 1587, and not therein excepted, reconfirmed, and declared null, Ja. 6. p. 14. c. 195.

The Superiorities of all Kirk-Lands with the Casualties of the said Superiorities, not disposed before the Commission of Surrender, dated 17. January 1627. And also the whole Fees-mails and other Remits thereof since the said Commission, declared to belong to the King, referring to the Titles of Erection, as in the Act of Annexation then made, Car. 1. p. 1. c. 10. And that all Right of Property the said Superiorities had the time of the said Surrender, to be holden of his Majesty, as it held before the Erection, excepting the Superiorities bestowed to Arch-bishops, and Bishops, and their Chapters from this Act, Car. 1. p. 1. c. 14. See the said Act of Annexation, Car. 1. p. 1. c. 10. with the Ratification thereof, Car. 2. p. 1. c. 53. in Annexation.

LABOURING.

Men of simple Estate that should be Labourers, should either have half an Ox in the Plough, or else deliver each day seven foot square, under the pain of an Oath to the King, Ja. 1. p. 2. c. 47.

That each man having a Plough Eight Oxen, sow at least a Furlow of Wheat, half Furlow of Pease, and forty Beans yearly, under the pain of ten shillings to be exacted by the Baron who is to use as much of his own Domains, and to exact the said Fine from his Tenants, under the pain of forty shillings, Ja. 1. p. 5. c. 81. and Ja. 2. p. 14. c. 81.

LAND-LORDS.

That every Master of the said Lord, Baron, and Free-holder, answer for his own men dwelling upon his bounds within the Shire, to enter them to the Law, or be liable for their own Law, Ja. 5. p. 3. c. 6.

That all Bailiffs, and namely Land-lords within Towns, be holden to enter an Assize to Justice, persons within their bounds, or dwelling in their houses, suspected to be Thieves, Harlots, refusers of Thief, or Vagabonds, and that the said Land-lords within Towns, or their Substus, take felony of their Tenants for their relief, Ja. 6. p. 14. c. 227.

That Land-lords and Masters be liable for their Tenants, Cottars, and Servants sentenced for Field Convencies, or for Preachers Intercommuned, or declared to be Heretic, either by the Justices, or put them out of their Lands or service, or prevent them to Justice, as in the Act, Car. 2. p. 3. c. 4.

LANTERN. See Fire.

LAW-BORROWS.

When two Parties are assailed by Burrows, if any friend to either say the other, he shall die therefore, and his Goods be echeat: And if he Feloniously utter, or defoul, assault with Edge or Ute, he shall be imprisoned, with the Party, and make a mends to the King or Lord as he will, Ja. 1. p. 6. c. 98.

If a man tread another, and strike felony, and prove his ground of feat by his own Oath, or otherwise: If the Sheriff do not his Office, he pays forty pounds to the King, and assails the Party, Ja. 1. p. 9. c. 129.

That the safe care of the Sheriff and other Officers take Burrows of peace after the former Act, Ja. 2. p. 6. c. 12.

The pains of breaking of Law-borrows declared to be according to the degree and quality of the person on whom they are broken: But the Act is only appointed to endure until the next Parliament, Ja. 3. p. 1. c. 5.

That upon complaint of a Party Law-borrows be found, that he shall be harnessed with the chains in his Petton or Goods, under what pain the Lord Chancellor or Justice shall modify, Ja. 4. p. 3. c. 27.

That the pains of Law-borrows be divided betwixt the King and the Party, and that the Party have Action therefore, Ja. 6. p. 6. c. 77. and p. 13. c. 166.

That the form of Letturs of Law-borrows charge the Persons complained upon to find Law-borrows that the charge, their Wives, Bairs, Tenants and Servants shall be harnessed with the chains in their Bodies, Lands, Tacks and Possessions of Goods and Gear, and on no wife to be molested or troubled therein by the Persons charged, or any other of their charging, sending, holding, referring, command assistance and Ratihabition, whom they may stop or let, directly or indirectly, otherwise then by order of Law and Justice, under great pain, to be modified by the Lords of Session, and other Justices ordinary, and divided as in the former Act, Ja. 6. p. 7. c. 117. See Pains, and the pains of Law-borrows there be done by the Act, Ja. 6. p. 13. c. 166.

That no Letters of Law-borrows be granted against Complices in general, and that Caution be found to the Justice Clerk and his Depute that they shall be duly execute, Ja. 6. p. 11. c. 82. See Executions.

That the pain charged by Letters of Law-borrows be payable to the pains of conviction, altho he be denounced for not finding Conviction, and that in case of Caution found, both he and his Cautioner be liable, Ja. 6. p. 13. c. 249.

LAWS. See Parliament.

That all the Kings Leiges live and be governed by the Kings Laws, and under no particular Laws, nor Laws of other Countreys, Ja. 1. p. 3. c. 48. And this is specially in favour for the Isles, Ja. 4. p. 6. c. 79.

And these Acts Ratified, and all Jurisdictions not authorized by King and Parliament, discharged, Ja. 6. p. 3. c. 131. See Jurisdiction.

Commission for revising and mending the Books of Law, that is Regiam Majestatem, and Quoniam Attachementum, li. 1. p. 3. c. 54.

The same Commission given to four of each Estate, for examining the Kings Laws, Regiam Majestatem, and other Acts, and Books, li. 3. p. 14. c. 115.

Laws should be extended ad Jusura et non ad Preterita, Ja. 6. p. 10. c. 19. See it in Poynding, And li. 6. p. 13. c. 182. See in Prelacies.

LEAGUES and BANDS.

That no Leagues nor Bands be made amongst the Kings Leiges, and that such as are made be no kept, li. 1. p. 2. c. 30.

That no Leagues nor riding of Commons be made in Burrows, to the hindering of the Law, but at command of the head Officer, under the pain of Confiscation of Goods, and that they live to be at the Kings will, li. 4. p. 14. c. 77. li. 4. p. 3. c. 14. and p. 6. c. 87. Ratified b. 6. p. 18. c. 17.

That all Leagues made in time bygone among the Subjects be null, and that none be made in time coming, under the pain of awarding during the Queens pleasure, Q. M. p. 6. c. 43. See Man-rem.

And this Act Ratified, annulling all Leagues and Bonds sleydly made in the contrary, and declaring any to be at the Kings will, under the pain of imprisonment and confiscation, under the pain to the Markets to be holden and execute as movers of Sedition, under the pain of 10. c. 12.

Revised and Ratified, and that to explain this Act fo as not to extend to Leagues

and Bands made for preferring the King, Religion and Laws, for the good of Kirk and Kingdom, is false and diloyal, Car. 2. p. 1. c. 4.

That the Kings Authority and true Religion to be maintained against all enemies, especially those of the holy League bound to execute the detences of Treas, li. 6. p. 3. c. 47. See it in Religion.

That the League called *The Solemn League and Covenant*, and all that followed thereon, are not obligatory on this Kingdom, to be made or interposed by Arms, or any forcible way, in any thing concerning the Religion and Government of the Churches of *England and Ireland*, or his Majesties Government there; and that none require the renewing or swearing, or renew and force the said League and Covenant, or any other Covenant of Oath concerning the Government of the Church of Kingdom, without his Majesties special warrant and approbation, under the great Seal, Car. 2. p. 1. c. 67. And this League and Covenant is hereby declared null and void, Car. 2. p. 1. c. 67. And appointed to be disclaimed and renounced by the Declaration enjoined for that effect, *ibid.* c. 5. and Self. 3. c. 2. See Declaration.

LEASING MAKING.

Leasing makers, and Tellers of them, to the impending of discord between the King and his people, time and goods to the King, li. 1. p. 2. c. 41. Extended to such as make evil information of the King to his Leiges, as well as to those that make Leasings to the King of his Leiges, li. 5. p. 2. c. 81.

Speach of unreasonable Committing, to the occasioning of Conspiracy against the Prince, or of Sedition, to be punished at the Queens pleasure, and that the hearer make report to the Queen or her Officers, under the same pain, Q. M. p. 6. c. 60. The release of the Act mentions the fowling of evil brute ament the Fensh then in the Realm.

That such as private or publicly in Sermons, Declarations, or familiar Conferences, utter and deliver, or untrue Speeches, to the reproach of his Majesty, his Council and Proceedings, or to the dishonour hurt of his Highness, his Parents, or Progenitors, or who heat the same and report not with diligence, or who meddle in the affairs of his Highness and his estate, present, by gone, and in time coming, be punished as leasing makers, Ja. 6. p. 8. c. 134.

That none deprave his Majesties Laws, or Acts of Parliament, or miscontinue his proceedings, to the moving of any millike betwixt his Highness, and his Subjects, under the pain of Death, Ja. 6. p. 10. c. 10.

And these Acts all Ratified, (except that of Q. M.) with this addition, that Heretics, and not Apprehenders, if in their Power, and Concealers, and not Revelers, be punished as the Principal Offenders, li. 6. p. 14. c. 207.

Articles presented against the Authors, or Publishers of slanderous speeches, or writs, of the Estate, People, or Countrey of England, or any count-fellow thereof, tending to the remembrance of ancient grudges, or the hindrance of the then incanted union, or whereby hatred may be fostered, or alikely raised, between his Majesties subjects of this Island, and that they are ordained to be severely punished in their Persons and Goods, at his Majesties pleasure, and sentence of Heretics, and Concealers, li. 6. p. 20. c. 9.

LENTON.

That no man unlicensed as fish in Lenton, or other forbidden times, under the pain of Confiscation of all their Mortables, and if they have none, that they be punished in their Petton, Q. M. p. 6. c. 36.

That no man catch in Lenton, on Wednesday, Fryday, and Saturday, under the same pain of echeat, li. 6. p. 9. c. 5.

Ratified and that no Licences be granted in the contrary, without the Testimonial of a Doctor of Medicine, or a Minister, and *Twaente pounds* of composition payed there fore, and that for a Licence to buy, and sell, or to a Cooke to make ready, he payed, *An Hundred pounds*, li. 6. p. 11. c. 58.

Lenton defined, to be from the first of March, *inclusif*, to the first of May, *inclusif*, and the former Acts Ratified: But innovating the pains as follows, and that no Lamb, or any Veals, be slain, or eaten under the pain of *Twenty pounds* for the second, and *fourty pounds* for the fourth: And to the pain to grow as the offence multiplies, and that in each Burgh, fishes be appointed, one by the Treasurer, another by the Burgh, to prevent Offenders, and the half of the penalties to the King, and the other half to the Burgh, and that no Licences be granted, without a Testimonial of a Minister, and Doctor of Medicine, Apothecary, or Chirurgeon, and that it be of no force, unless the Testimonial be produced with it, *li. 6. p. 14. c. 221.*

LEPER-FOLK.

Order ment Leper-folk, Ja. 1. p. 7. c. 106.

LICENCES.

That Licences granted by his Majesty for transporting forbidden goods, be subscribed by the comptroller, otherwise as of no avail, *Jan. 6. p. 10. c. 15.*

That all Licences, and Exemptions, from Rules, and Assises, or for transporting forbidden goods, be lubricated by the Tielclaur, and registrit in his Register, otherwise they are null, Ja. 6. p. 12. c. 126.

That all Licences for exporting, or importing of forbidden goods, be granted by the Rivy council, and composed, and paid all the Seals, or otherwise they are null, li. 6. p. 16. c. 15.

LIFE-RENTER, See Conjoint-fier.

LINNE YAIRN, and CLOATH.

That no Linne Yairn be exported under the pain of Confiscation, half to the King, and half to the Attacher, that Linne Yairn be sold by weight, and that no Rill be shorter then Ten quarters, under the pain of echeat of the Yairn brought to the Mercat of a houter Reel, to be divided as follows, that all Linne cloath of no Rill of *Ten shillings* the Ell, or above, be made of the breadth of an Ell, and the price of *Ten shillings* the Ell, or above, be made of the Weaver fourteen dayes, two Inches, under the pain of imprisonment of the Weaver fourteen dayes, and *Twaente pounds* to be paid to the Justice Ordinary, and the echeat of the cloath to the Attacher, and that Linne cloath be taken up by the Selvedge, and not by the Attacher, and that it be bleached without Lime, under the pain of *Twaente pounds*, for each fault, to be payed to the Justice Ordinary, *Car. 2. p. 1. c. 11. Self. 2. c. 43.*

That all Linne cloath brought to Mercat, be made up of peeces, and half peeces, the pece twentye four, and the half pece twentye Ells, and that it be taken up in one Ell, and one or less, under pain of Confiscation, and that Linne be taken up in fells, *Car. 2. p. 3. c. 12. The Act contains several other things.*

LINT.

That no Green Lint be laid in Loches, or Burns, under the pain of *Twenty shillings*, and Confiscation of the Lint, *reservit quiesco*, to the score of the Parroch, and the Kirk Sessions are imposed to Execut the Act, *li. 6. p. 14. c. 13.*

LITSTER.

That no Litster be Draper, or a Cloath Merchant, under the pain of excheat, Jam. 2. p. 14. c. 66.

LOCALITY.

All Localities for furnishing and carrying Corn, Straw, Hay, or Crops, to Soldiers Houses, discharged, as in the Act, Car. 2. p. 3. c. 3.

LOCH-LEVEN.

That none flay Picks, Perches, Trout, or any other Fishes, in the Waters, flipes, or butts that fall into, or run from Lochleven, within the space of five miles thence, under the pain of Twenty pounds, nor any greater, Declared to appertain to the Earl of Marston, and his Son Proprietors of the said Loch, and their Heirs, and Successors, and for that end they are empowered by themselves, or their Bailies, to convene, and try Offenders, within the Town of Kinschier, and Letters of Horning on Sex dayes, are ordained to be direct on their Sentences, Car. 1. p. 1. c. 29.

LOOSING OF ARRESTMENT, See Arrestment.

LOW-COUNTRIES, See Conser-vator.

That an Incorporation be made of the Kirk, in the Low-Countries, and their Priviledges, ordaining the Scots residing there, and pretending to the said Priviledges, to give their Oath of obedience to the King, and his Laws, as if they were dwelling in Scotland, and that they pay for their entries, Ten pounds Flemish, and the Persons refusing, to be deprived of all benefice, or commerce with, his Highness Lieges, Ja. 6. p. 6. c. 96.

That no Ship bound to the Low-Countries, land any mans goods but at Campney, or the ordinary Staple, and that no Person go on Land, or take any thing out of the Ship, until its arrival there, under the pain of Ten pounds Flemish, and the Conservator, should take the Merchant, and Skippers Oaths thereunto, Ja. 6. p. 15. c. 258.

That Merchants coming from the Low-countries, give to the Conservator an account of the quantity, and quality, of their goods, under the pain of Con-fiscation thereof, and that a subscribed Coecquet thereof be sent home to the Treasurer, Ibid. esp. 260.

LYON King of ARMES.

That he hold two Peremptory Courts in the year, in Edinburgh, upon the Sixth of May, and Sixth of November, and call Officers of Armes, and their Cautions, upon complaints, and try them, and if culpable, that he not only depive them, but that the Cautions incur the pain, whereof a third to the Lyon, and that his Decretes be registrat, and that Letices conform pass therupon, as seefores, Ja. 6. p. 11. c. 46. See Messingers.

The Lyon, and his Brethren, the Heraulds, are empowered to visit the whole Armes of Noble men, and Gentle-men, and to distinguish them with congent differences, and matricular them in their Books, as also to inhibit rich to bear Armes, as by the Law of Arms, ought not to bear them, under the pain of excheating the thing whereupon the said Armes are found to the King, and of an Hundred pounds to the Lyon, and his Brethren, or of Imprisonment, during the Lyons pleasure, that by the advice of the Lords of the Session, he depive such Officers of Armes, as he finds unworthy, and take Sovereignty of the rest, with power to add to their Juridictions, by advice of the said Lords, that all Magistrats (as re-quired) concurre with the Lyon to execute the Acts in his favour, under the pain of rebellion, with Certification, that Letters shall be direct against them simpli-citer, Ja. 6. p. 12. c. 125.

That the Lyon deliver to the Treasurer, or his Clerk the Names of the Officers standing, and of their Cautions, as also those depived, Ibid. esp. 126.

The Lyon, and his Clerk, be charged twice a year, to produce their Books of the Sovereignty of Officers of Arms to the Treasurer, for getting in the half of the penalties of such as are depived, Jan. 6. p. 14. c. 209.

AD Raising the AD Ja. 6. p. 12. c. 124. As to the Lyons power of visiting of Arms, and ordering all Arms & figures Attributed, to be produced to him, to be matriculat, & duly diffined, that he may give extracts, for which to be payed by Scots, and Noble men, Twenty merk, by Knights and Barons Ten merk, and by every other Person bearing Arms, Five merk, and who uses Armes otherwise, to be liable in the pains of the said former AD, the Lyon, and his Brethren, are likewise de-clared Judges, as to the malversation of Messengers, and to have all other Pri-vidges belonging to their Offices, Car. 2. p. 2. Sell. 3. c. 21.

M

MADE-WORK.

That no Tradesman import made-work belonging to his Trade, or vend the same, or any such Ware brought home by Merchants, in their Shops, or other-where, under the pain of Conffiscation, half to the King, half to the Apprehender, and Perseverer, Car. 2. p. 1. Sell. 1. c. 47. See Crafts, and Trade.

MAIRES, See Messingers.

MACERS.

That Macers be sworn, to be faithful, and secret, and the price of their labours, Two shillings, Ja. 5. p. 5. cap. 62, and 63. See it in Sellon.

MALT-MEN.

That all Malt-makers present their Malt to the Mercat, and sell none till nine hours, under the pain of excheat of the Malt, and that they take no more then an Boll of Biers, for making the chaldor of Malt, under the pain of Oppreffion, Ja. 4. p. 6. c. 92.

That Malt-makers take only Two shillings more for the Boll of Malt, then the Boll of Biers is sold for, under the pain of excheat of the Malt, and of Oppreffion, Ja. 5. p. 4. cap. 29.

That Malt-men have no Deacons, nor be reputed a Crafts for ever, Ja. 6. par. 1. esp. 29.

Ratified, abrogating an Act of the Town of Edinburgh, Anno 1646, whereby Malt-men, and Brewers were made one of their Trades, and they are discharged all meetings, or correspondence in anyburgh, under the pain of Five Hundred merks the man, toties, quiesce, hall to the Informers, and what further Personal plus the Privy Council shall please inflict, Car. 2. par. 2. Sell. 1. cap. 15.

MAN-RENT.

All Bands of Man rent, or maintenance, shall be given, declared null, except heretaband given of before, or given for the Avilishment of Slaughter in time bygone, and all such bands are discharged for the future, and that all deeds done, or given therofore, return to the Givers, and that the Givers, or Tac-kers of such bands in time coming, be punished by warding, Q. M. par. 6. cap. 43.

MANSE, and GLEIB.

That no Parson, Vicar, or Other Kirk-man, set in Few, or long Tacks, their Manfes, or Gleibs, without the Queens Licence, That the Minister leaving the Cure, have the principal Manse of the Parson or Vicar, or so much of it as may be left him, whether the Gleib be let of before, or not, or that a reason-able House be built him, by the Parson, or Vicar, or their Fevers, or Tac-kers, and so much Land thereto annexed, as shall be appointed thereafter, Q. M. p. 9. c. 72.

And for explication of this Act, it is appointed, that the Parson, or Vicars Manse, most ewell to the Kirk, with four sakers, or so much as there is of the Gleib most ewell to the Manse, shall pertain to the Minister, or Reader serving at the Kirk, to be depived by the Bishop, with advice of two honest men of the Paroch, and that on the Bishops Testimonie, and the parties Bill. Letters be direct on Ten dayes, charging the Possellors to remove, that their Manfes, and Gleibs be not annalized, or set in Few, or Tack, in prejudice of the Succesor. That if the Fewer, or Tac-kers, have made famous signings, or be unwilling to remove, then the Bishop agree the matter, by getting the Minister to set the Manse, as good as the Manse let was the rime of the leting, with certain sakers of Land adjacent thereto, or otherwise, that the Fewer, or Tac-kers, may remove Impudiciter, but the Fewer, or Tac-kers removed, is to have a deduction of his Mill, and also of his enties Silver, Secundum ritum, Ja. 6. p. 3. esp. 48.

These Acts extended to all Abbacies, and Cathedral Kirks, where no other Parton, or Vicars Manse was of before, forsbith the Minister serving the Cure, is to have a sufficient Manse within the precinct, (or els the Abbot, or Fewer is to give him one also ewell, and commodious) together with four sakers of the beff, and most commodious Land lying contiguous, and most ewell to the Manse, which pertained to the Abbacie, or any Member thereof, Ja. 6. p. 12. cap. 116.

That where of old there has been no Gleib, or the Gleib less then the four sakers, that the designation be made of the Parson, Vicar, Abbot, or Priores Lands, and filizing thereof, out of the Bishops Lands, Friars Lands, or any other Kirk Lands within the Paroch; And that Gleibs be depived, with freedom of Foggage, Fewe, Fall, Devot, lossing, free fish, and entry, and other Priviledges according to use and wont Ja. 6. p. 13. cap. 161.

That the Fewers, Tolleffors, and Tac-kers, out of whose Lands as most ewell to the Kirk, Manfes and Gleibs are depived, have pro rata, Jan. 6. p. 14. cap. 159.

That where there is no arable Land adjacent to the Kirk, four fowms grafs of the beff, and most commodious Pasturage of Kirk-lands, within the Paroch, be de-signified, in manner foresaid, for each of the saids four sakers, Ja. 6. p. 13. cap. 7.

And as Gleibs set Teind free, Ja. 6. p. 5. c. 63. (in Gleibs), so are their fowms Car. 2. p. 6. p. 23. cap. 10. See Gleibs.

That all Bishops, and other Ecclefiastick Persons, build, and repaire their Manfes, and if they suffer them to decay, that their Executors be liable to their Succes-fors, as also that their Succesfors be obliged to give satisfaction to their Executors for the expences of reparation they shall make, at the sight of two or three Bishops, not exceeding a Thousand pounds, if they be Paroch, and Five Hundred merks if the be Heretour Ministers, Ja. 6. p. 21. cap. 8.

That where competent Manfes are not, the Heretours of the Paroch, at sight of the Bishop, or such Ministers as he shall appoint, with two or three discreet men of the Paroch, build complet Manfes, not exceeding a Thousand pounds, nor under Five Hundred merks value, and where competent Manfes are already, that the Heretours relieve the Minister, or his Executors of the expences of repairing the same, and these things being once done, the Manse to be upheld by the In-corporates during his time of Ministry, and by the Heretours in time of Vacancy, out of the said vacand stipends, and that Ministers have Fewe, Foggage, Fall, and Divous, according to the AD, Ja. 6. p. 13. cap. 161. (above) And that Ministers (except Ministers in Burghs, that have no right to Gleibs) have Crafs for one Horse, and two Kye to be depived, and with relief, as above, and if there be no Kirk-land near the Manse, or the same be arable, that then the Heretors pay the Minister Twenty pounds yearly for his Crafs, and be relieved as said is. That no Incorporates in Village, or Town, where the Heretour hath Houles, and Car-dens, be depived for Gleibs, and this Act is drawback to the fourteenth of March 1649. Car. 2. p. 1. Sell. 3. cap. 21.

MANUFACTORY.

AD for erecting of Manufactories, granting several Powers, Immunities, and Priviledges, in their behalf, as in the Act, and particularly that all materials useful for Manufactories, that shall be imported, be free of Custom, Excise, and other publick dues, and that no Native, or Stranger export any materials use-ful for Manufactories, until made into work or put to the beft avall, under the pain of the value, half to the King, half to the Informer, and Pursuer, and such further punishment, as the Exchequer shall appoint, Car. 2. p. 1. Sell. 1. cap. 40. And Linseed, Hemp seed, and Steel Imported, are Declared to be exempted from Publick Dues, as materials useful for Manufactories, conform to the pro- vision contained in the said Act, Car. 2. p. 1. Sell. 3. cap. 20.

AD for erecting of Companies for producing the said Manufactories, with several Powers, and Priviledges, in the Act, and generally with all Priviledges granted, or that shall be granted, to the Societies of Filers, Car. 2. p. 1. Sell. 1. c. 42.

That Masters of Manufactories may seize, and Import Vagabonds, and idle Poor Persons in their Works, for Ten Years, in manner set down in the Act, Car. 2. p. 1. Sell. 3. cap. 16. See it in Poor.

Enactment of all Acts for encouraging of Manufactories, as in the Act, specia- lly the AD, Car. 2. p. 1. Sell. 1. cap. 43. (See it in Lawes) and Car. 1. p. 1. Sell. 1. cap. 46. (See it in forbidden Goods) Car. 2. p. 3. cap. 12.

MARRIAGE.

That who Marries two Wives, or two Husbands, both living, and undivorced, he punished as perjured, by excheat of movables, warding year, and day, and Infamy, Q. M. p. 1. esp. 19.

That Marriage be as free as Gods word allows, and that second degrees of Consanguinity, and Affinity, and all out with those continued in Gods word, might have Married lawfully since the eight of March 1558. And may do in time coming, linn. 6. p. 1. cap. 15.

The Man or wile will die dissenting, by the space of four years, may be cited and sentenced to adhere, and thereon charged, and denounced, and after Prayers and Anonitions direct by the Bishop, the Minister of the Paroch by the Bishops order shall admonish him publicly, and proceed to excommunication, in which Case, the Parties obstinate shall be a sufficient cause of divorce, and the Offender shall tane the Toucher, or the Celebrator be Barred, not to return under the pain of Death, that none of the Parties where both reside in Scotland, get themselves Married in England, or Ireland, without Proclamation of bannes, in Scotland, and against the order of this Kirk, under the pains, a Noble-man, a Thousand pounds, a Landed Gentle-man a Thousand mark, a Burgess, Five Hundred pounds, each other King or Nobles Person Five Hundred mark, a Yeoman, a Hundred pounds, and each Inletor Person a Hundred marks, half to the King, half to the Paroch, and that the Kirk, or Kirks Advocat perform the contraventions of this Act, and that such as are unable to pay, be punished with Stocks, and lions, and all without prejudice of the Kirk censures, Car. 2. p. 1. Seff. 1. cap. 34.

It is farther Statut, that who Marries any Person not lawfully Ordained, or Authorized thereto He, and She smit their jus Mariti, and jus Relictæ, Car. 2. p. 2. Seff. 2. cap. 9.

The expenses of Marriages regulat, Car. 2. p. 3. cap. 14.

MARRIAGE Casualty.

That in Service of Airs holding Lands wair, Tax, or Few, cum Maritagio, the Inqueit return the Tax, for the Marriage, and of the Few cum Maritagio, that may be inferit to the Precept, Car. 2. p. 2. Seff. 3. cap. 14

SHIRE of Meirns.

That the Court place thereof, be removed from Kincardin, to Strathelyre, J. 6. p. 16. cap. 27.

Enacted, and that the said Burgh of Strathelyre, and Mercat Croft thereof, be the head Burgh, and place of all Executions, and Publications, within the Shire, J. 6. p. 19. cap. 7.

MERCAT, See Burghs, Cocquet, Low-countries, and Ships.

Towns, and Proches, which had Mercats on the Sabboth, which are now prohibit may choise any other day in the Weeke for holding the same, if it be not the Mercat day of the next Town, J. 6. p. 12. cap. 122.

That no Royal Burgh keep Mercat on Munday, or Saturday, under the pain of an Hundred mark, but that they change the same on other dayes, but Fleethers in these Burghs, may keep Fleth-mercats on these dayes, Car. 2. p. 1. Seff. 3. cap. 19.

MERCHANT.

That no Merchant pass over the Sea in Merchandise, unless be have of his own or under his Government, at least three Serpills, or Two Hundred Twenty four Stone of Wool, on the value, under the pain of Ten pounds, and this to be tried by Inqueit, J. 1. p. 2. cap. 18. J. 2. p. 14. cap. 67. or having in his own half, a Lalt of Gades, or of much in Steerage, and Governance, J. 3. p. 2. cap. 33. and p. 14. cap. 106. J. 4. p. 2. cap. 14. and J. 5. p. 4. cap. 24.

In which Act the pain is made Twenty pounds, and the Execution very strict.

That Sailers in Merchandise, be Free-men, indwellers of Burghs, J. 4. p. 14. cap. 6.

This Act is said to be made by the Clergy, and Barons, and the same is Statute J. 3. p. 2. cap. 11. and p. 14. cap. 106.

That no Maroff Craft use not fill in Merchandise, unless he renounce his Cusf, J. 3. p. 2. cap. 12. under the pain of Elcheat of the Merchandise, J. 3. p. 14. cap. 107. See Ships.

That no gudes be sent to the Swyn, or Sluife, the Dam, or Strages, J. 3. p. 2. cap. 106. But that Merchants fall to Rebel, Bourdeaux, France, and Normandy, and that Staple gudes remain in Staple, and pass to no Mercat under the pain of Five pounds, Ibid cap. 17.

That no Ship be fraughted, or Merchant sail therein, with gudes to Flanders, but twice in the year, that is to say, to Falm Mercat, and Rude Mercat, under the pain of Twenty pounds to the King, J. 5. p. 4. cap. 31.

That every Merchant sailing with, or sending forth a lalt of gudes, bring home two Hoggs, or Merch for making the same, according to his speck, with Powder, and Calmes, J. 5. p. 7. cap. 95.

That no un-Freeman use Traffique, specially in the Low-countries, under the pain of elcheat of all their moveables, two thirds, to the King, and a third to the Confessor, J. 6. p. 6. cap. 97. and p. 19. cap. 6. (See in Burghs.)

That all Merchants, and Skippers, at the receiving of their Cocquet, sweat, that they have no faulting gudes, nor other lawful gudes, except what is in their Cocquet, nor to take in other gudes all that voyage, othertwase the Ship, and Gudes, at least the gudes of the Reficet to sweat, shall be Atticled, and Confiscat, J. 6. p. 15. cap. 357. See Low-countries.

That Merchants employ not allens as Factors beyond Seas, Car. 2. p. 2. Seff. 1. cap. 44. See Factor.

Act regulatting Trade, and Merchandise, betwixt the Royall Burghs, and others, Car. 2. p. 2. Seff. 3. s. 5. See in Burghs.

MESS, See Papist, and Religion.

That none say, hear, or be present at Mess, under the pain of Confiscation of all their gudes moveable, and immovable, and their Fellons to be in wair, for the first fault, Banishment for the second, and death for the third, and that all Judges be diligent to prevent the Contraventions, J. 6. p. 1. cap. 5.

That all sayers, and Heaters of Mess, and Profaners of the Sacraments, incur the finell of fimple, and Life-ent elcheat, J. 6. p. 11. cap. 24.

The saying of Mess, in festis crime, and pain of Treslon, linn. 6. par. 12. cap. 120.

The saying of Mess for the full fault, infers the simple elcheat, for the second, the Life-ent elcheat, and for the third the pain of Treslon, and Forfeiture, linn. 6. p. 12. cap. 120.

That all wair Heaters of Mess, and Concealers of the same, be excent to the death, and their gudes elcheat, they being theseof found guilty, or delected fugitive, before the Justice, or Privy Council, J. 6. p. 14. cap. 193.

Ratified linn. 6. par. 19. cap. 1. and all this Acts Ratified, and Extended, to all Heaters, and Syers of Mess, without any exception, or restriction, linn. 6. p. 20. cap. 5.

That none presume to be, or say Mess, under the pains contained in the Acts of Parliament, Car. 2. p. 1. Seff. 1. cap. 8.

MESSENGER, or Officer of Arms, See Lyon.

That Maiters, or Serjants in Royalty, Regality, and Burrows, have wands, and Hoires, in manner set down in the Act, l. 1. p. 6. cap. 100.

That Maiters of free Name Deputes, to be admitted by the sheriff, and that the Sheriffs chafe Mairs, where necessary, and that the Sheriffs, and Attendants, and the Maitre shall only have their Precept, and Warrants, linn. 1. par. 9. cap. 112.

That there be only two hundred Officers of Arms to all Scotland, England, and weard out Sovereign Lords Arms, in which number, the Lyon, and his Brethren the Herald, fourteen in all, are included, and the rest to be divided among the Shires, by the proportions set down in the Act: And if the Lyon admit any more, that he not only incure the Kings indignation, but the Persons admitted, to be rejected, and their Executions to be null, and that the Officers to be continued, and in all time coming have the Lyons Testimonial and Decent Blazons in Silver, and that they find good Soverey, to keep their injunctions, under the pain of Five Marks, and to pay the Colls, and Skairts of Tartan, linn. 6. p. 11. cap. 46. See Lyon.

That the Officers Soverey be bound, that he shall be furnished with a sufficient and ready Hore, and for all the damage, and interest of Tartan, that the Officers wear be a mark, per diem, Summer, and Winter, linn. 6. p. 12. cap. 47.

That Officers not Arms covidor of a Hood, or Opacell, in Execution of their Office, be punished with death, linn. 6. p. 13.

That Officers of Arms, renew their Statutes when dead, or become Involvent, under the pain of deprivation, linn. 6. p. 14. cap. 208.

METTS, MEASURES, and WEIGHTS.

That a Stone be made for weighing of fifteen Trow pounds, & divided in sixteen Seas pounds, and that accordingly the half Stone, Quarter, Pound, and other less Weights, be made, and only used, l. 1. p. 3. cap. 17. And this Act renewed, and in the Trow pound, to contain sixteen ounces, l. 1. p. 4. cap. 69. l. 2. p. 3. cap. 33. and l. 5. p. 7. cap. 100.

That the Water Metts that now are observed, and in each Town, sown Meiter appointed for all gudes felleable by the Water Mett, as well Coal, or Others, and that the Seller not use else meddle with the Meiting, l. 1. p. 3. cap. 18.

That the Ell contain thirtie seven Inches, l. 1. p. 4. cap. 61.

That the Boll be divided in four Fillets, and contain twentie nine Inches within the Bounds, and thove twentie seven and an half Inch, even over and within the Boards, and thove twentie nine Inches, and in deepness nine Inches, that the Fillet contain two Gallons, and a Pint, and the Pint to weigh of the Water of Tay foure one ounces, or two pounds nine ounces, so the Gallon weighs twentie pounds, eight ounces, and the Fillet four one pounds, and the Boll eight fcore four pounds, and thive Measures are comparat to the Act, with the old Measures, in King David the firsts time, linn. 6. p. 4. cap. 70.

That a general Mett be observed according to the Pint formerly given to the Burgh of Sterling, for an universal Standart, whertoe of each Fillet to contain eighteen Fints, and of this Pint, Quarter, and Fillet, three Standarts to be made, and given to Aberdeen, Perth, and Edinburgh, appointed to be fells for the rest of the Realm, and that none use another Measur, under the pain of the double of the Chamberlains unlaw, but prejudice to Maiters as to their Measures of their Ferns, to be proportioned after his new Measure, l. 2. p. 14. cap. 73.

That the Chamberlane and Sheriff put this Act in Execution, l. 2. p. 4. cap. 23. and l. 4. p. 3. cap. 33.

That users of false Measures and Weights be indyted as Falset, linn. 4. par. 4. cap. 47.

That all Measures and Weights, Pint, Peck, Ell, and Stone, be of one quantity, to be obtained in Edinburgh, and that each Mett be proportiont thereto, and if any use another Measure or Weight, that it be a point of ditty, linn. 4. par. 6. cap. 96.

That the Stone be sixteen pounds, and the pound sixteen ounces Tross, the Pint of Sterling two pounds, and nine ounces Tross, of clear water, the Ell of Edinburgh thire seven Inches, and the Fillet of Lintlawg nineteen Fints, and an Incheat, for Measuring Wheat, Rye, Beans, Meal, and white Salt, in the Mercat by the Braik, as also Malt, Best, and Oats, (as inale to be measured by the heap.) But at the rate of two Pecks, for three in leas of the heap, found to be a third, and thive established for general use, by a Commission of Parliament reported to the Council, and by the Council ordained to be inferit in the Books of Parliament, and that Trovells, and Bailies of Burrows of Royalty, Regality, and Burony, cause the same to be observed, under the pains contained in the Acts of Parliament, J. 6. p. 11. cap. 114.

That all Sheriffis, Stewartis, and Magistrates of Burrows put the fids Acts to Execution, with power to them to take tualt of thair Metts, Weights, and Measures, and thertoe therof, to smit their whole gude, to the King, l. 6. p. 12. cap. 2.

Act Ratifying the Commission 1617, Anent Metts, and Measures, with the Sentences, and Determination, given therin, (See the Determination, whertoe the former Measures, and Acts about them, are altered and rediled) specially that the Measure, and Fillet of Lintlawg should be the only Fillet for all his Majesties Leiges, to buy and sell with, l. 6. p. 23. cap. 16.

The fourth Determination finding the Lintlawg Standart of the Fillet, to be true, and to contain twentie nine Fints, and a Musclion Sterling, that thire fittred of two heaped Measures, doe exceed and are not just, and that therefore there should be a new Fillet for Malt, Best, and Oats in place of the heap, containing thirtie one Fints Sterling, Jugh that the Weight be the French Trow Stone, containing thirtie thide seven loches, and that the Standart of it be made and kept by Edinburgh, and that Trovells, and Bailies of Burrows of Royalty, Regality, and Burony, cause the same to be observed, under the pains contained in the Acts of Parliament, J. 6. p. 11. cap. 114.

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A new Commission for adjusting Measures, and Weights, and reducing them to an uniformity, and that Lintlawg Measure be the Universal Measure, Car. 2. p. 1. Seff. 3. cap. 17.

That the Coal Measure be of Twelve of the nine Inches, whertoe the Ell contains thire seven loches, and that the Standart of it be made and kept by Edinburgh, and that all Weights, Gallies, Masons, and other Work-men, work by this Measure allynely, linn. 6. p. 12.

MILITIA, See *Hoft*, and *Weapon-shewing*.

Humble offer to his Majesty of Twenty Thousand Foot, and Two Thousand Hoftes, Attend, and furnished with Fourty dayes provision, proportioned upon the Shires, as the Act to be readyness as they shall be called for by his Majesty to matche any part of his Dominions against Foreign Invafion, or Intelle inuafion, or for any other Service wherein his Majesties Honour, Authority, or Greatnefs, may be concerned, and to give direction to the Council for the wellthow the Parliament Impowres for the Ordering, and managing of this whole Affair, under his Majesty and the Parliament declares, that if his Majesty have further use, this Kingdom will be all ready, betwixt Seaven and Sixteene, to hazard Lives, and Fortunes, at his Majesties call, for preservation of his Person, and Authority, Cap. 2. p. 1. Self. p. 26.

Act Ratifying the Confirmation and Model of the Militia, as established by the King, and Council, on the 20th day of the forsaide Act, particularly that appointing dayes of Rendezvous, allowance to Foot, and Horse-men, the saids dayes, and the whole Act, and proceedings therein, and the saids *Cap. Billings* for each Foot-man, and *Expence Billings*, for each Horse-man, is ordained for every day of the Rendezvous, as also the appointment of Commiffars of the Militia, is approved, and severall Powers are committed to them, and the order of pointing for deficiency is particularly regulat, and the Lords of Privy Council, are impowred to appoint dayes of Rendezvous, and to give all orders requisite, for the full establishing of the Militia, Cap. 2. p. 2. Self. p. 1. c. 2. That all Persons called, and employed in the Militia, be thereto intelligently related, and exempt from other levies, during that service, that the Officers be well affected to Religion, and the Government of the Churches now established, and that they, and all the Soldiers take the Oath of Allegiance, under the pain of imprisonment, and Banishment, that the Officers extend partially, and none of their defers, or Absent, without the leave first allowed by the Council, under the pain contained in the Act, under which they are also obliged to accept their Charges when named thereto, as also they are to be fined as in the Act, for absence from Rendezvous, and the fines of absence, and delinquency, here, and formerly appointed, are ordained to be doubled in time of War, but the Militia men be as such as reside within the bounds, and neither defers, nor yet be changed but as in the Act, that the Leader of every Hoft, uphold him and his Furniture for seven years, and that the Leader of every Horse be provided by him, and his fracions, at the rate of Ten pounds Sterling, that beside the dayes of Rendezvous already appointed, and to be observed in time of Peace, in the time of War there be two Rendezvous of the Regiments of Foot, two dayes each Rendezvous, and four dayes of Rendezvous of the Companies, with an exception of *Irish Bns*, and *Dumbariane Shires*, because of the distance, and all former orders, Cap. 2. p. 2. Self. p. 1. cap. 1.

MILNERS, and Mutlers.

That no Mutlers be taken of Flow, coming forth of other Lands, to Sea ports, or coming to Merchants, l. 4. p. 4. c. 3. p. 44. Breakers of Millons, be punished to the death, as Thievs, Jam. 6. Jam. 6. p. 11. cap. 12.

MINES, of Gold, and Silver,

Mines of Gold and Silver, belong to the King, if three half pennies of Silver may be fined out of the pound of Lead, Jam. 1. p. 1. cap. 12.

MINISTERS, and Readers, See *Kirks*, and *Manifes*.

That the thirds of all Benefices be payed to the Ministers, and they being payed their stipends out thereof, the superplus to be applied to the Kings use, Jam. 6. p. 2. cap. 10. See *Thirds of Benefices*.

That all benefices not exceeding three hundred merks of yearly Rent, be disposed to qualified Ministers, Jam. 6. p. 2. cap. 52. That Ministers should subscribe the Confession of Faith, Jam. 6. par. 3. cap. 46. See it in *Confession of Faith*.

That every Paroch, or bounds competent to a Paroch, have their own Minister, with a sufficient stipend as the place may bear, and that Kirks annexed to Prelacies, be provided of Ministers with competent livings, Jam. 6. p. 7. c. 100. See *Disputation*.

That all Benefices of Cure, under Prelacies, be presented by the King, and laick Favourites to favour the said Ministers, and all Gifts, otherwise made, are declared null, *Ibid*, cap. 102. As all Gifts, and Dispositions thereof, since his Highnes Coronation, not made to Persons in the function of the Ministry, are declared null, from the beginning, excepting Benefices disposed to Lords of Session, and which are laick Patronages, they being provided to qualified Persons, conform to the Act of Parliament thereto, (which appears to be, Jam. 6. p. 11. c. 32, here subjoined) Jam. 6. p. 12. 121.

That all Ministers, or Others having Benefices under Prelacies, suspected culpable of Heresie, Papistrie, Eronous Doctrin, common Blasphemie, Fornication, common Drunkennesse, nonresidence, (that is to say not residing within the Paroch, but absent thereto, and from the Kirk, and his Office, for two Sabbath days in the year, without leave of his Ordinary,) Plurality of Benefices having cure, Simony, or Contumaciousness in Ecclesiastick Causes, shall be deprived, from both Office, and Benefice, that in the case of Plurality of Benefices, the acceptance of the last, be sufficient cause of Deprivation from the remanent, and a Minister being convicted of a Capital Crime, and therefore also orderly deprived, his Benefice vaks, l. 6. p. 8. c. 132. (See *Capital Crimes in Crimes*.) and that Causes of Deprivation, are extended to Persons provided of Benefices, as to Inferior Benefices, Jam. 6. p. 11. cap. 28. But the clause of nonresidence, comprehends non Members of Council, Members of Session, or Persons absent by his Highnes Licence, on his necessary service, out is the Act to be extended to Benefices of laick Patronage provided before the Act, only all their Persons are strid to furnish qualified Ministers at their Kirks, but he that receives any Benefice, on condition to serve and reside, is declared to be subject to the said Act, Jam. 6. p. 11. cap. 32.

That all Ministers wait Faithfully on their Charges, and that none of them accept, or accept place of Judicatorie, Civil, or Criminal, or be Clerics, or Notaries, (except in making of Testaments,) under the pain of Deprivation, from both Office, and Benefice, l. 6. p. 8. cap. 133.

That Benefices under Prelacies, whereto Readers or Ministers usually serving are provided, be free of the full years Fruits, and of the Fifth penote, Jam. 6. p. 2. cap. 26.

That all Benefices, or psvential lands in any Minister, shall be punished by Tinct of newweables, for the violence he doeth, the one half to the King, the other to the Party offended, and that Letters be thereon direct, at the instance of the Minister, the King, or Kirks Advocate, or any other Person, Jam. 6. par. 11. c. 27.

Ratified, and extended against all who invade, or put violent hands, or offer violence to Ministers, by themselves, their men, Tennents, or Servants, or any other

of their handing out, or allowance, for whatsoever cause; Or failke to Attend, Bishops, Bishops, and Ministers whatsoever, having lawful warrant to preach, and Ministers the Sacraments, and that Land-lords, Heretics, and Chief of Clarks, where the invaders dwell, or inhabit, be holden upon Complaint of the Parry, to exhibit them, and if after legal Intimation made to the saids Land-lords, &c. The saids Delinquents be found within their bounds, hunning openly for rea dayes, that they be holden as Convicts, and obliged to exhibit them, under the lile punishment, Cap. 1. par. 1. cap. 7, and both these Acts Ratified, Cap. 2. p. 2. Self. p. 45.

All Parlians, and Vicers, provided King James the Sixth his Coronation, and not having vote in Parliament, Council, and Session, deprived by the Kirk, *Ab Office*, are excluded, also *Benefices* and the finen vaks, but prejudice of Tacks lawful by them before, l. 6. p. 12. c. 13.

That Ministers, and Readers, pay no Tacks for their Gleibs, Jam. 6. p. 5. cap. 62. See *Gleibs*.

That there stipends be free from all Tacks, Penfions, Taxations, or Impositions whatsoever, notwithstanding any Gift, or Disposition in the contrary, l. 6. p. 13. cap. 162.

That all Gifts, and Provisions made to Ministers serving the Cure of Parishes, and Vicarages, and Kirks thereof, be not valid, if sufficient Titles, and sufficient Titles, without any Act or Confirmation in the contrary, but prejudice to the rights of privat Parties, and of the Queens Kirk of Dunferming, *Ibid*, cap. 163.

And it is declared, that any Act of Parliament made hereafter, in favour of any particular Person, in prejudice of Ministers provisions, shall be null, except the Ministers be called, and the same reduced in hall or in part before the Judge Ordinary, *Ibid*, cap. 167.

That all Ministers at the receiving of their Affignations, give up a true and particular account, how much they have of the Temporality disposed to them, Jam. 6. p. 15. cap. 244.

That Ministers at their Admission, swear the Oath of allegiance, and obedience to their Ordinary, in all things lawful, Jam. 6. p. 2. cap. 2.

That Ministers absent without just Cause from the Bishops Vifitation, or Diocesan Assembly, may be suspended, and if he amend not, deprived, *Ibid*, cap. 1.

All Ministers entering in, or since the year, 1649. At which time Patronages were usually abolished, are declared to have no right to Benefice, Stipend, Manse, or Gleib for this year, 1662. or hereafter, but their Kirks to be vacant, unless they be duly presented and Collocated betwixt the 24. of September 1662, Cap. 2. p. 3. Self. p. 63. Anno 1662.

That Ministers keep and observe the Bishops Vifitation and Diocesan Assembly, and concur with the bishop (as required) for the exercise of Discipline, under the pain of Suspension for the first, and Deprivation for the second fault from both Office and Benefice, Cap. 2. p. 1. Self. p. 2. c. 4.

And both these Acts Ratified: And that Ministers who continue in the exercise of their Ministry in contempt thereof, be punished by the Privy Council as seditious persons, and contents of the Royal Authority, *Ibid*, Self. p. 1. c. 1.

Ministers poynding for their Stipends, need not carry the Goods to Mercat Crofles, but may Compromise them by honest and sworn men on the Ground where the Goods are, Cap. 2. p. 1. Self. p. 3. c. 21.

Act Ratifying two Proclamations of Council charging Heretics and others having real interest, to procure the Persons, Families and Goods of their Ministers, in their Heretics, and to adhere within the Paroch, from all injuries and affronts, or otherwise if they prevent not the Affairs, that they be liable for the Ministers reparation and interest at their Councils sight: And that until his Majesty in his next Parliament give farther Orders therein: And both prejudice of former Acts against Invaders of Ministers, Cap. 2. p. 2. Self. p. 1. c. 7.

And ancient Superstitions of Charges for Ministers Stipends, See in *Superstition*, l. 6. c. 6. That such as shall be found guilty to assaulting the lives of Ministers, or robbing their Heretics, or actually attempting the same, be rewarded by death, and either the Heretics, or actually attempting the same, be punished by death, and either of mereables: And there is five hundred merks of reward appointed to the Discoverer and taker, or two hundred merks, to the Discoverer, and three hundred merks to the Apprehender of the forsaide Criminals, to be payed out of his Majesties Treasury, Cap. 2. p. 2. Self. p. 2. c. 4.

MINORS. See *Curators* and *Tutors*.

The privileges of Minors, as to compelling and Adjudications. See in these Titles.

That no Oaths be exacted of Minors for Confirmation of any of their deeds, and when they are exacted, that the Contract be void, and the Exactor infamous, and any person related to the Minor may obtain the Writ to be declared void, Cap. 2. p. 3. c. 19.

MOLESTATION.

That all Actions of Molestation confining in the Possessor, be remitted to the Sheriff, Bailie, or other Judge ordinary where the Lands lay, and that Letters of Cognition be direct to them at the instance of Parties for that effect. That the Judge ordinary proceed upon Precepts on fifteen dayes, and the Continuations to be from eight dayes to eight dayes, and no longer. And first, that Defences be difticult in the place of Judgement, and then the points to be proven by Witnesses to be put to the knowledge of a condign iuror, of a sufficient number, most part Landmen, having at least four Plooughs, or three hundred merks yearly in the redeemable, and the rest sufficient Yeomen living in the Paroch where the Lands lay, or failing thereof, in the next Paroches; and the Inquest may visit the Ground, and take all othertal, and shall returne their answer in face of Judgement, and in case of error may be punished *penna tenore juramentum super Assisa*. If there be Reconvention in the case before Litiscontestation, the Judge shall proceed in both Actions *pari passu*, and shall remit the matters of Fact *hinc inde* to the knowledge of the Ailie, where the Causes cannot be divided: And the half of the Ailie to be taken of the persons summoned by either Party, and the other half to be chosen by Cavill. If the Judge ordinary be alleged false, and the odd mfo to be calling the other Party, and cognition take, the Lords shall appoint unimpaird Judges by their Act, or under the Quarter Seal, who shall make iurid, and have their recomence modified by the Lords, and payed before the giving out of their Decree by the obtainer of the Commission, to be recyeped by the other Party, if it be found *quod tenore litigaverit*: And where the Lands controverted lay in several Jurisdications, the Lords shall grant Commissio as *infra*, and the Act is declared to be without prejudice to the Members of the Colledge of Justice to pursue their Actions as formerly, l. 6. p. 11. c. 42.

MONEY. See *Bullion*, *Gold*, and *Silver*, and *Payment*.

That the King grant his money to the same weight, and fineness, as in England, l. 1. p. 1. c. 23.

That no man have money out of the Realm, but he pay *fourty pennies per pound* of Customs, under the pain of tinct of the money, and an unlaw of ten pounds to the King, l. 2. p. 3. c. 49.

That none have out of Scotland Gold, Silver, or Jewels, Coinized or uncoinized, under the pain of excheat, Ja. 2. p. 13. c. 149. The one half to the King, the other to the Apprehender, Ja. 2. p. 1. c. 134.

That Searchers be made at all Ports, and on the Borders, for to restrain the ha-ving out of money. And that false Strikers of Gold or Silver, or of false Cro- or Pennies, be punished as Law will: And that none strike any in time coming, without licence under the Great Seal, 1a. 2. p. 6. c. 28. and 1a. 3. p. 8. c. 65.

That money be not had out of the Realm, under the pain of ten pennis, and the value of what is exported. But Clerks are therefore made accountable to their Ordinaries, as Seculars are to the King, 1a. 3. p. 1. c. 8.

Ratified, 1b. 3. p. 4. c. 24.

That no Stranger Merchant have money out of the Realm, under the pain of echeasing of the money, and of his other goods, 1a. 4. p. 4. c. 41. And that Searchers be appointed, and to have the fourth of the money found for their pains: and this to be point of Ditary, 1b. 4. p. 6. c. 69.

And all the AEs assent the having forth of money, Ratified, 1a. 5. p. 7. c. 107. and Q. M. p. 9. c. 69. with this Addition, that the contraveners shall echeat all their moveables, the fourth part to the discoverer; and if he be a Partner in the money, to be not only free of the pain, but to have the forsaide reward. And this Act endure for five years, 1a. 5. p. 9. c. 69.

Act Ratifying all former AEs against the Transporters of money, Ja. 6. par. 15. cap. 249.

A noil first Act against the transporting of money, appointing Merchants, Skippers, Cullomers, and keepers of the Coopers to swear before the Thesaurer, or his Deputes, not to export, nor suffer the time to be exported, nor to con- ceale the exporting thereof: and that no Merchant or Skipper Trade, or make Voy- age to any forraign place before they take the said Oath, and produce Extraits thereupon, under the pain of the fifth of their Moveables, and being incapable of Merchandizing or Sailing any Ship: And there is only allowed to Passengers thirty pennis for their charges, and all Licences are discharged, except to such as shall in the Oath or give bond that the money is to be sold for Timber in Norway, or for Virtual in time of extreme dearth, and that they shall return the Superplus, Gat: 2. p. 11. Self: 3. c. 11.

The adviement of the three Estates touching the matter of money, and a new Coy of Silver and Gold then to be stricken: That the Master of the money answer for all stricken under him, while the Warden have taken eley thereof, and purts in his Buill: And that he may choose Servants under him to strike, and may punish them if they trespass. And that strikers (if possible) be no Gold-Smiths, 1a. 2. p. 87. c. 33.

Another order about money and the Cuiznie, that the Lords of Exchequer ex- amine the finenes of the Goyr presented them in a Buill by the Warden, Ja. 1. p. 21. cap. 58.

Order for Guinzeing of Copper money four to the penny, and that there be Cuizned ten pennis contained Silver, Ja. 3. p. 1. c. 1.

An Ordinance crying up the money, and that no Black Pennies be stricken in time coming, under pain of death, Ja. 3. p. 3. c. 18. Another Ordinance to the same purpose, Ja. 3. p. 4. c. 22.

A third Ordinance thesame, made by the Lords of the three Estates depute thereunto, 1b. 3. p. 4. c. 22.

That no Black Money but the Kings own be taken in payment, and that no man bring home strange Black Money, or counterfeit the Kings money, under the pain of death, Ja. 3. p. 3. c. 41.

Another order about the money, Ja. 3. p. 6. c. 47.

That no Silver or Gold Guizied be burnt down either by Guinzours or Gold- Smiths without the Kings licence, but that he holden whole to pass among the King, Ja. 3. p. 8. c. 66. And that under the pain of echeat of half of the move- ables for the first, and of the whole moveables for the second fault, against the Owner and Meltier, Ja. 6. p. 1. c. 17.

The rates of money Gold and Silver highmed, Ja. 3. p. 8. c. 68. And may be doubted from this and the former AEs what reckoning was then made for the falling, seeing that the rate of the Noble is estimat to Thirty five billings.

Order for Guinzeing of money, that there be Groats in the ounce of Silver, and pails for fourteen pennies the Groat: And that there be a penny of Gold to pails for thiry of the said Groats, Ja. 3. par. 13. c. 93. Ja. 4. par. 1. c. 2. And par. 2. cap. 17.

Thacks cryed down, and the King declares he will receive them in, and give a fourteen penny Groat for seven of them, Ja. 3. p. 13. c. 97.

That Gold or Silver money of good metal, & just weight pafs, and be received, albeit with crack & flaw, or folded, Ja. 4. p. 2. c. 17. Ratified, under the pain, to the Refuser, of losing the value, Ja. 4. p. 3. c. 17. p. 4. c. 10. and p. 6. c. 97. And that silf money be clipped and broken by the Kings Officers, and so delivered back to the Owners, 1b. 4. p. 4. c. 40.

That the King appoint an Expector to receive the money, for solfiting the AEs maner and maner, and Bullion, 1b. 4. p. 5. c. 16.

That nothing be taken for Willfelling of Gold, under the pain of oppression: And that no man wrong Gold of its weight, under the pain of falling of money, 1a. 5. p. 7. c. 99.

Ratification of all AEs against the home-bringers of false Guiznie, or forgets thereof within the Realm, and the revealer ordained to have the half of the echeat of the Contraveners Lands and Goods, Q. M. p. 9. c. 70.

That the King may cause Guiznie Gold and Silver at such finenes as their Countreys do, and that no Layed Money be Guizned without consent of Parlia- ment, 1b. 6. p. 1. c. 17.

That in every Burgh able men be appointed by the Magistrais to see all money tolled, and to clip false money, and the payero to lose it, and the receiver to pay to the Clipper a penny per pennis, 1b. 6. p. 1. c. 17.

That the assent the change of Guiznie then made, wherein the quantity of the Guiz- nie then struck is said to extend to two hundred and eleven stone and ten pound weight of Silver: And the new Guiznie is appointed to be of eleven penny fine, at forty billings the ounce, 1b. 6. p. 7. c. 106. Anno 1581.

Act Ratifying all former AEs against the Affairs of the price of money, to the transporters thereof; and ordaining that the ounce of Silver Guizned at eleven penny fine to be sold at fifty billings, and the ounce of Gold of twenty two Carrets fine, to be sold at thirty pennis, and all forraign Guiznie of Gold or Silver is discharged to have course, 1b. 6. p. 15. c. 249.

MUM-BEER.

Mum-beer licene to be imported, and that it be payable, each Barrel not ex- ceeding twelve Gallons, in thiry billings of Gultone, and as much for Excise, Cat. 2. p. 2. Self. 4. c. 2.

MUR-BURN.

That no man make Mur-burn after the first of March till all Corns be sown, un- der the pain of fourty billings to the Lord of the Land of the Burn, or if he leave it not, fourty dimes Impmention and if the Lord neglect, then this to be a point of Ditary, 1b. 1. par. 1. cap. 20.

That no Mur-burn be made fra the first of March till Michaelmes, under the pain of five pennis, Ja. 3. p. 1. p. 10. cap. 76.

That the Governor of the Silf-burn to be made pay fourty billings to the King, before the pain of the maker, Ja. 4. p. 4. cap. 48.

That the law of Mur-burn be five pennis, 1a. 4. par. 6. cap. 71.

The pain augmented, and that for the first time it be five pennis, for the second: ten, and for the third Twenty pennis, and so forth for each time Twenty pennis, Ja. 5. par. 4. cap. 11. Ratified, 1a. 6. par. 6. cap. 74.

MUSIC.

That the youth be instructed in Musick, and that Magistrais of Burghs, and Pa- trons, and Frowits of Colleges, where Song-schools are founded, set up schools with Maistres, as they will answer on the pettill of their Foundations, 1a. 6. par. 6. cap. 91.

MUTILATION. See DEMEMBRATION

Mutilation reckoned with slaughter, and fire-raising, 1a. 5. p. 7. cap. 118, and 1a. 6. par. 6. cap. 76.

N

NATURALIZATION.

Act naturalizing all French men, Q. M. p. 8. cap. 64. See it in France. Act Naturalizing all Strangers of the Protestant Religion, who having Estates, shall bring the same, and come and dwell in this Kingdom, or who shall set up new Works and Manufactures, and come and settle therein, promising them upon Petition to his Majesty the free exercise of their Religion in their own Language, providing always that the benefit of this Act be granted and applied at the Councils liking, Cat. 2. p. 2. Self. 1. c. 7.

NAVIGATION.

Act for the encouragement of Shipping and Navigation, ordaing all Goods to be imported after a day yet blank in the Act, from the original and proper place whence they are in use fit to be transported, and in Scots Ships, or in Ships be- longing to these places, under the pain of Conshition of Ship and Goods. That all Goods shipped as said is, not imported by Ships of this Countrey, be liable in double Custom. That all Goods belonging to Aliens, in whatever Vessels, im- ported or exported; as also, all Goods whatsoever exported in Forraign Vessels, be liable to double Customs. That Scots Ships navigated only by a Scots Mas- ter, and at least three parts Scots men: And the Act contains an order for ver- ifying a ship to be a Scots Ship, and getting Certificate thereon: And that no Guiltner allow the benefit of Scots Shipper to any Ship until the fine be so ver- ified, under the pain of deprivation: But this Act extends not to import from Af- rica, or America, or from Malice and Italy, until it shall be declared by Act of Parliament, Privy Council, or Council of Trade, not to the import of Coins from any place, in any Ship in time of dearth, declared to be such by Act of Council, Gat. 2. p. 2. Self. 1. c. 44.

NOTARS.

That Notaris in time coming be made by the King, and not by the Emperour, and that Notaris to be made examined by their Ordinaries the Bishops, and have their Certificates, 1a. 3. p. 5. c. 31.

That the Bishops and Ordinaries examine all Notars, and punish the insufficient, and fend the sufficient to the King to be made Regal, 1b. 4. p. 6. c. 64.

That the Sheriffs examine all Notars Laicks, and the Ordinaries all Notars Spi- ritual within their bounds, and cause them book their Signes, and admit them by an Act, otherwise their Instruments to make no faith, 1a. 5. p. 6. c. 76.

That all Inferiour Judges present their Clerks and Notars to the Lord to be ex- amined, without prejudice to the saids Judges to change as oft as they please, 1b. 6. p. 1. c. 17.

That all Instruments be taken in the hands of the Notar of the Court, and if the Party will have another Notar, that the other pafs within the Burs, and Instruments be taken in both their hands, and that the two Notars be Witnesses to others, other- wise the Instruments to make no faith: That the Notars of Court refuse to take to none, under the pain of Deprivation, and to be punished in his petion and goods, 1b. 5. p. 6. c. 81.

Addition to the forsaide Act, 1a. 5. p. 6. c. 78. And that all Notars be sent in to the Lords of Session betwixt a certain day, to be by them admitted, and if any not admitted use the Office of Notary, that their Instruments make no faith, and the selves be punished as Feliers, Q. M. p. 5. c. 31.

That the Lords of Session may charge Notars to compare as said is, bring- ing with them their Protocols to be taken and numbered, burdhis Burs Protocols, not to be seen or read, but delivered back without inspec- tion. That all Notars be admitted by the Lords, and that they design in their Instruments the Witnesses they require, by their dwelling, or some convenient to- ken (See Witnesses): That false Notars, and Notars not admitted as said is, and the causes of their Unbonds, be punished by echeat of moveables, cutting off of their right hands, and banishment; and at farther by the tinell of their life, if the cause so require, at the discretion of the Judge, Q. M. p. 6. c. 43.

The day appointed for commencing of this last Act prorogate to the first of March 1563. And the Act thenceforth Ratified, Q. M. p. 5. c. 78.

That all Notars be made by the Queens Letters, and thereafter examined and admitted by the Lords of Session, who should take their Oaths, and Register their right Signs, and who does in the contrary, in making Notars, or using the Office, to be punished by death, and their Instruments to be null, 1b. 6. c. 79.

Act suspending the right but such as understand congruous Laine, and shall report their Testimonial thereof to the Lords of Session, who by themselves, or some of their Clerks to the Signet, shall take full proof of them, by forming some Evi- dence, and that their Oathes be obliged in time coming that their Protocols within three days after their decease shall be brought in to the Clerk Register, or his Deputes, upon satisfaction to be made to his Relid, Bailms, or Executors there- fore, at sight of the Lords of Session, and the said Protocols to be made forth- coming thereafter to all concerned, on their testonable expences, 1a. 6. p. 1. cap. 45.

That the last part, anent satisfaction for Protocols, corrected, and all havers of the Protocols of Notars, after their decease, ordained to bring in the same to the Clerk Register, under the pain of an Hundred pennis: And if the Relid, and Clerk Register, under the pain of an Hundred pennis, by forming some Evi- dence, and that their Oathes be obliged in time coming that their Protocols within three days after their decease shall be brought in to the Clerk Register, or his Deputes, upon satisfaction to be made to his Relid, Bailms, or Executors there- fore, at sight of the Lords of Session, and the said Protocols to be made forth- coming thereafter to all concerned, on their testonable expences, 1a. 6. p. 1. cap. 45.

That the Bands and Advs of Customers for Notars be extended to their Children, and that their Oathes be obliged in time coming that their Protocols within three days after their decease shall be brought in to the Clerk Register, or his Deputes, upon satisfaction to be made to his Relid, Bailms, or Executors there- fore, at sight of the Lords of Session, and the said Protocols to be made forth- coming thereafter to all concerned, on their testonable expences, 1a. 6. p. 1. cap. 45.

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H

NULLITY.

NULLITY.

That all Nullities be received by way of exception or reply, and that all Writs, or things null of the Law, be declared so by way of exception, or reply, in the same instance, allowing always first time to call Wards, as if the Nullity had been performed by way of Action, Q. M. p. 6. c. 42.

four the Justices, *An Hundred merks*, and for each Person Arrested and not comparand the said Justice Aid, *Twenty pounds*, Jam. 6. p. 13. esp. 166.
That all Pecuniary pains, and unlaws, contained in the Laws of the Realm, before the fifth of *March*, 1542. be augmented ten fold, that is an illing, or pound, to ten illings, or ten pounds, and so forth, la. 6. p. 15. c. 267.
Pardon of penal statutes for bygone, lam. 6. p. 21. esp. 9. *Anno* 1612. the like 14. p. 23. c. 23. the like Car. 1. p. 2. esp. 27. the like Car. 2. p. 1. Seff. 1. esp. 27. and the like Car. 2. p. 1. Seff. 3. esp. 29. moit of those Acts contain a few Exceptions of certain Crimes.

PAPIST, See Mess, and Religion.

That all suspect to be Papists be warned by the Bishop, and Ministers, to recant and give Confession of their Faith, according to the approved form, under the pain of Excommunication. And if they failzie, that they be Excommunicat, or bea Office, or to be winces, or Affiduous, against their of the true Religion: neither can they make Depures, nor grant Procurations, and an Excepion being thereupon proposed, and verified, by the said Roll, if rejected, and Instruments thereon taken, shall be a sufficient ground of Suspension, lam. 6. p. 3. c. 45.

That none use Superstitious, Papistical rites, lam. 6. par. 7. esp. 104. See it in *Pilgrimages*.

Papists required by presbytries to satisfie the Kirk, and not comparand, or confessed, should be charged to produce the Presbytries Testimonial, by the Privy Council, and in case of failure denounced, whereby their excheat, both simple, and Life-ten viciks, and who therewith refuse them, incur the same pain, and the Presbytrie, or any Minister thereof negligent, tines the half of his Stipend, for that year, lam. 6. p. 14. c. 194.

That Papists be presented, that they may be profecut according to Law, and that Children under Popish Parents, Tutors, or Guardians, be taken from them, and committed to the Education of some well affected, and Religious Friend, at the sight, and be the order of the Privy Council, Car. 2. par. 1. Seff. 12. esp. 8.

PARENTS.

That what Sone, or Daughter, above the age of Sixteen years, not being distressed, shall beat, or cuttie Father, or Mother, shall be put to death, without Mercie. And if they be under Sixteen, but past puyillarity, that they be punished at the Judges arbitrement, Car. 2. p. 1. Seff. 1. esp. 20.

PARICIDE.

Who slays his Father, or Mother, Gudhird, or Guddame, He, and all his posterity, shall in *linea reba* be disinherited from their Heretages ever, and the next Collateral, shall succeed therein, li. 6. p. 14. c. 120.

PARKS. See Forrefts.

The Privileges of the Kings Parks, See lam. 6. par. 14. cap. 210. In King.

PARLIAMENT.

That Breakers of Acts of Parliament, be punished as they ordain, Jam. 1. p. 2. esp. 29.

That all Prelats, Earls, Barrons, and Free-holders, seeing they are holden to give presence in Parliaments, and General Councils, from thenceforth, compar in Person, and not by a Procurator, unless the Proceutors alledge a lawfull cause of absence, lam. 2. p. 2.

That the Acts of this, and the two preceding Parliaments, be Registrit, and Extraits given to the Sheriffis, who are to publish them, and also give Extraits to Prelats, Barrons, and Burrows, on the Demanders expences, under pain of Deprivation, lam. 2. p. 3. esp. 67. That Sheriffis, Commisioners of Burrows, and Barrons, get Copies of the Acts of Parliament, and give proclaim them, and the King is to give to the Sheriffis to Execute, Jam. 2. par. 14. cap. 89. That the Clerk Registrit cause to print each Acts of Parliament, as often as the Common wealth, and that he chuse the Printer, providing the said Printer have also the King's Licence, and that none unlicensed presume to Print them, for Six years, under the pain of Confiscation of the Books, la. 5. p. 7. c. 127.

That the Acts of Parliaments be Imprinted, lam. 6. p. 1. cap. 32. the Act relates to this Regitrit only.

Small Basons, or Free-holders, need not come to Parliaments, or general Councils, but of each Shire there may be sent two, or more, as it is of burgis, out-tane *Clackmannan*, and *Kunrois*, (of either of which one) chosen at the head Court, and these Commisioners, shall chuse a wife man, to be the common Speaker of the Parliament, to propose all needs, and causes, pertaining to the Commons. And their Commisioners shall have power of the rest under the Sheriffis Seal, and the Seal of diverse Barrons, to hear, treat, and finally determine, all Causes proposed in Council, or Parliament, and shall have collige of their Constitutions, and their Rents, each pounds another fee, as the Sheriffis, Abbots, Priests, Duks, Erles, Lords of Parliament, and Bannets, which the King will be summoned by his special precept, (here the Acts stops imperfectly, but I think it wants the words *are excepted*), lam. 1. p. 7. c. 101.

The old unlaw of unexcused absence from the Parliament, *Ten pounds*, lam. 1. in the Titles of the Parliaments 6, 7, and 8.

That all to be chosen in any Parliament hereafter, for deciding of causes, and complaints, swear to doe the same faithfully, and lawfully, according to their skill, lam. 1. p. 6. esp. 83.

Small Basons, or Free-holders, need not come to Parliaments, or general Councils, but of each Shire there may be sent two, or more, as it is of burgis, out-tane *Clackmannan*, and *Kunrois*, (of either of which one) chosen at the head Court, and these Commisioners, shall chuse a wife man, to be the common Speaker of the Parliament, to propose all needs, and causes, pertaining to the Commons. And their Commisioners shall have power of the rest under the Sheriffis Seal, and the Seal of diverse Barrons, to hear, treat, and finally determine, all Causes proposed in Council, or Parliament, and shall have collige of their Constitutions, and their Rents, each pounds another fee, as the Sheriffis, Abbots, Priests, Duks, Erles, Lords of Parliament, and Bannets, which the King will be summoned by his special precept, (here the Acts stops imperfectly, but I think it wants the words *are excepted*), lam. 1. p. 7. c. 101.

That no Free-holder, holding under *Twenty pounds*, be confined to come to Parliament, or general Council as presence, unless he be a Bason, or specially warned by writ, lam. 2. p. 44. esp. 75.

That no Free-holder within an *Hundred merks*, of the extent that now is, be compelled to come Personaly to Parliament, if he send his Procurator for him, unless he be specially called by the Kings writ, but all above this extent should come, lam. 4. p. 6. c. 78. *Anno* 1503.

AG Ratifying the Act, la. 1. p. 6. c. 101. (above) about the Commisioners of small Basons, to have vote in Parliament, ordaining them to be Electd yearly, by the Free-holders, (which by the preface of the Act should be under the degree of *Twenty pounds*, having a *fourty shilling* Land, and actually residing within the Shire) at the full head Court, after *Michaelmas*, and when the said Free-holders please, or the King shall require them. And that their Names be notified by the Commisioners of the preceding year, to the Director of the Chancellarie, so the electd they may be warned by precepts to Parliaments, or general Conventions, as the other Estates, that the Free-holders be Tuxed, and Charged for the expences of their Commisioners, and that they having Commisioners Electd, and substituted by the King, of the Barrons, and Free-holders, shall be equal in number with the Burrows, upon the Articles, and have vote in Parliament, and his

OBLIVION, See Indemnity.

Act of Oblivion, Q. M. p. 9. c. 67.
General Act of Oblivion, containing several Exceptions, Car. 2. par. 1. Seff. 2. esp. 10.

OFFICIARS, See Judges.

OFFICIARS of ARMS, See Messengers.

OFFICIARS of the CROWN.

Ordinary Officiars of the Crown reckoned, the Treasurer, Secretary, Collector, the Justice, Justice Clerk, Advocate, Master of Requests, Register, Director of the Chancellery, and Director of the Rols, li. 6. p. 21. c. 31. The Act is the *Kings Revocation*, from which their fees, and pensions are excepted.

ORCHYEARDS.

Breaking of Orchyeads a point of Dittay, la. 1. p. 2. c. 33. See it in *Theft*, and the Act a little following.

PLANTING of ORCHYEARDS, See Planting.

ORDINATION.

That none presume to ordain Ministers, but such as are authorized thereto by Law, and that none take Ordination from any other, declaring all Ordinations since the year 1666, or hereafter, otherwise made to be null, and the persons ordained to be no Ministers, and that both the pretended Ordainers, and ordained, be punished by the ordinary Magistrates, and presented to the Council, who are impowered to seal them, by Confession, Banishment, or perpetual Imprisonment, unless released by warrant under his Majesties hand, Car. 2. p. 2. Seff. 3. c. 9.

ORKNET, and ZETLAND.

Orkney, and *Zetland* annexed to the Crown, Car. 2. p. 2. Seff. 1. cap. 13. See it in *Annation*.

OATH.

The Oath that the Conservator should require of all Merchants and Skippers, Ja. 6. p. 15. c. 257. See it in *Conservator*.
Oaths of Minors discharged, Car. 2. p. 3. c. 19. See it in *Minors*.

OATH of Allegiance, and Subscription to the Prerogative.

That all Officiars of State, Members of Privy Council, Session, or Exchequer Justice Generall, Admirall, Sheriffis, Commisioners, and their Deputes, and Clerks, and all Magistrates, and Councils of Burghs, shall at their Admission to their Offices, and before they exercise the same, take, and swear, the Oath of Allegiance, and also swear under their hand, his Majesties Prerogative, in manner set down in the Act, as also that all Persons equited by the Privy Council, or any having power from them, shall be obliged to swear the said Oath, certifying that who refuses the said Oath, shall not only be incapable of publick Trust, but also looked upon as disinherited to his Majesties Government, and such as shall refuse to assent the Prerogative, shall from thence forth be incapable of publick Trust, Car. 2. p. 1. Seff. 1. c. 11.

How the Oath of Allegiance is to be administrat to, and taken by Members of Parliament, See Car. 2. p. 1. Seff. 1. cap. 1. in *Parliament*.

OVER-LORD, See Superior.

OXEN, See Horse.

P
PACKING, and PEILING, See Burgbs.

PAINS, and Penal Statuts.

That pecuniary pains be taken up in Gold, and Silver, at the avall of the money when the Acts were made, or as augmented in the money now current, and in of Comptitions, li. 6. p. 11. esp. 76.

That the Lords of Session, grant no suspension upon unlaws of liquid firms charged for by the Thesaurer, without Consignation, or good Soveity, lam. 6. p. 12. esp. 126.

The pains of Law-burrows, not reporting of Letters to the Justice Clerk, and not comparance before the Justice shere Soveity found, for Earl, or Lord, *7 two Thousand pounds*, great Baron, *4 Thousand pounds*. Freeholders, *a Thousand merks*, a Fewer *Five Hundred merks*, a Gentleman un-landed, *Two hundred merks*, a Yeoman a *Hundred merks*, each Person Summoned on an Afflic be-

his Majesties willive shall be direct & certain to them, before Parliaments, as to the Barons, and that access be direct yearly by the Lords of Session, at the instance of the Commissioners, for conveying and taxing the Free-holders for their Expenses. Jam. 6. p. 11. c. 112.

That these Commissioners be not admitted, unless they bring sufficient Commissions granted to them, in a full Convention of the Barons of the Shire, subscribed by a great number of the Barons present, and by the Clerk of the Convention, and the Clerk Register discharged to receive any Commission not in due form. Ja. 6. p. 15. c. 272.

Ad for clearing Elections from Shites, that beside such as hold a *Forreign Inheritance* Land of the King in capite, all Heritors, Life-tenants, and Wofletters, holding of the King, and others who hold townships of Bishops, (the Bishops were not at that time reformed) and Abbots, and now hold of the King, having yearly ten Chalders of Wheat, or an *Equivalent* pound, (First-dwelve deniers) all be, and are capable, to elect, & be elected, 40 Parliaments, Noble-men, & their Wofletters excepted. That every such Commission have five pounds, per diem, including the first & last days of the Parliament and eight days for coming, and as many for going, from, and to the farthest Shires, *Shire-shirly*, and *Sutherland*, and proportionally in nearer distance, and that the whole Fee-buider, Executors, and Life-teners, holding of the King, or Prince, bear the said buiden, excepting Noble-men, and their Wofletters, and that upon an Attestation under the Clerk Register read of the days of the Parliament, this allowance be raised to the Excise, by Homage, Founding, and Quarters, that the said Commissioners be in full manner believed, and paid of the price of the Foot-mantels, the Foot-mantels being made forth coming to the Shire, at the rising of the Parliament, Car. 2. p. 1. Self. 1. c. 35.

Act concerning the Election of Commissioners for Shires to Parliaments, or Conventions, declaring which only capable, to vote, and elect, who have in property, or lordship, a full and entire, or in possession of a *Forreign Inheritance* Land of old extent, holden of the King, or Prince, or where the extent appears not, then Lands worth *Four Hundred pounds* of valued Rent, whether Rite-lands, or other holden of his Majesty, as King or Prince, and also clearly determining all other questions, who have right to vote, and who not, and how the Rots of the Free-holders should be raised, the meetings proposed, and objections be proposed, and discussed, that all Heritors, Life-teners, and Wofletters, within each Shire, contribute to the Commissioners Charges, and Foot-mantels according to their Valuations, except Wofletters of Noble-men, or Bishops, or Lands holden Burges, Car. 2. p. 3. c. 212.

That no man interpret the Kings Statutes otherwise then they bear, and to the intent as the same understood them, under the pain to be punished at the Kings will, Jam. 1. p. 7. c. 108.

The manner of Attorneys for the Parliament, and for Fore-Speakers for the colt that speak for need, and that each Burgh wear the Parliaments fits, make Seiges for their sining, under the pain of *Ten pounds*, Jam. 2. p. 11. c. 47. Ratified, and that the King make the Patens of the said Burgh Attorneys, Jam. 2. p. 14. c. 68. See *Appendix*.

Parliaments need not be continued from day to day, but continue of themselves, as and while they be dissolved by the King, Jam. 3. p. 1. c. 139.

The Free-tenants of the principality, give title, and presence, in Parliaments, as and while the King have a son, and the Prince be born. Jam. 4. p. 2. c. 16.

Ad annulling all Acts of Parliament already made contrary to Gods word, Ja. 6. p. 1. c. 3.

That the Proclamation of the Acts of Parliament at the Mercat-croze of *Fair-burgh*, be sufficient Publication to all the Lieges, who are declared to be situated to the obedience of the saids Acts, fourtie dayes after the said Publication, Jam. 6. p. 7. c. 128.

That none impugn the Dignity and Authority of the three Estates of Parliament, or seek to procure the invasion, or diminution of the Power and Authority of the same three Estates, or any of them, under the pain of Treason, Jam. 6. p. 8. c. 130.

That no person take upon him the place of more of the Estates of Parliament then one, to wit, that wherein he professes himself to live, and whereof he takes his title, Ja. 6. p. 11. c. 33.

The un-lawfulness of the Parliament, not executed by the Lords of the Articles, of the *First three hundred pounds*, of the Lord *two hundred pounds*, of the Prelat *an hundred pounds*, and of every Burgh an *hundred marks*; and that he who daies not be reputed absent, and that Letters be hereupon distiched, *Ibid*, c. 34.

Ratified, and the un-law of absence for a Commissioner of Barons ordained to be *an hundred pounds*, and the excuse be admitted, except styled by his Majesty or his Commissioner, or in their absence by the Lord Chancellor and Council, and the Certificate judicially produced the first day of the Parliament. That any Lord of Parliament so excused, may give his power to another of the same state, who shall be admitted to reason and vote for him, Ja. 6. p. 22. c. 7.

Heraults, Messengers, or Trumpeters absent from the Parliament, or present not doing duty, time 3 years for the first fault, and for the second may be deprived, Ja. 6. p. 11. c. 35.

That each State wear the Apparell to be appointed by the King, under the pain of *two hundred pounds*, and to be debated toith of the Parliament, *Ibid*, c. 38.

That the number of the Lords of Articles be equal in each State, and the fewest of each State fix, and the most ten, *Ibid*, c. 37.

That all persons sealed for Treason or other crimes, may have their Advocates, who may freely plead for them, annulling all Acts to the contrary, *Ibid*, c. 39.

Decisions in Parliament upon Condition of the Cause, may not be called in question by any Inferiour Judge, *Ibid*, c. 39.

That the above-written Order of Parliament be inviolably observed, and the King promises to do nothing directly nor indirectly in prejudice of free voting and reasoning therein, *Ibid*, c. 40.

That there be no quarrell nor trouble made in Parliament for Priority of plea, otherwise then by Supplication, and that all content themselves with the direction of his Highness and the Estates, under the pain of being punished by the King and the Lords of the Articles, as disturbers of the peace, *Ibid*, c. 41.

That no Ratification be past in Parliament upon simple Articles of Parties, but that the matter be first paid by Infinitum upon composition payed to the Treasurer, *Ibid*, c. 78. And that any full Ratification past, be not boyled without a Certificate that the Treasurer is annulled, and that otherwise the same be null: And that Ratifications of particular Rights in this Parliament prejudice not the Rights of others, Ja. 6. p. 12. c. 130.

The like *Ad salvo* salvo Ratifications and other Acts in favours of particular persons, whereunto others were not called, Ja. 6. p. 14. c. 215. p. 216. 11. p. 22. c. 23. and p. 23. c. 33.

To sit in, hurt, or to say any person in the Parliament-house during the holding thereof, is Treason, Ja. 6. p. 11. c. 373.

That when the Parliament is proclaimed, four of each State be appointed to meet twenty dayes before the sitting thereof, to receive all manner of Articles and Supplications concerning general Lawes, or particular Parties, which are to be delivered to the Clerk Register, and by him presented to the saids petitions of the Estates, that they may see what they be frivolous and unpropous, and present things reasonable, and finally to send the Lords of the Articles, and that no Article or Supplication wanting a Title, or subscribed, be read or answered. Referring to the King to propose Articles at all times concerning himself, or the Common-wealth, Ja. 6. p. 14. c. 215.

Ad *Salvo* *Terræ*, declaring that no private Ad pass in that Parliament shall prejudice his Majesty as to the Ad of Revocation ancient the Superiours of Ecclesiastical, ancient Regalities of Ecclesiastical, and ancient his Majesties annexed Property, nor to be judged according to the right standing, in their Petitions, before the making of the saids particular Acts. And this is declared to be the meaning of all Ad *Salvo* *Terræ*. There are some exceptions made in this Act, Car. 1. p. 1. c. 11.

That the Lord Chancellor for the time, or in his absence he who shall be nominated by the King hath right to Precede his all Parliaments, and other Publick Inductories where they shall happen to be held, and that at the full-drawing of Parliament they admit all to all its Members the Oath of Allegiance, and Oath of Parliament, as in the Ad: And all Ad as to the Incident, or Oath of Parliament contrary hereto, are Repealed, Car. 2. p. 1. Self. 1. c. 1.

The Parliaments and Committees after the Engagement, 1643. Repealed, Car. 2. p. 1. c. 2.

The Parliaments, 1640. 3641. 44. 45. 46. 47. and 48. Repealed, *Ibid*, c. 15. See *Revisory*.

Ad *Salvo* *Terræ*, *Ibid*, c. 63. The like, *Ibid*, Self. 1. c. 11. The like Ad, but excepting the Ratification of the Duke and Duchesse of *Buccleugh*, *Ibid*, Contract of Marriage past in that Session of Parliament, *Ibid*, Self. 1. c. 30. The like, Car. 2. p. 2. Self. 1. c. 21. The like, *Ibid*, Self. 2. c. 10. The like, *Ibid*, Self. 3. c. 21. And the like, excepting from it the twenty fourth Act of this Parliament concerning Publick Debts, Car. 2. p. 3. c. 23.

Ad concerning the election and continuation of the Lords of the Articles, whiche the Clergy might elect of the Nobility, the Nobility & gift of the Clergy, and the like, or might be elected, or might be elected, or might be elected, and might be elected, to whom his Majesties Commissioners shall be Officers of State, and the Lord Chancellor to Precede: Which Lords of Articles are to prepare *Laws*, Acts, and Overtures, and order all things relating to them until a Parliament, Car. 2. p. 1. Self. 1. c. 3.

Ad concerning voting by Billets, Car. 2. p. 1. Self. 1. The Ad is, *Ad Repealing* *the Ad*, placed after the Index of unprinted Acts, September 1663.

PASSE.

That no man break the Kings safe Conduitt, under the pain of death, Ja. 3. p. 12. c. 88.

PASSING FORTH OF THE REALM.

That Clerks or Laicks passing forth of the Realm, make their exchange of money with Exchangers within the Countrey, and that they take their way, and their going to the Chanceller, and Laicks to the Chamberlain, under the pain of *twenty pounds* to the King, Ja. 1. p. 6. c. 14.

That no man Spiritual or Temporal pass forth of the Realm without licence, or being abscond, do any thing against the licence, and that they have out to no more, and that they be not of Protection and Relevation, and to be detested, and that the Ad proceeds upon a reference of abilities committed at the Court of *Remer*, Ja. 4. p. 5. c. 53.

That persons going out of the Kingdom for farther knowledge of Letters, have the Kings licence, and in what terms. See it, Ja. 6. p. 6. c. 71. In *Religion*. Acts against the Youth going abroad. See it in *Annals*.

PATRON.

That Patrons present a qualified person within six months after they have knowledge of the Vacancy to the Superintendent, or Commissioner of the Kirk, otherwise the Kirk may dispose upon their benefice, in case the Patron and Superintendent differ, the Appeal to be made to the Superintendent, and Ministers of that Province, and from them to the General Assembly, who decide finally in the matter, Ja. 6. p. 1. c. 7.

That Patrons of Provosts, Trebendaries, Altermages, and Chaplains may present the same to Bursars in Colleges at their pleasures, and they are requested to do the like, Ja. 6. p. 1. c. 12.

Ample Ratified, and the King with advice of the Estates expressly declares, that it was never his mind to prelude the saids Patrons, as to the saids benefices, but that he was content that the saids Patrons should be fully and justly tried the same, conform to the old Foundations, notwithstanding any application made thereof the time of Popery, or any disposition made thereof by his Majesty, Ja. 6. p. 1. c. 158.

Burgh Ratified: And it is farther declared, that the city of the Wofletters of the saids Benefices shall belong to the saids Patrons, as to the saids benefices, but that the saids Patrons have right to the saids benefices, in case they refuse always to the Titulars the Fruits and Profits of the said Benefices: And where Burghs and their Magistrates were before Patrons, they are now also declared to be Superiors, Car. 2. p. 1. Self. 1. c. 54.

That Laick Patrons have right to the Fruits of their Benefices waiking, inasmuch as by Ad. Ja. 6. p. 8. c. 137. p. 1. c. 144. and p. 1. c. 172. The Laick Patrons have right to the right of Patronage can nor be hurt by any loose possession of any Ecclesiastical Person giving the possession, and pretending right to the Benefice while the Lands were Wodlet: *See* the Laick Patron redemptio returns to his right of Patronage, Ja. 6. p. 13. c. 61.

A sentence of deprivation being in suit to the Patron, he must present within six months, otherwise his right for that time devolves to the Benefice, Ja. 6. p. 12. c. 115.

All infamations granted, or ro be granted by his Majesty, containing the Gift of any Patronage which premed before to him, and whereof the Titular is alive, and not conforming to the Gift, the same is declared null by way of exception or reply, as to the said Patronage, unless the Beneficed Persons consent shall thereto after obtained, Ja. 6. p. 13. c. 173.

Noblemen may have right to the Fruits of their Benefices of Tennds, or others belonging to his Benefice, without content of the Patron, then for the space of three years, Ja. 6. p. 14. c. 200. See *Benefice*.

A person being provided by the King or his Donator to a Benefice, at his Majesties presentation, by reason of the forfeitment of the Patron; and the person presented having obtained Letters conform, and being in peaceable possession, his Right and Title stand good, notwithstanding of the forfeiture of the Patron forfeited, or the reduction of his forfeitment, but prejudice to the Patron of his right upon the next vacating, Ja. 6. p. 20. c. 12.

That Patrons may lawfully take Tacks, or Conditions of Tacks, from Intents, with reference to the Kirk of a sufficient parishwaiker, Jam. 6. p. 21. c. 1. (See *Simons*) and the same is again declared without prejudice of the Ministers mentioned, and to be modified, Car. 2. p. 1. Self. 1. c. 19. The Ad is, *Ad Approving* the Engagement, 1648. &c.

Laick Patronages pertaining to subjects before the year 1611, fall within the Compaiss of the general Substitution, and his Majesties Declaration thereto, in so far as concerns a competent maintenance to the Ministers of the Tennds of other persons lands, and his Majesties Declaration, and the Tennds thereof, pertain to his Majesties Patrons, in price of Tenne, in all cases where they were in possession thereof seven years within the fifteen years, immediately preceding the said Substitution: But there is a reference made to his Majesty of differences whiche the Titular, or Ministers were in possession of the Benefice for the said space, Car. 2. p. 1. c. 19. The Ad is the *Commission for Visiting* of *Tennds*, &c.

That the re-issuing of the Ad, 1649, which did abolish Patronages, and gave the Patrons right to the Tennds in place thereof, Doeth not give the present Incum-

becomes any farther right to the Teinds, then they had before the making of this Act. Cat. 2. par. 1. Self. 1. cap. 9. That all Barons, or Benefices of Cure, be careful to preferer pious, Lovel, Lecturers, and peaceable men, who shall take, and subscribe the Oath of Allegiance before a Judge Ordinary, before the granting, and their accepting the presentation, otherwise if a Person that hath not taken the Oath, shall be presented, the presentation shall not only be void, but the right thereof as to that Vacancy shall belong to the King, and the Patron be reputed disqualified to his Majesty's Government, and a Concinnet of his Authority, Cat. 2. par. 1. Self. 1. cap. 16.

PAYMENT. See Money.

Order for payments on the then charge of money, and that Wodges upon the money running at that time, be out quare by the same, or by the avails, Jam. 2. p. 8. cap. 16.

That Debts be payed of the same sums in substance, as it was intended before the Parties, before the Act crying up the money, and that usual money of Scotland in all bygone Counties, be understood as the money went before it was cried up, Jam. 3. p. 3. cap. 15, and par. 8. cap. 69.

The King being prayed, grants, that if he cried down the money, yet payments shall be made as the present avails, Ia. 3. p. 3. cap. 21. That of black, or Copper money, there be taken in payment, Twelve pence only in the pound, Jam. 3. p. 3. cap. 22. Augmented to Two shillings per pound, 1704, cap. 24.

PEACE, See Feede.

That Peace be kept, and holden through the Realm, and that no man more weig against another, under the pain of 100, Jam. 1. p. 1. c. 2. That the King make Peace and unity, among his great Lords, and that they, and the Judges make unity among smaller Persons, Jam. 1. p. 1. c. 92.

That the King for Peace, make all Parnes, and Persons, to be at friendship, and concord, and punish the Party obstinately refusing, Jam. 4. par. 2. cap. 8.

PECK to the Boll.

That in Burgains for Victual, no eek, or addition, of any quantity be made, except upon payment for the same price, as is conditioned for the first Boll, and that under the pain of *fourty shillings*, to be payed by the Receiver, for every Boll others received, (beside the price) the half to the King, the other half to the Delator, Jam. 6. par. 23. cap. 17.

PEDAGOGUE, See Youth.

That Pedagoges sent by Nohlemen, and Others, with their Sons out of the County, have the Rithons Testimonial of his Religion, and Learning, and under the pains to the Earl of Five thousand pounds, to the Lord of Five thousand merks, and to the Barron of Three thousand merks, Jam. 6. p. 20. cap. 1.

That none be admitted Pedagoges without Licence of the Ordinary, Cat. 2. p. 1. cap. 4.

That Pedagoges take the Test, Cat. 2. par. 3. cap. 6. See *Irish Test*.

PENSION.

That no pension be purchased of any Benefice without consent of the Possessor, Jam. 3. p. 1. cap. 4.

He who pretends right to any Pension purchased after the date of this Act, should produce the principal Gift, and the same being improv'd, or reduced, any Ratification, Confirmation, Decree, or Letters thereupon fall in *Contumaciam*, Jam. 6. par. 1. cap. 62.

That no Pension be made in the Act of Annexations; 1587. but Pensions, and that all Pensions out of Ecclesies, whether Spirituality, or Temporality thereof, not authorized by decree, or Possession in the Prelate issue, and before the Act of Annexation, be null, and of none avail, Jam. 6. p. 12. cap. 137.

PERAMBULATION.

That in Perambulations; the Persons of inequity be honest, seditious men, Heretics within the Shire, if they may be had, or four halis about, or four next Shires, that be known the meiths of the Lands, unless the beives be proven by a bounding evident, or Authentick writ, Jam. 6. p. 6. cap. 79.

PESTILENCE.

That Houses be closed up the time of the Resillence, erif the Inhabitants be unwilling to be closed up, that they be put out of Towns, and that no man burn, (that is longer for cleansing) in others House, but gif it may be dooe without his Nighboours skait; Ia. 2. p. 13. cap. 57.

PETWTER.

That Petweters put the mark, and his own Name upon his works, And that it be of the finest marked with the Rose in England, under the pain of sixshet thereof, and further punishment by the Magistrates; and for this end that they be Sey-masters appointed, and that Petweters take betwixt the pound of gold of Ten, or Twelve marked with the Rose as said is, and the pound of new casten by them. Two shillings allnerie, under the pains forfeid, Cat. 2. p. 1. Self. 1. cap. 8.

That broken Petwets be not exported, Cat. 2. p. 1. Self. 1. cap. 49. See in *forbid-dergides*.

PILGRIMAGE.

That none go in Pilgrimage to Kirks, Chapels, Croffes, or the like, keep 500000000, King Cartiles, or observe any other Superstitious Popishal rite, under the pain of an Hundred pounds the Landed man, an Hundred merks the unlanded man, and *fourty pounds* the Yeoman, and the offender not respnals, to be Imprisoned for the first fault, and for the second that the offenders be punished by Death, as delators, Ja. 6. p. 7. cap. 104.

PLANTATION of Kirks.

Commission for Plantation of Kirks, the meaneft Stipend, where the fruits of the Benefice may amount it, Five hundred merks, or Five Couder of Victual, the highest an Hundred merks, or Ten Childer, and power given to recompense Patrons, Tackmes, and Sub-tacklains, by Tacks, Prorogations, and otherwise, as the Commissioners shall think fit, Declaring that where this Commission shall take effect by Decree, the persons having right to the Teinds shall not be farther questioned, and this Commission to endure, until the first of August 1618. Ja. 6. par. 22. cap. 17.

Another Commission for Plantation of Kirks; almost in the same terms, ap-

pointed to begin the tenth of January, 1622, and to endure for year, and day, Ja. 6. p. 23. cap. 5.

Act Ratifying the Act of Commission of Surrender, tenth feith of June, 1627, finding eight, that is of Victual, or Proportional in Silver, and Victual, to be the lowest maintenance for any Kirk, except particular persons, which are by this Act returned to be considered by the Commissioners for Plantation, &c. And all Acts, and Decrets of Modification, already made by the said Commission, are Ratified, and Letters ordained to be directed thereon, Cat. 1. p. 1. cap. 8.

Commission for Valuation of Teinds, and Plantation of Kirks, Cat. 1. p. 1. c. 19. *Annus* 1633.

All Decretes, and Sentences, given by the Commissioners for plantation of Kirks, in the years 1629, and 1630, are declared to be valide, albeit the authority of these Commissioners be declared void, except in so far as the same upon complaint, shall be found to have been usually pronounced by the Commission, to be given in this Parliament, Cat. 2. p. 1. Self. 1. cap. 9. The Act is, *Act approving the Engagemens*, 1628, 87.

Commission for Plantation of Kirks, and Valuation of Teinds, Ratifying all Acts, and Decrets of former Commissioners granted since the year, 1640. Albeit all Parliaments since that time be rescinded, this Act gives power to value, but not to lay Teinds, even where Ministers are in possession by leasing, as also allows Heretors to buy, any time within three years after Valuation, Cat. 2. par. 1. Self. 1. cap. 6.

Commission for Plantation of Kirks, and Valuation of Teinds, Ratifying the Commission, 1633. (except as to Alterations made by subsequent Commissions ratified in this Parliament) As also the Commission, 1661. This Commission almost of the same Tenor with the former, only it excepts from the Ratification of the Acts and Decrets of former Commissioners, since the year, 1640. all Decrets of Valuation, or Modification, past since the year, 1637. Whereby the Bishops are prejudged of what they then forfilded, Cat. 2. par. 1. Self. 3. cap. 28.

Commission for plantation of Kirks, and Valuation of Teinds, much of the Tenor of the former, and referring to the Commission, 1633. As to the modifying, and selling of stipends, and giving Heretors liberty to buy within three years after the date of the Act, which is of the 28. August, 1672. And if they be Minors, two years after their Majority, &c. Cat. 2. par. 2. Self. 3. cap. 15.

PLANTING and POLICY.

That Free-holders cause their Tennets, plant Woods, Trees, and Hedges, and few broom, in convenient places, Ia. 2. p. 14. c. 80.

For Planting, and Policy, That every Lord, and Laird, make Parks, with Decree, Stanks, Canningis, Dowats, Ochycards, and Hedges, and plant at least an Aker of Wood, Ia. 4. p. 6. 74.

Ratified, And that every man having an hundred pound Land of new Extent, where thereto no Wood, plant Wood, and make Hedges, and Haining, extending to three Akers, less or more, effering to his Heritage, and that they cause their Tennets plant for every merk Land, a Tree, under the pain of ten pounds to be payed by each Laird that fails, and the King may give Commission to execute this Act, Ia. 5. p. 4. c. 74.

Act ratifying the Act, 1633. and defoying of Wood: See in *Thieft*, and *Woods*, especially the Act, Ia. 6. p. 19. c. 3. in *Thieft*. Which provides particularly, and amply, for the prevention of Planting, Inclosures, and all manner of Policy, and Ratifying the Act, Ia. 1. p. 4. c. 50. Entitled, *An Act for Planting of Woods, Forrefts, and Orchards*, (but there is no such Act, but the Act aforesaid must be, Ia. 2. p. 14. c. 80. To few broom, and make Hedges. Or Ia. 4. p. 6. c. 74. That Hedges, and Parks, &c. be made, &c. And all other Acts for that effect: And farther, That every Heretor, Lifentor, or Wodferwer worth a thousand pound of valued Rent, inclose yearly for ten years next ensuing, four Akers of ground, and plant the same with Oak, &c. other Trees, at three Yards distance; and other Heretors of greater or less rents accordingly, and that they uphold the same, and they may at the fight of a Judge Ordinary, call about the High Ways, not exceeding two, that the hundred Elms on either side them and the Heretors: And that proper Wodferits shall have the charges of their planting eeked to the reversion: And who cuts or breaks any such Tree, shall pay twenty pounds, or who breaks down the Inclosure five pounds, to the Heretor, or work six weeks, or ten dayes to him for meat, and drink only. And the Inclosed Grounds are declared free of all Burdens, and Quarterings of Horse, for nineteen years after the date of the Act. That Nighboours keep their Bealls off their Inclosures at all times, under the pain of five pounds the year to the Owner: And that where Inclosures fall to be made on Matches, the next Heretor be half charges, Cat. 2. p. 1. Self. 1. c. 41. And if the Matches be crooked, and unequal, or unin for Dike, or Ditch, the Incloset may require the Sheriff, Justices of Peace, or other Judge Ordinary, to visit and regulate the Matches, with the best conveniences, by adjoining *perces inclosure*, and ordain- ing any *perces* price that happens for adjoining, to be payed, that the Dike, or Ditch to be made, be thereafter the common March, Cat. 2. p. 2. Self. 1. c. 17.

Act charging the Playes, and Performances of Robin Hood, Little John, *Ab- lous of uncleskin*, and *Queen of May*, Q. M. p. 6. c. 61.

PLAYES.

Act charging the Playes, and Performances of Robin Hood, Little John, *Ab- lous of uncleskin*, and *Queen of May*, Q. M. p. 6. c. 61.

PLEDGES. See High-lands.

That no Nobleman, or Baroo, (being hindered therewith,) refuse to accept of High-land, or Border Pledges, but that they receive them, and be answerable for them, under the pain of two thousand pounds for each Pledge, Jam. 6. par. 16. cap. 28.

PLEY.

That no Lord of Sefflow, Ordinary, or extraordinary, Advocets, Clerks, Withers, their Servants, or any other Members of the Colledge of Justice, or of any inferior Judgement, be themselves, or others, by their behavior, by any Lands, Tenants, or others, or Possessions, depending in pley, undecided, under the pain of tinnng their plees, and all Priviledges thereof, Jam. 6. par. 14. cap. 216.

PLOUGH, See Labouring, and Sowing.

POINDING.

That Pounding for mallis and Annual-tents, be deferred to the third day, after the solemnle dayes of Whitunday, or Martinnes, Ja. 3. p. 5. cap. 35. See *Sabbath*.

That Horse, Oxen, or other Goods pertaining to the Plough, and Labour, be not poinded the time of labour, where other Guides, or Lands, may be had to be poinded, or Apuffed, Ja. 4. p. 6. cap. 98.

That Decrets given in actions of double poinding, for the partie comparing may not be quarrelled as to: by-gones by the partie absent, unless he have an need *gry*

any cause of absence: And that Minors leied by their absence, have s^{on}ion of damages against their Tutors, and Curators aliterly. But if the Minor have none, that he be restituted as accords, Jam. 6. par. 9. cap. 3. Albeit this Act be declarative, and was made to comprehend all causes then depending, and undecided, yet it is likewise restituted to reductions of such Decretes, as were obtained alicet the making thereof aliterly, Jam. 6. par. 10. cap. 3.

Ratification of the Ad. Jam. 6. par. 18. cap. 10. In Horning, and that Letters of Poinding be in like manner Directed upon Sheriffs, Commistars, and other inferior Judges Decretes, mentioned in the said Ad. and for this Ad drawn back to the Twelfth of June, 1649. Jam. 2. p. 1. Sell. 1. cap. 29.

That pointing be not used upon Banis, or Decretes, for Perbonds Ad. and the Charge be given and expired. under the pain of Courtis: But prejudice of Masters Decretes against their Tenants, in their own Courts, and Superiors pointing for Few dewties, as formerly, Cat. 2. p. 2. Sell. 1. cap. 4.

POOR, See Beggars.

For preventing the encrease of Beggars, his Majesties Leiges at sight of Provels, and Billies within Burgh, or of Kirk Sessions, either to Burgh, or Landward, may receive the Children of Indigent Parents, with consent of their Parents. If they any have, and if they be under fifteen years, and with their own consent if above, and biced them either in their Houses, or at Callings; and upon a Testimonial hereof, the said Children shall be alitered to their laids Masters, Discharges, and Alms, in all manner of Service, and be under all manner of Discipline, (life and torture excepted) until they be full thirte years of age, and all their gain by their travel shall be their Masters, and they shall be bound to re-ound his damage for their absence, and who keepeth from him after Requisition for redeliverye upon Twelve houes, shall be layable in *Ten fillings, per diem*, beside the redeliverye, Jam. 6. par. 12. cap. 18.

Ratified, with this Addition, that all Masters of Manufacturys, and all advice of the Magistrates of the place, seize Vagabonds, and idle Foot Peisons, and employ them in their work, and exact of the Paroches where they were born, or if not known, the Paroches where they have haunted for three years before, *s^{on} fillings, per diem*, for the next three years, in manner prescribed in the *Ad.* And the said Act may remain in their force, for Meat and Cloaths, Cat. 2. p. 1. Sell. 3. cap. 16.

The oversight of the Poor committed to the Justices of Peace, who are impowered to appoint two, or more Overseers, in every Paroch, and take account of them as in the Ad. Car. 2. p. 1. Sell. 1. cap. 38. See it in *Justices of Peace*.

Order for appointing, and entertaining one, or more, in each Paroch, on the Heritors expenses, to teach poor children, Vagabonds, and Idlers, to fine and mixe Wood, Spin Worsted, and work Stockings, *Ibid.* cap. 42.

Act for establishing Correction Houses, for idle Beggars, and Vagabonds, in the Burghs, upon the allowance, and in way, and manner fully set down in the Ad. Car. 2. p. 1. Sell. 3. cap. 18.

POPE.

Act Ratifying the Act of Parliament, dated 24. *August*, 1660. abolishing the Popes Jurisdiction, and Authority, within this Kingdom. Jam. 6. p. 1. cap. 2.

That all Bubbles, Provisions, Confirmations, and Gifts of Benefices, granted by the Pope, or Queen Mother, to the King, be produced before Commissioners to be appointed by his Majesty, and in case the same be found true, and lawfully purchased, before the Twentie fourth of *August*, 1680. that they be Regulated, and marked, otherwise, that they be declared null. Jam. 6. par. 3. cap. 51.

POYSON.

That no Man, nor Woman, Inbring any kind of poyson, (through which) Man or Woman may take Bodily harm, into the Realm, for any manner of use, under the pain of Treason, Jam. 2. par. 7. cap. 30.

And this Act extended against Strangers, *Ibid.* cap. 31.

PREACHING.

That none be permitted to Preach without Licence of the Ordinary, Car. 2. par. 1. Sell. 2. cap. 4.

PRECEPT.

That Precepts upon retours palls as before to the Sheriffs, and other Judges, with the clausic *capendo securitatem*, without urging Parties to present payment, Jam. 6. p. 12. cap. 124.

That no Precepts of fine be thereafter written, or to under the Quarter Seal; but that they be ingrossed in the end of the charter, Car. 2. p. 2. Sell. 3. cap. 7.

PRELAT, and PRELACIE.

When Prelacies, that is Bishopricks, and Abbacies waile, the nomination thereof pertains to the King, and the provision to the Pope, and that none take their Places, Castles, Strengths, or Abbacies, without the Kings Authority, or the Consents consent, the Abbacie waiking, under the pain of high Treason, Jam. 5. par. 7. cap. 13.

That all Gifts, and Dispositions of Prelacies, Abbacies, Priorities, and Nunnies, made by the King upon the Reignation of the Possessors, referring their Lives-tenes, are null, and that no Gift of any Prelacy be valde in time coming, except it waile be decess, Fore-faulture, or simple Dimission, Jam. 6. p. 9. c. 1. But this Act corrected, and declared to be of force only, *quo ad futurum*, and Gifts made after the date thereof, Jam. 6. p. 13. cap. 182.

And for obviating Frauds as to annuities, all Giftors first with all Solemnities, and specially not expd through the great Seal, before the making of the said Ad. Jam. 6. p. 9. c. 1. are excepted, and declared null, Jam. 6. p. 15. cap. 274.

That Prelats be free of wardance except from *ra^o* and deed, in respect of the Annexation, 1587. Jam. 11. cap. 11. 0. See it in *Annexation*.

That Prelats, and Other beneficed Persons, have eleif of Taxations upon their Vassils, Pensioners, and Tenants, Jam. 6. p. 14. cap. 218.

That all Ministers provided to the title of an Bishop, Abbot, or other Prelate, have voice in Parliament, siclike as Prelats had of old, Jam. 6. par. 15. cap. 221.

That two part of the Spirituality unsummed of all Prelacies waiking, and Rents, and pmis thereof, *vide vacantes*, appertain to the King, and may not be disposed by Pension, Gift, or otherwise, *Ibid.* cap. 242.

PREROGATIVE, See King, and Oath of Allegiance.

PRESBYTERY, See Kirk. PRESCRIPTION, and INTERRUPTION.

Obligations prescribe, if the Partie to whom they are made, follow not the same within foure years, and take document thereupon, Jam. 3. p. 5. c. 29. extended to bygone Obligations, elid then foure years, and not depending in Law, the time of the making of the forefid Ad. Jam. 3. p. 7. cap. 31.

That Summons of Error of Inquests, beswered by the Partie leifed, if Major, and within the Kestime, within three years, otherwise he shall never be in the same, or to reduce the said Error, Jam. 4. p. 41. cap. 59. But conceded, and restituted to the Members of Inquests, so as they may not be made lible after three years for Error, without prejudice to the partie leifed to present for redituion of retoures, to be expd in time coming, within the space of twente years, for recovery of his right, after which space aliterly, the said Ad. of Redu^otion is to prevail, but this Ad. ad preiudicium non fact as have already acquiesced, *non fide*, from Persons tounred before the date thereof, Jam. 6. p. 22. cap. 13. *Ibid.* 1617.

Actions of Spuzies, Ejecti^ons, and Others of that nature prescribe, if not performed within three years, after committing of the deeds, unless the partie leifed be Minor, who is allowed thre year after his Majority, Jam. 6. p. 6. cap. 81. Ratified Jam. 6. p. 7. cap. 29.

Actions of mortu^o prescribe as like manner, if not performed within three years after the waiking, Jam. 6. par. 6. cap. 92. but without any exception as to Minors.

All Actions of Debt for house mails, mens ordinals, Servants Fees, Merchants Compts, and other the like Debts, not founded on bill, prescribe, if not performed within three years, unless the Performer offer to prove his Claim by Wit, or Oath of Party, *Ibid.* cap. 93.

No necessity to produce Procuratories, and Infirmments of Resignation, Precepts of Clare confiat, or any other precept of statin, nor shall the writ thereof be any cause of redituion after foure years possession, by the Party, and his Autho^oties, the venue of the said Intermittents, and where the Charter making mention of the Resignation to have been made, and Infirmments of Statin mentioning the Precepts as extant, Jam. 6. p. 14. cap. 24.

Where a Chantor and Salfin, or where there is no Charter, Infirmments of Salfin one or more, continued and standing proceeding on retours, or precepts of *clare confiat* are produced, and the Party and his Autho^oties by themselves or others having the right by virtue thereof, are to be perpetual, Actions of war^o interrupted possession of the Lands, and other Heretages therein contained, the same are declared to be good, and unquestionable rights, upon any ground whatsoever, be excepted within foure years, after the date thereof, unless the ground of the action be a reversion, in the body of the Defendants right, or duly legitimat, in which case the Actions are to be perpetual, Actions of war^o prescribe not from the date of the Obligat^ons, but from the date of the distress: But the yeats of the minority of the Party against whom prescription is objected, are not counted to make up the foure years Count thereof, and thirte yeats allowed to such, against whom foure years prescription was run before the making of this Ad, in which case, they may intend to be interrupted, and yet they are not compellible to nish on the first Summons, unless the second Summons be also given, Jam. 6. par. 22. cap. 12. *28. June* 1617.

Ad. Ratifying his Majesties Letter, dated 12. *Nov.* 1629. and Acts of Session, and Secret Council following thereon and Publication of the same: *Inter interruption* of the Prescription, within the thirte yeats, in favour of his Majesty, according to the preceding Ad. Car. 1. par. 1. cap. 12.

That Arrestments on Decretes, as also on demanding Actions, not performed within five yeats after Sentence, shall after that time prescribe, Ministers stipends, and Mulours, not performed within five yeats after they are due, and Mails and Dewties not performed within five yeats after the Tenants removing, doe these acts prescribe, unless they be proved to be selling by wit, or Oath of Party, all bargains of Moveables, or sums of money payable by witnesses, prescribe the same that manner of probat^on, after five yeats, all Actions on Warnings, Spuzies, Ejecti^ons, Arrestments, Ministers Stipends, and others forefid, prescribe within ten yeats, unless waiked every five yeats, but prejudice of honor of participations of any of the said Actions, appointed by former Act, and Holograph witnesses, unless they be in the hands, and delictuous in Court-books without witnesses preter the twente yeats, unless the writte thereof be offered to the proven by Oath of Party, but none of these prescriptions run against Minors, Car. 2. p. 2. Sell. 1. cap. 9.

That all interruptions as to rights of Lands by Citations, be thereafter made by Messengers Personall, or at the Parties dwelling house, and at the Paroch Church, in, or after Divine Service, and that all Citations for Interruption, be renewed every seven yeats, or else prescribe, except the Parties be Minors, *Ibid.* cap. 10. As also that the Execution be made before witnesses present, at the doing, and subscribing to the Execution, Car. 2. p. 3. cap. 5.

PRICES.

That Barons, Provels, and Billies, set prices upon Bread, Ale, and all other necessaritie things, wrought, and bought, and that they appoint Prieviers, Examinators, Jam. 4. p. 5. cap. 16.

That they appoint Statutes in the premises, and punish the breakers, and if they falsifie herein, that they incur the pain of *An Hundred pound* l^a. 6. p. 7. cap. 121.

That the King give Commission for setting prices on Craftsmens work, and Stuff, Victual, and Salt; with power to petition the Transgreffors, l^a. 5. p. 4. cap. 30.

That Priovels Billies, and Council of Burghs, set prices on Wine, Salt, and Timber, as they arrive at any Port: And that the King, and his Lords, and Gentlemen, be best served l^a. 5. p. 7. cap. 100. Ratified, and that the prices Let, be Proclaimed, and one of the said Guides sold for foure dayes thereafter, that the said Parties may be advised, Q. M. p. 6. cap. 37.

Prices set on wild, and tame Fowl, and that the Jewet, or Scllet, that breaks the same, or all his pudes as hee, and his Person to be well: And in this Ad. the black Cock is but *Saxpannes*, and the tame Hen is *eight panes*, Q. M. p. 5. cap. 12.

That reasonable prices be set on Craftsmens work, and all Victuals, to Burgh, and Landward, by the Magistrates, and Sheriffs, *Ibid.* cap. 23.

That no Merchant, Home-bu^oger, or Portioner of Wine, and Timber, be a fetter of Prices on the same, during his office, but that two Barons, or Landed-feres of Prices on the same, and tame Fowl, and that the Jewet, and other two by the King, and his Council, all dwelling within Burgh, or Sea miles thereof, and with them four to be chosen by the Burgh, and that they ought the only Prices.

Pieces of Wine, and Timber, for that year, and to forth to be chosen from year to year, and if the four to be named by the Shire, and the King, be either not named, or do not concur when required on fourtie eight hours; that then the other four may by themselves bet the said pieces, Jam. 6. par. 11. cap. 53.

Prices of Bills, and Letters, to be taken by the Clerks of the Signet. Jam. 5. par. 5. cap. 61.

Prices of Writs, and Seals, to be taken by Writers, Clerks, and Keepers, first appointed by the Lords of Session, and then ordained by the Council in the year, 1666. and now Ratified, and Commanded to be observed in time coming, and that Writers, and Clerks, write on the back of all Writs given out by them, the full price they receive, and subscribe the same, under pain of Deprivation, Jam. 6. par. 23. cap. 19.

There is also a further regulation of the said pieces, and fees, Cat. 1. par. 2. Sess. 1. cap. 16.

PRINCE.

A general, and simple Ratification in favour of Charles, Prince, and Steward of Scotland, excepting therein the Affirmation made to the Castle of Dumbar-ton, until some other provision be made in lieu thereof, Jam. 6. par. 23. cap. 4.

PRINCIPALITY.

The free Tenants of the principality, give suite, and preference, in Parliaments, and Justice Aids, when there is no Prince. Jam. 4. par. 2. cap. 16. See it in Parliament.

PRINTER.

That no Printer print any thing without Licence, under the pain of Confiscation, and Banishment, Q. M. p. 5. cap. 27.

PRIORIE.

That all Feuars, or Vassals of Priors, or Priories, or Friars, or Nuns places, after the decay of their said Superiors, hold of the King, as they held of them, Jam. 6. p. 2. cap. 38.

PRISON-HOUSE.

That sufficient Prison-houses be built within three years in all Burghs by the Magistrates, and Council thereof on their Common good, or otherwise on the Charges of the Burgh, for keeping their town, and all other Prisoners that shall be preferred to them, but the Prisoners to be kept on their own expence, Jam. 6. par. 15. cap. 273.

The oversight of the condition of Prison-houses recommended to the Justices of Peace in their institution, Cat. 2. p. 1. Sess. 1. cap. 38. See it in Justices of Peace.

PROBATION.

An exception being admitted to probation, the Lords should declare how much of it is to be proven by Wit, and the Wit should be produced in *terminis*, or diligence for it, otherwise that the crime be circumstanced; and if the Wit be produced, the other party may object against it, Q. M. p. 7. c. 63. See *Prescription*, as to the several manners of probation by Witnesses, Wit, or Oath.

PROCESS.

The Form of Process in Spiritual Courts, to wit, that after peremptory Citation of the Clergy-man, fleeing the cause, and under the pain of Excommunication, a Litigation be made; and if the thing be confelled, that the Defendor be obliged to pay within fifteen dayes, under the said pain, but if decided, that a day be assigned to the Pursuer to produce all his proofs peremptory, and that this day being come, another day be assigned to the Defendor to produce all his exceptions peremptory, and then a day assigned for sentence, so as Process be ended within forty dayes; And that the Judge or observing the same, be condemned by his Oath or Litany to satisfy the Complainer, 1a. 1. p. 6. c. 87.

That for facility of process, the labe be given to the Pursuer on his expences, paying four pennies for each Act thereof alledgely, 1a. 4. p. 6. c. 67.

That no Process be granted before inferior Judges on the fifth Summons, but upon Libellèd Precepts, and citation of fifteen dayes, conform to the Act of Parliament, 1a. 6. p. 23. c. 19.

Act for regulation of Process before the Lords of Session, Cat. 2. par. 2. Sess. 3. cap. 16.

PRODUCTION OF WRITS.

That all persons may be charged in general or special, under the pain of Rebellion, to produce before the Commissioners to be appointed by his Majesty, all Rentals of whatsoever Benefices, or Hospitals, or things pertaining thereto, with all Infeudments, Tacks, or other Rights made to them of any Kirk Laods, Temple Laods, teinds, or other Kirk Rents, that they may be inspected, and to deliver authentic Copies thereof, 1a. 5. p. 12. c. 131.

That all Feuars of the Temporality produce their Infeudments and Titles between the first of January, 1598. under the pain of nullity, 1a. 6. p. 15. c. 245.

PROFANENESS.

Act against Profaneness, Ratifying the Acts 1a. 6. p. 22. c. 20. against Drunkenness, Cat. 2. p. 1. Sess. 1. c. 18, 19, and 38. for the due observance of the Sabbath, and against Swearing and excessive Drinking, ordering who shall execute the same in every Paroch, and how the Fines should be Collected and Applied, Cat. 2. p. 2. Sess. 3. c. 22. See the Heads here mentioned.

PROTECTION.

The breakers of the Kings Protection being summoned on forty dayes, the breaking still be put to the knowledge of an Ailze, whether the breaker compar or not, and if found, he shall be outlawed in *ten pounds*, and Ailze the Party, 1a. 1. p. 11. c. 134.

That the Lords of Session grant no Protections from Legal Execution, declaring that the Granter shall be liable to the Creditor for the sum, Jam. 6. par. 23. cap. 13.

Act Ratifying all former Acts against Protections, and discharging the Lords of Session, and Exchequer, to grant any from personal execution; certifying that the granter shall be liable for the debt, and that the same shall not stop execution; Yet the said Lords, as also the Justice General and his Deputies may suspend personal execution for a few dayes against persons appointed to appear personally before them, Cat. 2. p. 1. Sess. 3. c. 4. The same again Ratified, and that such as are accessory to the granting may be known, all Protections, Superdeletes, and Licences, are ordained to be Signed, and the Sub-

scribers are declared liable for the Debt as Cautioners, and Protections are ordered to be recorded, and that the Extraid make Faith, and the full liberty of Suspending Execution, is limited to a month, and the Party citing any person that needs Protection, must first make Faith that he is a material Witness, and also the Protection must bear the cause: And Protections granted contrary to this Law, do not only hinder personal execution, but if any Magistrate, or Messenger, do therefore refuse to concur, he is declared liable for the debt: As also, the Lyon, in case hereafter to depone the Messinger, refusing to concur, as said is, Cat. 2. par. 3. cap. 9.

PURPRISION.

No Vassal under the Baron hath power to hold Courts, or cognofce on Purprision, 1a. 3. p. 10. c. 86.

Who labours, Inchoates, or appropriats any part of his Majesties common Muirs or Commonities, commits Purprision, and should be punished according to the old Law and Consuetude, 1a. 6. p. 16. c. 5.

Q

QUARTERING.

All free Quartering of Soldiers, Transient or Local, discharged, Cat. 2. p. 3. c. 3.

QUEEN.

That the Prelats and Barons make the like Oath to the Queen (The Oath is not specified, but it seems to be the like Oath that they make to the King) 1a. 1. p. 8. cap. 110.

All the Lords of Parliament, both Ecclesiasticks and Seculars, and the Commissioners of Burghs, promise Letters of fidelity to the Queen, 1a. 1. par. 12. cap. 136.

The third of the Kings Rents of Ailze, that is of Lands and Customs, should be assigned to the Queen for her Dowry and Terce alledgely, and no farther, 1a. 3. p. 10. c. 2.

Confirmation of Queen Anne's Contract of Marriage, whereby the Earl-dome of Fife, Lordship of Linlithgow, and third of the property of the Crown were appointed to her in Joynture during her life, beside her Morning Gift from the King of the Abbey of Dumfermline, And the Queen with advice of the King chooses a Council for the administration of her affairs, which nomination is also Ratified, 1a. 6. p. 13. c. 191.

Ratification of Queen Anne's Infeudment of the Lordship of Dumfermline to her and the Aits of her body betwixt her and the King, which failing, to King James his Aits and Successors succeeding to the Crown of Scotland: As also, of all deeds made and granted, or to be made and granted by her, with advice of her Husband and Council, of the said Lordship, or any part thereof, in misnomer set down in the Act, 1a. 6. p. 14. c. 10.

Ratification of a Supplement of four made by Queen Anne of her Council, in place of many of the former nomination deceased, and conform to, and in the terms of the said Act, 1a. 6. par. 22. c. 11. See Dumfermline.

QUOTS OF TESTAMENTS.

That no Quots of Testaments be confirmed since the sixteenth of November, 1641. or to be confirmed in time coming, be exacted, Cat. 2. p. 1. Sess. 1. c. 28. But this Act repealed in favour of Bishops, *ibid.* Sess. 2. c. 1.

That the Quots be only paid for the free Gie in Testaments, and that for insulating the Debts, Creditors may be called, and also their, and the Executors Oath taken, as to the reality of the Debt. That Executors Creditors pay no Quots, in so far as they owe to their Debt: And likewise of Relids confirming for their provisions, in so far as they extend to five years purchase of the Lifetems confirmed for, that poor people be not worse served, their Confirmations be free of Quot, and for Fees of Court that they pay only *two pounds eighteen fillings*. That Heretofore Debts where there is an Heretofore Estate, defalk not out of the Inventar in diminution of the Quot. That there be no divisions in Testaments in favour of the Relids, where they are excluded, or in so far as they are excluded, and that this exclusion be probable by her Oath: And that Commissar, Clerk, Fiscal, or other Member of Court contravening this Act, be deprived without re-admission, Cat. 2. par. 2. Sess. 1. c. 39. See Testaments.

R

RATIFICATION.

Ratifications in Parliament are to be understood *Salvo Jure Civitatis*, 1a. 6. p. 12. c. 130. and p. 14. c. 215. And that whether the same be general or special, p. 18. c. 20. and p. 19. c. 9. See Parliament.

RAVISHING.

That Ravishers of Women be put under severity, as in the Crimes of Slaughter and Mutilation, 1a. 6. p. 7. c. 17.

The subsequent Consent or Declaration of the Party Ravished, that she went along of her own free will, albeit it may exempt from Capital punishment, yet if by the instance of the Womens Kins-folk, or his Majesties Advocate, it be found by an Ailze that the deed was at first violently done, it doth not free such as are guilty from the Arbitral punishment of Confiscation, Withding, or Fining, 1a. 6. p. 21. c. 4.

REBEL, and Refet of Rebels Criminal.

That none Rebel openly against the Kings Person, under the pain of forfeiture, 1a. 1. p. 1. c. 3. And if any refuse to confute the King against such rebels, they shall be charged as favourers of them, *ibid.* c. 4. See *Treason*.

That where Rebels are refet within Castles, or where there is presumption violent of Rebellion, the Lieventant raise the Countrey, and pass to such Houses, and arrest the Persons, and cause them find severity, 1a. 2. p. 21. c. 3.

That none Rebel against the Kings Person or Authority, and who fo rebels, to be punished after the quantity and quality of their Rebellion, by the advice of the

three Estates; and if any openly rebel against the King, or make War against the Leiges, against his forbidding, that the King hang upon them with the assistance of the whole Land to punish them, la. 6. p. 2. c. 13.

And who offend in his Majesty's Councils, his Majesty's Maintenance such as shall be justified for the said Crimes, the Crime be notorious, or the trespass committed, that he be punished as the principal, ibid. c. 14. This Act in the old Copy is a part of the former: And it is evident that the Title prefixed to it in *Sherten Copy*, viz. of them who *forfeire Justice for trespasses justified*, is foreign and improper, and hath been corrected by a later hand.

That Sheriffs, Bailiffs, and others, do all diligence to apprehend all Rebels at the Horn for Crimes Capital, and that no man wittingly relieve, maintain, supply, defend, or do them favour, under the pain of death, and ejection of Moveables, la. 6. p. 7. c. 97.

Persons denounced Rebels should be expelled *ad agents*, la. 6. p. 6. c. 75.

All Ads against the acts of Treason and Rebels, &c. and that none supply or Intercommune with them, or give them any relief, or comfort, but that all do their utmost to apprehend or expell them, under the pains due to the Rebels, la. 6. p. 1. c. 144.

Faithful Dispositions, or formal Gifts of Echeat exclude not the Theftour from intromitting with the Echeats of the lands for other Crimes, the Goods being till in the possession of the Rebel, his Wife, heirs, or Friends, on the ground, or in the House possessed by him before he was Rebel, or in the House where he hath since been relet; and the Theftour should cause detain and keep their House on the receipt of the Echeat Goods, ibid. c. 145. See *Echeat and Treason*.

RED-FISH. See *Salmond*.
REDEMPTION. See *Reversion*.
Decrets of Redemption upon lawful pignoration and citation of the lawful Contradictor, and who was so summoned for Production and Improbation of all Writs that might prejudice the Reversion, and production none, but for obedience hath renounced the Lands and others in the Decret, cannot be again quarrelled at the instance of any person, in any fort, la. 6. p. 12. c. 134.
That Annuities redeemable may be redeemed by payment of the Principal and bygone Annual at *per cent*, albeit the security was given for greater Annuals, ibid. c. 135. See *Act in Annuitant*.

REEL.
That the length thereof be Ten Quarters at least, Car. 2. p. 1. Seff. 1. c. 43. See it in *Linnen Tawn*.

REGALITIES, and BAILIES thereof.
See *Sheriff*.

That Regalities in the Kings hand, while in his hand, be holden as Royalty, and justified by the Justice. And that the Free-holders thereof compare at Justice Ains, pay suits within the Shire, and to Parliaments, as Free-holders of the Royalty, Ja. 2. p. 6. c. 26.

That all Regalities now in the Kings hand be annexed to the Royalty, and that no Regalities be granted in time coming without deliberation of the Parliament, la. 2. p. 11. c. 43.

That the privilege of Regals be observed, but not abused, against the Kings Laws, la. 2. p. 14. c. 72.

The Officer of the Regality being negligent in executing the Ads against Rebels for Capital Crimes, the Sheriff may do the same within the Regality, la. 5. p. 7. c. 97.

As in the Royalty the Fines of the Ad of Apparel, la. 6. p. 7. c. 113. are divided between the King and the Sheriff, so in Regalities the one half is appointed to the Lord of the Regality, and the other half to the Bailie, ibid.

That where the Justice General, or Kings Justice in that part, by Commission Summons any Offender dwelling within Regality, the Bailie of the Regality may be present, No Bailie, or Steward of Regality, may plead from the Justice Ains, nor only be adjoynd to the Kings Justice, without prejudice in both cases for their state of the penalties and unlaws, la. 6. p. 1. c. 29. The Ad is, *Annexation of the Temporalities of Benefices to the Crown*.

Ratification of all Liberties and Privileges granted to Burghs Regal, la. 6. par. 18. cap. 16.

Regalities pertaining to any Benefice whatsoever, except Archbishopsricks and Bishopsricks, declared to pertain to the King and his Successors for ever, Car. 1. p. 1. c. 13. See it in *Annexation*.

The office and duty of Bailies of Regality, briefly retouched, Car. 2. p. 1. Seff. 3. c. 15. It is only done *Obiter*.
Magistrats of Burghs of Regality may Arrest none for Debt, except their own Burghs, Car. 2. p. 2. Seff. 1. c. 8.

The Liberties of Burghs of Regality as to Trade: See in *Burghs*.

REGENT of the REALM.
Ratification of the Dimission and Renouneation of Queen Mary in favour of her Son King James the Sixth, as she of her nomination of James Earl of Murray to Regent to him, his Realm, and Leiges, as and while he be of the age of fourteen years complete, la. 6. p. 1. c. 1.
Ratification of the Nomination, and acceptance of the Earl of Mar to be Regent, during the said space, Ja. 6. p. 2. c. 33.
Ratification of the nomination and acceptance of the Earl of Morison to be Regent during the Kings Minority and left age, la. 6. p. 3. c. 44.

REGISTER, and REGISTRATION.
That the Kings Register and Rolls be put in Books, la. 3. p. 3. c. 40. And that the Eschequer Rolls be altered, and made in Books of Parchment, Car. 2. par. 2. c. 16. concerning the Eschequer. That the Clerk of Register cause Print the Acts of Parliament, la. 5. p. 7. c. 127. See in *Parliament*.

That Homings, Inhibitions, and Interdictions, with their Executions, be Regal, and otherwise, and in what manner. See *Under the first several Heads*.

That all Reversions, Regettes, Bands, and Writs for making the same, Affidgments, and Discharges thereof, Renouneations of Woddes, Grants of Renouneations thereto, Discharges of Sailing, be Regal in the General Register, to be appointed by the Clerk Register at Edinburgh, or in the particular Registers, specified in the Act, within three score dayes after date of the same, but Bands and Writs for making Reversions, and Regettes, need not be Regal, except within six dayes after Sailing taken by the makers thereof, and all other reasonable Rights thereof, are declared to make faith in all cases, except in the case of Improbation: And any of the said Writs not Regal as said is, are deemed to be null, in prejudice of a third Party, but not against the maker thereof, and his Ains: But Sailings, and Reversions therein contained, given by Magistrats of Burghs of Lands within their Liberties, holden in free Burghage, and all other reasonable Rights thereof, with Reversions Incorporated in the Infeftments of the Parties, & rights thereof, with Reversions Incorporated in the Infeftments of the Parties, & rights whom they are used, are excepted from this Act: As also Renouneations, gaind whom they are used, are excepted from this Act: As also Renouneations, or Grants of Redemption, consigned in Process, are only to be Regal within

sixty dayes after the date of the Decrets, obtaining them to be given, up, and this Registration of Writs is annexed to the Clerk Registers Office, and is to be made by him, and his Deputes, within forty eight hours after the receipt of the Writs, under the pain of deprivation of the Clerk of his Place, and Office of Notary, and that they deliver back the Writs, marked with the day, month, year, and place of the Registration, and take only *money for following with moneth*, as the piece of File, and the said Registers to be made by the Clerk Register, or his Deputes, with a note of the number of Leaves, and that when filled up, they be returned to the Clerk Register to be patent, and Extracts thereof given, la. 6. p. 22. c. 16. Anno 1617.

That Annuities of Relegation, *ad remanentiam*, be Regal, letesifer, within sixty dayes after the date, otherwise they are null: But Intuitions of Relegation of Burghs Lands, being Regal in the Books of the Burgh, fall notwithstanding in the said certification, Car. 2. p. 2. Seff. 1. c. 3. 16. November, 1609.

The Ad 1617, extended to all Lands within Burghs, and their Liberties, and to all the Towns Writs concerning the same, notwithstanding the exceptions above specified, and that Town Clerks keep a several Book of their Registrations, depending only on the Magistrats, and not the Clerk Register, and that they be to be by them quarterly compared, and signed, conform to the Act, Car. 2. p. 2. Seff. 3. c. 16. Car. 2. p. 3. c. 11. And this Ad contains also the pieces of Registrations.

That Charters passing at the Great Seal, after the appending of the Seal, be delivered back by the Keeper to the Ductor, that he may Register the same, and that all Writs already put the Great Seal, may within a year from the date of this Ad, be returned to the Ductor, who shall Register the same Grant, la. 6. p. 23. c. 24. Anno 1621.

That all Charters, and other Writs, hereafter passing the Great, and Privy Seals, be first Registered by the Writers thereto, in the Registers thereof, and the Writing and Registration attested on the back, and that they keep a peice of Mint Book of the same, and that no Keeper append the Seal to any Writ not attested, to be Registered, Car. 2. p. 2. Seff. 3. c. 7.
Ad appointing how the Registers of Homings, Inhibitions, Interdictions, Seigniors, Reversions, and Orders with their Minute Books, should be kept, Car. 2. par. 2. Seff. 1. c. 16.

REGRATOURS, See Forefallers.
RELAXATION, See Horning.

A Man-laver denounced, and thereafter relaxed, if he be thereafter denounced for the same Cause, the former Relaxation avails not, but his Reliell on runs, and is reckoned from the time Denounced, Q. M. p. 6. c. 11. The Ad seems also to intimate, that albeit a Person be denounced, yet if he thereafter compare, and be acquit, his former Rebellion prejudices him not. How, and where, Relaxations are to be made, and Regal, Jam. 6. p. 6. c. 75. see it in *Horning*.

RELEIF.
That no Relievs be composed, but the true avall thereof computed for, and paid in Eschequer, that on the fight of the responde Book, Letters be directed, to discharge, and pay the same, or the fine thereof, or both: But the Sheriff discharge except the fine, Jam. 6. p. 11. cap. 75.

RELIGION.
That one hour Office removeable in Judgment within this Realm, or be Procurator, or Notary, or Member of Court, but such as profess the Religion now established, excepting therof, is such as Offices heretofore, or in Life rent, Jam. 6. p. 1. cap. 9. Anno 1567. Extended to all Offices without Exception, or Restriction, Jam. 6. par. 10. cap. 5.
The Act made by Q. M. 15. April, 1567. Granting impunity to all the Professors of the Religion then received, abolishing all Laws against them, and taking the same into their protection, recorded, Jam. 6. p. 1. cap. 11.

That none be reputed Loyall Subjects, but be punishable as Rebels against the King, that professes not the true Religion, and if any such Protestors shall defect from the Kings Authority, that they be admonished by the Ministers to returne to duty, and if they failie, that they be Excommunicat, and that before they be received in his Majesties mercy, they renew their Profession, and promise to maintain his Majesties Authority, as also the true Religion, against all Enemies, especially the false called of the holy League, bound to execute the Decrets of Trent, Jam. 6. p. 2. cap. 47.

That Persons going out of the Kingdom for further knowledge in Letters, have the Kings Licence which shall contain this provision, that they shall adhere to the true Religion, and do nothing against it, under the pain of Bartrick, and that within twentie dayes after their returne, they make and give before their Ordinance, the Confession of their Faith as now established, or otherwise avoid the Kingdom within fourtie dayes thereafter, or be perused as adversaries to the Religion, Jam. 6. par. 6. cap. 71.

That no Subjects, or Strangers, (except Ambassadors, Messengers, or Merchants) Adversaries of, or Apostats for the true Religion, returne to, or remain within this Realm, unless they obey the Law, *Asent* giving their Confession of Faith, And that in the mean time, they repair not to the Kings presence, or Palace, under the pain of imprisonment, until they find favour, under the pain of *Excommunication*, to satisfy, or depart, and that in the mean while, they shall not seduce, that the Makers, Sellers, Homburgers, or Dispensers of Erecrionous Books, incur the pain of Banishment, and Confiscation of all their Moveables, Jam. 6. p. 7. cap. 105.

Magistrats of Burghs, with a Minister, may search for, and destroy Erecrionous Books, and put the Homburgers in writing that they be punished, in Perion, and Goden, at the Kings will, Jam. 6. p. 11. cap. 25.

Ratification after the Kings Majority, of all Laws already made, anent the Religion then, and now professed, with an express abrogation of all Laws, or Statutes contrary thereto, Jam. 6. p. 1. cap. 23. Anno 1587.

Ratification of all Laws made against the Adversaries of the true Religion, and the Seducers, or Perturbers thereof, to wit, against the professed Papist, or Semianite, first found within (probable it should be alter) the space of a Moneth, after the publication of the Acts of this Parliament, shall incur the pain of death, and ejection of Moveables, and their Relictes, and Suppliers, by the space of three dayes, and three nights, time their Life-rents: All Sayes, and Discourses of Mells, Profaneness of the Sacraments, Persons suspected to have declined, with-draws from the Preaching of the word of God, seducers by railing, or dispelling of Books, or Letters, being called before the Council, or Justices, and convict, incur the fine of the noble guides, and Litterent, Jam. 6. cap. 24.

Saving of Mells, and the relicting of Iesus, Senianite Papis, and Trafficking Papis, against the King, and the true Religion, inferre the Crime, and pain of Treason, both against the Persons relet, and their Relicters: but if the Relictes, and Papis shall forsake the King, and Kirk, their Relictes are free, Jam. 6. p. 11. cap. 120.
And refer for three nights together, or at several times inferre the same to be willingly done, and the pains are declared to be for the first fault, simple ejection, for the second, Life-rent ejection, and for the third the pain of Treason, and Forfeiture, Jam. 6. par. 13. cap. 164.

RENTALS.

That none have the benefit of the Act of Pacification 1572, and Act of Oblivion 1585, except such as profess the present true Religion, and acknowledge the Kings Authority, l. m. 6. p. 12. cap. 12.

That all Jesuits, Seminarie Priests, Excommunicat, and Traſequeing Papists, common enemies to all Christian Government, be apprehended, and committed by all Magiſtrats, untill they be converted, or put out of the Kingdom, or punished, conform to the Acts of Parliament, and that none relieve them, under the pain following, to wit, the Earl, a Thousand pounds, the Lord, a thousand merke, the parson from Five Hundred pounds, the Free-holder, Three Hundred merke, and the Yeoman, Fourty pounds, and the Burgeſs as the Council hall moderate not exceeding a Hundred pounds, l. a. 6. p. 16. cap. 18.

That all wilful Reneges of Excommunicat Papists, after Publication made by the Minister of the Paroch, and Denunciation made at the Head Burgh of the Shire, and the Crosse of Edinburgh, shall be sufficient to put them out of the Realme, l. m. 6. p. 20. cap. 2.

Ratification of all Acts anent the Liberty, and Freedom of the true Kirk of God, and Religion presently professed in this Realme, Cat. 1. p. 1. cap. 4. Anno 1633.

That all Jesuits, Priests, and Traſequeing Papists, and the last of March, next 1661, Remove forth of the Kingdoms under the pain of Death. Cat. 2. p. 1. Self. 1. cap. 8.

The King with advice of Parliament declares his full, and firm resolution, to maintain the true Protestant Religion, in its purity of Doctrine, and Worship, as established in his Father, and Grand-Fathers time, and to promote the power of Godliness, and encourage the Exercise of Religion, and suppress all Idolatries, and to give Countenance, and Protection to the Ministers, behaving as becomes, and also to settle the Government of the Church, as shall best suit Gods word, Monarchie, and the Kingdoms Peace, and in the mean time continues Kirk-ſessions, Presbyteries, and Synods, notwithstanding the Act Recitative, l. ibid. cap. 76.

Ratification of all Acts anent the true Church, and Religion presently professed, and all privat meetings in houses, under the pretence of Religious exercises are discharged, Cat. 2. p. 1. Self. 1. cap. 4.

Ratification of all Acts for settling and securing the Liberty of the true Kirk, and Protestant Religion presently professed within this Realme, all Acts against Popery, Cat. 2. p. 3. cap. 1.

Act requiring all Judges, and Officers, to put the Laws against Popery, and Papists, and against Favourite Separats, and all Familist disorders, to full, and vigorous Execution, and that every Minister give up his name in October, Lists of all such in their Paroch, to which the Bishops transmit a double thereof for Execution to the Judges Ordinary, who are to give an account of their diligence to the Council yearly in December, and another double thereof to the Clerks of Council, whereupon the said Diligence may be Examined, and Controlled, Cat. 2. p. 3. cap. 6.

REMISSION, and RESPITE.

Where Remissions, are given with condition to asyure the Party, yet the ease of Highland men is excepted, and Modification of meeds appointed to be made in their case, as in the Act, l. m. 1. p. 2. cap. 46.

Who he takes him to his Remission for Theft, or Reiff, shall find sicker Burrows, to consent the Party within forty dayes, l. m. 2. par. 14. c. 74.

That no Respits be granted, but that they are more against Justice than plain Remissions, l. m. 3. p. 13. cap. 94.

That Remissions expresse, and declare the greatest Crime, otherwise will not serve from a greater Crime, then the special Crime expressed, l. m. 4. par. 6. cap. 62.

That no Remission be given for slaughter, on fore-thought felonie, & this statut to endure till specially revoked by his Majesty, l. ibid. c. 63. Who takes him to the Kings Remission, or Respice, for any action, except slaughter, and mutilation, and holds Sovereignty to the Party, the Sorceries may be called before the Lords, and the actions privileged as in recent Statutes as for slaughters, and mutilation, that the order of the former Act be kept, l. m. 5. p. 3. cap. 7.

That Act is meant by this former Act is not expresse, it may be the former Act forbidding Remissions.

General Remission of Treason granted by King James the Fifth, l. m. 5. par. 6. cap. 92.

The King at the desire of the States, closes his hands from the granting of Remissions, or Respits, for three years: That the Remissions bear the Party to be asstid, and so if the contrary be found, the Remission to be null, l. m. 6. par. 8. cap. 136.

The King at the request of the Estates, promises to close his hands from granting any respice, or remission, for any odious Crime shall be committed for five years hereafter, except upon a sufficient Letter of Slayns shewn: And if any Remission shall be otherwise granted, it is declared null, and the Act provides for Affirmments as to Crimes past, l. m. 6. p. 12. c. 155. Anno 1592.

Ratified, specially as to the Letter of Slayns, and thero Respice, or Remissions are admitted, except compounded, and subscribed by the Treasurer, at least past in his Regillite, l. a. 6. p. 13. cap. 169.

That no Remission, or Respice, be granted to any Person, at the horn, for Theft, Reiff, Slaughter, Burne, or Heirnap while the Party standeth be finished, otherwise that the same be null, unless be granted for pacifying the broken Countries, and Borders, l. ibid. c. 174.

That if his Majesty grant his pardon for any of the Crimes contained in this Act the Party shall be returned to all intents, as if he had never been perished, Cat. 2. p. 1. Self. 2. cap. 2. The Act contains Crimes of Treason, and Sedition. See Indemnity, Oblivion, and penal Statutes.

REMOVING, See Warning.

That Tenants labouring, and inhabiting, cannot be removed upon the change of the Lands to a singular Successor, but at the Whit Sunday thereafter, l. a. 4. p. 3. cap. 26. See in Tenent.

That Removings be made in quiet manner, without Convocation, under the pain of unlawful Convocations, Q. M. p. 3. cap. 3.

The order of Redemption, Q. M. p. 3. cap. 3.

The order being declared, the Party shall be liable as a violent Possessor, for the first time, as if the Land had been granted lawfully redeemed the time of the order, Q. M. p. 3. cap. 30.

This removing proceed upon lawful warning, (as in warning) and that the summoors of removing be on Friday, and it at the day of comparance the Defender make allegiance, and offer to improve the Indorment, that then he be put to find Caution instantly for the violent profits: that for discharging of removing, Sheriffis, and all Judges having jurisdiction, sit in lawful Courts, the whole fifteen lawful dayes after Trinity Sunday, and if the sids Judges grant not FF. pps., and doe not Justice, that they pay to the Party all his damages, l. ibid. cap. 39.

That all Rentals of the Kings property not being lewed to men, and their Ains, have only the effect of naked Life-rents, l. a. 6. p. 11. cap. 68.

REPLEGATION.

Where Replegation is lawfully made, the Process led in the contrary is of none avail, l. m. 6. p. 11. cap. 29. See Replegity.

RECISSORIE ACTS.

As rescinding the Committees, and Parliaments, that sat after the Parliament, 1648, and all their Acts, excepting such as were past in meetings of Parliament, or Committee, authorized by his Majesties presence, and not inconsistent with this Act, and also indemnifying all those that acted in all the saids Committees, and Parliaments, and that were thereto, except as to be thereafter excepted in this Act, Cat. 2. p. 1. Self. 1. cap. 9.

As rescinding the Parliaments 1640, 41, 44, 45, 46, 47, and 1648, and all their Acts, but indemnifying those that acted in or by virtue thereof, (except as to be excepted in this Parliament) and also declaring, all Acts, Rights, and Securities, past in these meetings, or be virtue thereof, in favour of any particular Person, in their Civil, and private Interests, except as to be thereafter, and determined in this Parliament, l. ibid. cap. 15.

RESIGNATION.

Procurators of Resignation ad remanentiam should be sealed, and subscribed by the Grantor, or an Notar for him, or if the Vallis make the Resignation Personally, then the Instrument should be sealed, and subscribed by him, otherwise the Resignation make be fictitious, Q. M. p. 6. cap. 35. This Act dispensed with for bygones, and until the fifth of March, 1567, Q. M. p. 6. c. 81.

Instruments of Resignation ad remanentiam, should be Registered, Cat. 2. par. 2. Self. 1. cap. 3. See Resignation.

RETOUR, See Precepts.

The Retour should contain the old avail, and also the true avail the Lauds are worth the time of serving of the Breive, l. m. 3. p. 7. cap. 56.

REVERSION.

That Reversions be effectual upon payment of the sums therein contained, again to the singular Successor of the Grantor, and they may be Admittit for Conservation, and that the extracts make faith as the principals, l. m. 3. par. 5. cap. 28.

That all Reversions, Bands, and discharges thereof, be made under the seal, and subscription of the Grantor, and if he cannot writ, that he subscribe by an Notar, and that all Writings being, or for giving Reversions, make no faith unless Registered in Judgment, in the Books of some ordinary Judge, except Instrumts of Reversion made by Burgh, taken the time of the Reversion, and Salfin, and before the same witnesses, which are declared to make faith, Q. M. par. 6. cap. 29.

That where Reversions contain special Gold, or Silver, not now to be had, the Reverter may redeem by giving Gold, or Silver, leaving court for the time, of the same weight, value, and faunts, l. ibid. cap. 17.

REVOCAION, See Annexation, and Dissolution.

Revocation of all Alienations of Lands, and Cudes, that were in King James the Fifth his Possession, the time of his decease, made without consent of the three Estates, and that in Invention be made of the Kings Cudes, and none of his Lands alienated, without consent of the three Estates, until he be of the age of Twentie ane years complete, otherwise the said Alienation to be null, l. m. 2. par. 1. cap. 2.

Revocation by King James the Third, of Alienations prejudicial to his Ains and Crown. Conversions of Waite-holdings unto Blanch, making of Tailzies, as being against Conscience, or gifts of keeping of Cattles longer then during waite, l. a. 3. p. 9. c. 7.

Revocation by King James the Fourth, of all deeds done by King James the Third, after the second of February, 1488. As granted for the assistance of the perverse Council, that were against the common good of the Realme, and cause of his slaughter, l. a. 4. p. 1. c. 5. And that the receivers of these Gifts and Deeds bring in the same within forty dayes, to be destroyed, l. a. 4. p. 2. c. 22.

Revocation of all Gifts and Deeds granted by King James the Fourth, since his Coronation, l. a. 4. p. 2. c. 18.

Revocation of all Gifts given by King James the Third, after the second of September, 1488. As all of his Resignations received by him, and inferences thereof, after the said day, in prejudice of the righteous Ains, as being granted by the King, nullified by his Council, and the same are declared to be void and null, l. a. 4. p. 4. c. 50.

Revocation by King James the Fourth at his perfected age, after the privilege of common Law, in he obey upon the ground of Lesion, and his Coronation Oath, he revokes, 1. All Alienations made by himself, or his Predecessors, of Lands, and other annexed to the Crown, or to the Principality. 2. All Gifts and Grants made in his non-age, as also Gifts of Offices for Terms, and Tackles of long Terms. 3. All Tailzies from Ains Central to Ains Male. 4. All Possitions pertaining to him or his Predecessors. 5. All change of Holdings, from Waite to Blanch. 6. All Regalities and Offices given in Heirpat against the Acts of Parliament. 7. All Gifts of Wardshippes, or other Caluities given by him in his Minority. 8. All Elections and Unions of Lands in Baronies, and discharges of Services and Suits. 9. All Creations of Baronies in Lands annexed. 10. All Gifts of Patronages. 11. All things that the common Law allows to be revoked. And lastly, All things done in hurt of his Conscience or Oath, protesting that his Majesties tolerance shall not prejudice his right. As also, he revokes all Condemnations whiche have been made, or shall be made, without the assent of the three Estates, and the same not known to his Majesty, excepting from this Revocation the Lands given to the Earl of Bathwell, and Sir James Reil, l. a. 4. p. 4. c. 51.

Revocation by King James the Fourth, of all Deeds, Donations, Acts of Parliament, or ordets hurtful to the Carbolick Kirk, his Conscience, or Crown, l. a. 4. par. 6. cap. 100.

Revocation by King James the Fifth, after his perfected age of twenty five years complete, and under the general Act of Resignation in France, and also extended almost in the same terms with that of King James the Fourth, l. m. 5. p. 6. c. 70.

Revocation Q. M. after her age of twenty years complete, and the dimission of the Governour made by the Earl of Arles, it contains the common Heads supra, and bears date at Fountain Bleas in France, the 25. of April, 1555. years, Q. M. p. 6. c. 28.

Revocation by King James the Sixth, in the year 1585, before his Majesty, of all deeds done in prejudice of the Annexed Property, and that notwithstanding of any Ratification or Confirmation thereof by Parliament, or otherwise. And the King promises to observe the good form in his House to be prescribed by the Lords of Privy Council, and the Officers of State appointed by the Parliament. As to the text: 17.

Revocation by King James the Sixth, bearing in the Narrative, to be made after his perit age of twenty one, and long within his age of twenty five years complete, and continuing almost the same Heads, as here the King James the Fourth, but more fully extended, and clearly qualified, as here Taxes for above the Space of Five years are revoked, as long Taxes, as also the conversion of Feoffment into Silver Duty, from the head revoking Tailties, Tailties made in new Conquest are excepted, as not being against the Conscience, Ward holding changed to Blinds, and Regalities gifted in the Kings Minority are revoked, Preferences to Lincels holden of other superiors are excepted from the Revocation of Gifts of Feoffment, of Arts, and Beneficences, And the King revokes all Gifts of Thirds of Benefices, Kirk-Lands, Common Kirks, Monks portions, fifth Fruits, and first Penny of Benefices, Patronages, and *Superius* of Benefices, and generally all things done in his Minority against Conscience, and prejudicial to his Crown, and what the Law allows him to revoke, and desires to keep and retain the Annexed property, conform to the Act, 14. p. 11. c. 45. 14. p. 11. c. 51.

Revocation by King Charles the First, very full and ample, but confining of the same Heads with these preceding, only these particulars noted, All Dispositions of the Annexed Property are revoked, except where dilution was made in Parliament in the Kings Majesty. The King also revokes all Gifts of Bailiwick, Life Art, Recognitions, and Forfeitures given by any King in his Minority, with all Confirmations thereof in Parliament, respecting Preferences to Towns, Cities, as in King James the Sixth his Revocation, as also all discharges of Service, and Suits of Court given against the Law, as also Gifts of Hospitals, Malloon-dues, and their Lands, against Conscience, and the Laws of the Kingdom, with an exception in favour of the Town of Edinburgh, likewise the Penion to the Earl of Argyll, with the Fief of Orkney and Zetland are excepted from this Revocation; His Majesty also revokes all Erections of whatsoever Abbey, or Prebys, in whole, or in part, made by himself: As also, all Infirmities of Ecclesie made and granted by King James, or any other of his Majesties Predecessors, of whatsoever Abbeys, Priory, Nunry, Prebys, or other Benefice whatsoever, in whole, or in part, where the Presentation should belong to his Majesty if it were not created: As also, all Dilutions, and other Acts whereof the same is founded, in so far as they are contrary to the General Laws and Acts of Parliament: And generally his Majesty revokes, according to the preceding Revocations, and Refers thereto, Car. 1. p. 1. c. 9.

General Revocation by King Charles the Second, Car. 2. p. 1. Sect. 2. c. 8.

RIDING. See *Sorners*.

That no man ride or gang with mee nor may suffice, and for whom he will make payment, 14. p. 1. c. 5.

RISING in ARMS. See *Rebellion*.

That no man raise any Bands in Arms for Wages, without licence of the Queen, under the pain of death, both to the Raiser, and Risers, Q. M. p. 9. c. 75.

This Act, with some Extensions, applied to Burghs, *loc. cit.* 83. See in *Burghs*.

ROBBERY, or REIF. See *Spuilzie*.

That no man reive anyeth Goods or Prisoner in English Eird, or in Scots, under the pain of Death, 14. p. 2. c. 53.

ROBIN HOOD. See *Playes*.

ROME. See *Benefices*, and *Clergy-man*.

All Causes depending at Rome, or before its Courts, or Delegates, should be tried and decided before the Judge Ordinary within the Kingdom, and Appellations made to Rome should be determined by the Lords of Session; And this Act to have effect from August, 1560. 14. p. 6. c. 117.

RUICKS.

That Ruicks be not suffered to rig in Trees, and where ite tainted, that they big, and the Burds fawn, and the Nells found as below, that the Trees be forfeited to the King, with five shillings unlaw, 14. p. 1. c. 19.

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SABBATH, and HOLY-DAYES.

That there be no Fairs holden on Holy-dayes, but the moer after, and that there be no Removings nor Poyndings until the third day after *Whitsunday*, or *Martins*, Ja. 3. p. 6. c. 35. and Ja. 4. p. 6. c. 83. And that Fairs be not held within Kirks, or Kirk-yards, *Idem* Ratified, and Mercats and Fairs disallowed within Kirks, or Kirk-yards, about be used thereon, under the charge on the Sabbath, and that no Gaming, Plying, passing to Taverns, or Ale-houses, selling of Mead and Drink, and willing remaining from Kirk the time of Services, of Prayers, under the pain of twenty shillings; And if the Offenders be unwilling, or unable to pay, that they be put in the Stocks or Joggles; And the unwilling, or unable to be kept in Mercats on *Munday* or *Saturday*, Ja. 6. p. 6. c. 70.

Ratified, charging all Judges and others whom it shall please Presbyteries to name, to put away the said Fairs and Mercats, and that Letices be directed at the instance of the Presbyteries against them for this effect, Ja. 6. p. 15. c. 159.

Gain Ratified, and added, that who sells, or pretends to sell, any Goods on the Sabbath, and shall be three convict thereof, shall fine all their Moveables, and their Persons be in the Kings Will, Ja. 6. p. 14. c. 138.

Act for charging of Mercats from the Sabbath to any Week Day, Ja. 6. p. 12. c. 122. And that no Mercats be kept in Burghs on *Munday* or *Saturday*, Car. 1. p. 1. Sect. 3. c. 19. See both in *Mercats*.

Ratification of all Acts made for the observation of the Sabbath, and discharging all Salmond Fishing, going of Salt Pans, Mills, or Kils, hitting of Shearers, carrying of Loads, keeping of Mercats, and using of Merchandise on that day, and all other preparations thereof, under the pain of twenty pounds; For Salt Pans, Mills, or Kils, and ten pounds for the other; and that the insolvent be punished in their persons, Car. 2. p. 1. Sect. 1. c. 18.

Ratified, Car. 2. p. 2. Sect. 1. c. 22. See it in *Profaneness*.

SACRAMENT. See *Baptism* and *Communion*.

That none Administer the Sacraments secretly, or any other way, except they that have power to that effect, 14. p. 6. p. c. 4.

That all Fryers and Heires of Meis, and profanes of the Sacraments incur the fine of Six pence and life-rent Echeat, 14. p. 11. c. 24. See *Mis*.

SALE OF LANDS. See *Bankrupt*.

SALMOND.

Salmond should not be fish in time forbidden, under the pain of forty shillings, and for the third time the flyer to twice his life, or then buy it, Jam. 1. par. 1. c. 10.

That no Salmond be fish from the Feast of the Assumption (15. of August) until the Feast of St. Andrew (30. of November) under the pain of faying of Red-Fish, and this to be a point of Dittay, Ja. 1. p. 2. c. 34. But the Woters of *Solway* and *Tweed* are heretofore excepted, to long as Berwick and *Redburgh* in the English law, Ja. 1. p. 9. c. 131.

That Customs be payed for all Salmond, and other Fish out of the Realm, as well by inhabitants as Fremmed Letions, Ja. 1. p. 5. c. 76.

That no Salmond be sold or bratted with any man that hath it out of the Realm, except for English Money in the one half, and *Cognie* Wine, or good penyworth for the third time the Committer time his life, 14. p. 6. c. 71.

That who lyes Salmond in forbidden time, pay for the first fault forty shillings, for the second twenty pounds, and for the third shall tise his Office for ever; and this extended to Art and Art, Ja. 2. p. 5. c. 8.

That no man lye Red-Fish in forbidden time, under the pain of ten pounds, and that for the third time he buy his life, Ja. 2. p. 14. c. 95. And Ja. 4. p. 2. c. 15. And that for the third time the Committer time his life, 14. p. 6. c. 71.

That the Acts made upon that lyes Red-Fish, Smolts, and Salmond, in time forbidden, be put to thare execution, Ja. 5. p. 4. c. 16.

That no man in Smolt time let any Engloe to hinder them to go to the Sea under the pain of ten pounds, Ja. 2. p. 14. c. 80. And for the third fault out of life; and that the Sheriff delivoy all such Engloes, Ja. 3. p. 2. c. 38. 14. p. 2. c. 15.

The Acts against the Buggers of Black-Fish and Smolts Ratified, and that Court be held yearly, at *Passy* and *Martins*, against the contavenes, and that they be put to fiod Cauton under the pain of an hundred pounds; but the River of *Tweed* excepted, Ja. 6. p. 1. c. 30.

And that Adams be Ratified, and all Judges Ordinary impowered to exam them, Ja. 6. p. 1. c. 59. And that the Commision granted to certain Judges named in the Act, within their respective bounds for this effect, Ja. 6. p. 7. c. 111.

Act Ratifying former Acts smelting of Salmond, Black or Red-Fish in forbidden time, destroying of Mills, and Fry of Salmond, and declaring it lawful for the Magistrates of Burghs, if they first atch, to proceed to the Contavenes, albeit the power before was restricted to the Sheriff, Jam. 6. par. 14. c. 8.

The former Acts Ratified, and that all having Land next adjacent to Waters and Rivers where Salmond are taken, find Cauton aded in the books of Council, to be answerable for their Tenments, and the indelers in their Bounds, whom they may stop or let, that they shall not lye Salmond in forbidden time; The Earl, or Lord, under the pain of a hundred marks, and the Baron, and all others, under the pain of five hundred marks, shall let the King, and half to the Judges appointed by the former Acts, and that Letices be heretofore directed at their instance; But the Woters of *Amnoud* and *Tweed*, as being in the Borders, are excepted from this Act, Ja. 6. p. 15. c. 261.

That luying of Salmond in forbidden time, or of Kippes, Smolts, or such Black Fish at any time, be punished as Theft, according to the Committers Rank and Estate; and the Woters of *Amnoud* and *Tweed* are excepted, Ja. 6. p. 16. c. 51.

But this exception upon his Majesties Succession to the Crown of England is simpler discharged, and the pain of Theft and Death universally exten ded, Ja. 6. p. 18. c. 5.

That Salmond be packed in Barrels of the measure of *Hamburgh*, after the old Affise, and in none inffime, under the pain of Echeat of the Salmond, and that the Cooper that makes smaller Barrels pay five pounds of unlaw, Jam: 2. par. 101. c. 77.

That the Salmond Barrel contain fourteen Gallons, under the pain of Echeat of the Barrel, and that each Burgh have three Hoop Irons, and 3 Burning Iron, for measuring and marking, Ja. 3. p. 14. c. 130.

That in Barrelling of Salmond, the old Bind of *Aberdeen* be observed, under the pain of ten shillings of unlaw, to be payed by the Cooper, Ja. 4. p. 4. c. 52.

That the Cooper and the Town have Burning Irons for making the said Barrels; and what is now marked to be Echeat, half to the King, half to the Town, Jam: 5. p. 7. c. 109.

That the Salmond Barrel contain Twelve Gallons, and the Herring and White Fish Barrel, Nine Gallons of the *Strawling* Tint, and be marked by the Cooper, under the pain in the former Laws, Ja. 6. p. 4. c. 57.

That the new half Standard made for Salmond, conform to the old Acts, to be kept at *Aberdeen*, and Staples also appointed for Salmond, as in the Act, Ja. 6. p. 5. c. 141.

Act Ratifying all Acts made against Salmond fishing, the sufficiency of the Barrels, and Loyal Packing thereof; And further, that the Coopers make the Barrels good and tight, as in the Act, containing twelve Ten Gallons of the *Strawling* Tint, conform to an Act of Council, 15. July, 1669. here Ratified, under the pain of five pounds for every unjustifier Barrel, and Echeat of the Barrel; and that the Barrels be marked by the Coopers with the Tapon Staff, and the Coopers liable for the Merchants loss; and that the Barrel be marked with a particular Merchant mark, and that none counterfeit another mark, under the pain of Confiscation of the Salmond, about the Counterfeiter punishment at the pleasure of the Judge, one half of the pain to the King, and the other half to the Burgh injured; and that the Magistrates in Burghs put this Act to execution, Car. 2. p. 1. Sect. 1. c. 33.

SALT.

Priviledges granted to the makers of Salt of a new fashion, that none make, or counterfeit, the like, without the Queens licence, for the space of fifty years, under the pain of death, and Confiscation of the Lands and Houses where the Salt is made, Q. M. p. 9. c. 71.

That Salt be not exported for three years to come, except in exchange of Timber imported by Strangers, under the pain of Echeat of the Salt, ship, and other Moveables of the exporters, 14. p. 6. p. c. 56.

Act discharging all pre-emption of Sals, as also the Excise of all Salt made within the Kingdom, and that each Hool of Foreign Sals, *Lanishy* Measure, pay twenty shillings, whether imported on Fishes, or not; and that theretofore all Fishes exported, be free of Customs; and all Acts in the contrary are Relinquid; and that the Customs of Salt continue as in the Book of Rates, Car. 1. par. 2. Sect. 4. esp. 1.

SALTERS. See *Coalliers.*

SERJAND, See *Mairs,* and *Messengers.*

SERVANT.

A hired Servant from *Maritime* to *Wintury*, may be deteyned by his Master, or compelled by a Justice of Peace, to try with him for the same, &c. from *Wintury* to *Maritime*, unless the Servant can verifie, to the Justice of Peace, or Confable of the Bounds, that he is hired to another Master, & a Justice of Peace may compel a Servant running away, to return to his Master: As also all Lookers-on, and Women, to be for Company with him, and Labourers may apprehend all such within their bounds, and employ them in their works, Jan. 6. par. 23. cap. 21.

SOWING. See *Labouring.*

SCHOOLES.

That all Barons, and Free holders of substance, put their eldest Sons, and Aims to Schooles, to learn Latin, and Acts, and Jur, that they may understand the Laws, under the pain of *Twenty pounds*, Int. 4. p. 5. cap. 54.

That all Schooles, and Colleges, be reformed, and none admitted to instruct the youth privately, or openly, but such as shall be tryed by the Superintendents, and Visitors of the Kirk, Im. 6. p. 1. cap. 17.

Ratification of the Act of Council, tenth of December, 1618, for planting of Schooles, and the Bishop of the Dioceses is empowered with consent of the Hereticks, and of most part of the Parochians, or if the Hereticks refuse, with consent of most part of the Parochians, to lay a tithen every plough, for maintenance of the said Schooles, and Letters are ordained to be direct at the School-masters assistance, &c. And if there be any complaint, the Lords of Council are to hear, and determine it, Car. 1. p. 1. cap. 17.

That none be admitted to teach any publick School, without Licence of the Ordinary, Car. 2. p. 1. Sect. 2. cap. 4.

SCOTIA NOVA, or NOVA SCOTIA.

Ratification of the Charters, and Infeiments, granted to the Viscount of *Sterling*, his Aims, and Assignees, and of the River, and Gulf of *Canada*, and Bounds and Priviledges therein contained, specially these Charters following, one of the date the tenth of September, 1621. Another the twelfth of July, 1625. Another the third of May, 1627. Another the second of February, 1628. with an Signatur dated the 24. *April*, 1631. As also of the Act of Convention the tenth of July, 1630. Approving, and confirming, the dignity, and order of Knights Barons, and all following thereon, Car. 1. p. 1. cap. 28.

SEAL, and SEALING, See *Subscription.*

That the Great, and Privy Seals, be appended to Charters, and other Writs within Book ways, & as well as Book-ways, and that upon an Tye, or Band, going through all the Leaves in the Margine, Car. 2. pat. 2. Sect. 3. cap. 7.

SEASING.

That all Seatings upon precepts forth of the Chan cellary, be given by the Sheriff Clerk, and other Seatings by famous Notaries, Int. 5. p. 6. cap. 7. But this Act dispensed with for bygonnes, in respect of the troubles, and ratified thereafter, with this addition, that the Sheriff, Stewart, or Bailie of Regality, or Royalty or their Deputies, be required to give the said Seatings. Which if they refuse, the Party may make another Bailie, Q: M: par. 6. cap. 34. Anno 1555.

But it is again dispensed with for bygonnes, and until the first of March, 1563. Q: M: p. 9. c. 80. And both these Acts are thereafter reconstituted to preceptors, and Seatings thereupon, Int. 6: p. 18. cap. 15.

That all Seatings not given on precepts forth of the Chancellerie, be within year and day presented to the Sheriff Clerk, and the same of a brieveat thereof infert in the Books, for which the Clerk should get *two shillings*, and that the Clerk bring yearly to the Exchequer, the Books of the said Seatings, and leave a double thereof, signed by him, with the double of this Protocol, to remain in the Register, Q: M: p. 6. cap. 46. Renewed Int. 6. p. 11. cap. 64.

That no Sealing be given within Burgh, but by one of the Bailies, and the Common Clerk, otherwise to be null, Int. 6. p. 1. cap. 27.

One Notar, with a sufficient number of honest witnesses, sufficient in Instrument of Sealing, Int. 6: p. 3. cap. 4. See *Witnesses.*

That Instruments of Sealing be Registered within fixtie dayes, Int. 6. p. 22. c. 16. See in *Registration.*

SEPARATION.

That such as ordinarily absent themselves from their Patoch Kirks on the Lords day, incur the pains following, each Noble-man, Gentleman, and Heretic, the loss of a fourth of each years rent, in which they shall be convicted; and each Yeoman or Tennant, the loss of such a part of their Moveables, as the Lords of Council shall modify, not exceeding a fourth, and every Burges his Liberty, and the fourth of his Moveables: And the Council is to execute this Act against all, who after Admonition of the Minister, before two sufficient witnesses, and by him intitled, shall be given up to them, with power to them to inflict further corporal pains, with they shall judge necessary; and to doe every other thing for procuring obedience to this Act, and for the executing thereof, Car. 2. p. 1. Sect. 3. cap. 2. This Act contains also a Ratification of the first, third, and fourth Acts of the second Session of this Parliament.

That all his Majesties subjects of the reformed Religion, attend the Worship in their own Churches, and that who shall with draw for three Lords day together, without just excuse, be fined in the Act. Which Act the Sheriffs, Stewards, Lords of Regality, and the Justices of Burgh, are to execute, and are allowed to have for themselves all the fines, except those of Hereticks, for which they are to be comptable to the Thesuary: And if an Heretic, Life-renter, or Wodfetter, fined, thereafter obtinably with draw for a year, the Council upon the Inferior Judges his Delation, may put them to signe a band not to rise in Arms, &c. Which if they refuse, they are to be secured by Banishment, or otherwise they amrit to the King their Empire, and Life-rentment, and this Act is appointed to continue for three years, unless his Majesty continue it longer, and that it be without prejudice of the Churchs Censures, Car. 2. pat. 2. Sect. 2. cap. 7.

This Act continued for three years after the expiration of the last three years, and longer as his Majesty shall be pleased to appoint: And that Magistrates of Burghs execute the same upon their Burgesites: And that they and the other Judges named in the former Act, be Diligent, and give account of their Diligence yearly, the first Thursday of July, to the Privy Council, under the pain of *Five hundred marks*, Car. 2. p. 2. Sect. 3. cap. 17.

SESSION.

The Chanceller and certain Persons of the three Estates, to be chosen by the King, appointed for the Session, and to sit three times in the year, where the King shall please, for all Causes, proper for the King, and his Council, Jan. 1. p. 21. cap. 65.

The Lords of Session appointed at this time, by Commiffion of Parliament, given to a gude Number of the three Estates, are impowered to know on the said Sessions, not concerning fee, or Heterage, and ordained to Cause the Party in the wrong, pay to the other his expence, Int. 2. par. 14. cap. 61.

AD setting down the manner of bringing Causes before the saids Lords, and that the other causes therein mentioned, be utterly decided by them, without reced of Appellation to King, or Parliament, Ibid. cap. 62.

The saids Lords bear their own Coist, their charge not being great, and that the better to help, they have the Kings allowance, which is *Fourtie shillings*, to be divided betwixt them, and the Clerk Register, Ibid. cap. 63.

In that place of the Lords of Session, the King chooseth a Council to sit continually in *Edinburgh*, or where the King pleases to decide in all Civil Matters, Int. 4. p. 38.

The Institution of the College of Justice, commonly called the Session, for doing Justice in all Civil Matters, and that it consist of fourteen, half Spiritual, half Temporal, with a President, and they are authorized, to decide upon all Actions, Civil, and non actions, to leave vote with them, Int. 5. par. 5. cap. 56. That they begin to sit at *Edinburgh*, and at what times, Ibid. cap. 57. That they be sworn to Minister Justice equally, Ibid. cap. 58. That their Decretes have the same force, that the Decretes of the Lords of Session had before, Ibid. cap. 59. Providing the Lord Chanceller being present, have a vote, and be present, and that also three, or four more of the Kings great Council to be named by him, have vote with them, Ibid. cap. 40.

That the fifteen Lords, then nominated, subscribe all Deliverances, and non others, Ibid. cap. 41. That the Chanceller, or President, receive the Outshot of the Lords, and in the absence of the President, the King is to name a Vice-president, Ibid. cap. 42. Command is given to the Lords, to come to counsel upon Rules, and Statutes, to be kept in their order of proceeding, which the King promises to Ratify, Ibid. cap. 43.

Follows the Rules and Orders then set down, and first the division of the Realm in Quarters, Ibid. cap. 44. Priviledged Summons, Recent Spuitzeis, calling of Letters, redeeming of Lands, Ads of Adjournal, Superior to hear them decreed to the three Superiorities, Reducion of inordinat fines, before Sheriffs, and Bailies, and intertaining, and transferring of Decretes, and that Letters that concern Horning have Process all times, Ibid. cap. 45. That all other Matters be called by the order of the Table, all dayes of the week, except Fryday assigned for the King, Queen, and Strangers Matters, Ibid. cap. 45. That Ads be called at the dayes assigned, for expedition of witnesses, and shewing of expences, Ibid. cap. 46. That to be called to all deliverances to clerks, that they admit parties to their Superiorities, and Minister Justice equally, Ibid. cap. 47. Order for Table and Seats, Ibid. cap. 48. That the Lords enter the Houe at eight hours daily, and sit until eleven, Ibid. cap. 49. That after the entrie of the Lords, the Houe be sithed, and that an Maister stand at the Door, cap. 50. That no man enter in play, except the Parties contained in the Summons, and their Procurators, if they any have, c. 51. That Ads be first read, then Ads called, and the Parties to be called in, and that all Parties deliver their Bills, and Ads, and that the Clerk be sworn, and the Minister Justice equally, Ibid. cap. 52. by a Maister, cap. 52. That these Lords be depute weekly, as they are placed in order, to examine witnesses: And that they convene daily at two afternoon, in the Houe, with Clerk, or of his Writers, sworn by the Lords for that effect, cap. 53. That all Matters be called by the order of the Table, as is above Statut. cap. 54. That the Lords being set, Silence be kept, and that no one speak, or touch any matter, or Letters, or Minuter Justice, until they are called by the Chanceller, or President, to argue any matter, but when they have done, others may speak upon leave asked, cap. 55. That the debate being ended, the Chanceller, or President, require the votes of the Lords in orders, and that the Clerk read their names, and that none argue an other in voting, c. 56. That in advising, or giving Sentences, there be ten at least with the President, or Chanceller, (but the Act, Int. 6. p. 11. cap. 44. In Innis nine ordinary Lords to be a quorum.) That the Lords absent not, but upon Licence of the Chanceller, given in *presentia*. That all Publication of witnesses, and other Examination of Proceis, be made in *presentia*, cap. 57. That the Lords Decretes be Executed by Sheriffs, Patevants, or Maisters, for the sic appointed by Act of Parliament, (See in *his Part*, Int. 4. p. 3. cap. 30.) cap. 58. That all Clerks of the Signet be sworn to be faithful, and not reveal what they writ, or doe for their Employers, cap. 59. That the Clerks of the Signet take only eight pennies for writing a Bill, and six pence for Letters, and in Decretes, and for other Letters as formerly, under the pain of tithen of Office, cap. 60. That Writers make their Bills with their names, that none frustrat another of their Labours, and that all Deliverances written by Clerks of the Session, cap. 61. That Maisters be sworn to be faithful, and that they be secret, and take no more for their Labours then *two shillings*, under the pain of Deprivation, and Infamy, cap. 62, and 61.

That there be ten Advocates appointed to be general Procurators of the Court, and that they be sworn to be faithful, and that they be sworn to be faithful, cap. 64, and 65.

That Advocats remove with the Parties, and enter again with them, at the giving of Inter-locutions, cap. 66. That an Dilator, being repelled, all the other Dilators be proposed at once, and that no Advocate, except the Kings Advocate, play within the Bar, cap. 67. Follows the Kings gude mind inent the Lords, shere in he enters the foregoing Statutes, and promises not to charge, or doe them to doe otherwise in any Matter, then as Justice requires, and to maintain, and defend their Persons, Lands, and Gudes, from all wrong, and because the saids Lords presents his Majesties Person, and bears his Authority, the King promises to give Credence to any that Murmures them, but first to call them, and if found culpable, to punish them, and if not to punish the Complainer, with all rigour, and farther excites them from all Taxes and Burdens, and from being charged, or except they please, with power to them to punish such as being guilty, with Implication, in any of the Kings Causes, and if the Injurie be great, that the King be advertised, that he may get the same be punished, and his Ratification the King Signes, and Ordains, to be Registered the Tenth of June

of June the nineteenth year of his Reigne, which was the year, 1533. *Ibid.* cap. 67.

Ratification of the College of Justice, and of the Popes Approbation, and Confirmation thereof, with power to the Lords, to make Acts and Statutes, for ordering of Process, and hislike expedition of Justice, and that in the absence of the President, and Vice-president, the eldest Senaour in order preside for the time, *Jam. 5. p. 7. cap. 93.*

Ratification of the Institution of the College of Justice, and that Letters be directed to the Prelate, for fetching in the Contribution money due to the Lords of Session, Q. M. p. 2. cap. 2.

The Lords of Session are declared to be Judges competent, to the Redution of Infratements, albeif confirmed in Parliament, *Jam. 6. par. 1. c. 18.*

Upon a complaint by the Lords of Session of Privy Chaires directed to them by the King, and his Council, to fetch away, or remit Process to the Parliament, or to stop the Execution, it is declared, and ordered, that the Lords proceed in all Civil Causes intended before them, and cause to execute their Decrees, notwithstanding any privat writing, or command, at the instance of any Party in the contrary, *Im. 6. p. 4. cap. 92.*

That no Lord of the Session, by himself, his Wife, or Servants, take Bude, bribe, guides, or gifts, either for Defendit, or Defendit, under the pain of Imprisonment, Infamy, and excheat of moveables, the an half to the King, and the other to the Revealer, and the Offenders Petion to be in the Kings will: That the King shall nominate to be Lords, men fearing God, able, and having sufficient living of their own, who shall be found by a number of the Lords, and in case the Lords are not referred to be found to be qualified, the Lords may retaine him, and the King should present another, and the President shall be chosen by the whole Senaours, either of the Spiritual, or Temporal Estate, and do they may also elect, a Vice-president, in the absence of the Chancellour, and President, *Jam. 6. par. 6. cap. 93.*

Ratification of all Statutes made by the Lords, for Execution, and Execution of Decrees, *Im. 6. par. 1. c. 19.*

That there be payed to the Lords by the tinct of the plea *tristate penonies*, per pound, where the subject is liquid, and Five pounds where it consists in *Forswearing*, and that by the same order as was observed in their upholding of *Forswearing* shillings of each Decree of before, *Jam. 6. par. 11. cap. 93.* (See *Jam. 2. p. 14. cap. 61. hetc.*)

The Lords are declared Judges competent to the Interpretation of the Act of Oblivion, since Ordinaries being alwais present, as in either causes at the pronouncing of Inter-locutors, and Decrees, *Ibid. cap. 44.*

Because the Lords of Session are appointed for the decision of all Civil Matters, Therefore the King declares his mind by Act of Parliament, that to all Vacations in the Session, he will present men fearing God, of good learning, knowledge, and love of the Law, having sufficient living of their own: And farther, it is Statut, that no man be received to be a Lord of the Session, unless he be sufficiently tried, and known by the King, and Lords, and have in ready Rent *£1 thousand mark*, or wrentie Chaldier of Victual, and be of the age at least of twenty five years complete, otherwise his Presentation, and Admission to be null, *Jam. 6. par. 12. cap. 13.*

The Modification of Afflictments for Crimes committed since the Kings Coronation, referred to the Lords of the Session, *Im. 6. p. 12. cap. 15.*

Ratification of all Priviledges granted to the Senaours of the College of Justice, and Members thereof, notwithstanding of any Act, or Statut, special, or general, in the contrary, *Jam. 6. p. 13. cap. 170.* The same Act repeated *verbatimim* (which seems to be by some mistake) *Ibid. cap. 183.*

Another special Ratification in their favours including also the Lord Chancellour, *Im. 6. p. 14. cap. 217.*

To touch, hurt, or vex any Person, within the inner Tolbouth, the time that the Lords are sitting, declared to be treason, and to doe the same within the outer, Tolbouth the time of his death, *Im. 6. p. 13. cap. 173.*

No Lord of the Session Ordinary, or Extraordinary, may fit, or vote, in any cause, where the Petitioner, or Defendit is either their Father, Brother, or Son, *Im. 6. p. 14. cap. 212.* Extended to the like degree in affinity, as also where the said Lords are Uncles or Nephews to the Parties, *Car. 2. p. 3. cap. 13.* See the Act in *Declinator.*

The Havell Vacance appointed, to begin in the first of August, because of the Harvest, and that the Lords are to content to enter every day, during the Summer Session at eight in the morning, *Jam. 6. p. 14. cap. 213.* That no Member of the College of Justice buy Pleys, *Ibid. cap. 216.* See it in *Pleys.*

Commission to the Lords of Session, to decide the Acton of Redution of the Forfeiture, of *James Wood*, Appaerant of *Bennintoun*, *Im. 6. p. 17. the 5. of the un-printed Acts.*

The Lords of Session declared to be the Kings great Consilior, and an high Supreme Commission granted to them for all consiliorial Causes, providing nevertheless they be still Accountable to his Majesty, *Im. 6. par. 20. cap. 6.*

Act in favours of the Lords of Session, for ten thousand pounds to be payed to them yearly, out of his Majesties Customes, which are for that end, and in lo far dilivord from the Crown, and all Intromettes with the said Customs, are made liable to the Lords for their better payment, and Caution is appointed to be found by the Customers for that effect, in manner set down in the Act, *Ibid. cap. 11.*

The Lords of Session appointed to be Judges between the Patron, the Person preferred, and the Bishop, aent Patidons betwixt the Patron and Intrant, whether Simonical, or not, *Ja. 6. p. 21. c. 1.*

Taxation of ten shillings the pound Land of old extent, for the Estate of Barons, and Free-holders, and to proportionally for the Spiritual Estate, and Estate of Towns, granted to the Ordinary Lord of Session for increase of their Court, and that yearly, for four tentures of years, beginning the first term at *Martimes*, 1633, and the last to be *Martimes*, 1636. *Car. 1. p. 1. c. 22.*

General Ratification in favours of the College of Justice, *Ibid. c. 23.*

That when the Lords of Session ordain *tristate penonies* of the pound to be payed in any Decree, the same shall not be payed by the obtainer, but by the Party against whom the Decree is obtained, and the not payment by the obtainer shall be no objection to the Execution, *Car. 2. p. 1. c. 26.*

The judicial proceeding under the *English* Officers before the Commiffioners for administration of Justice, who sit in place of the Lords of the Session, Ratified, but so as any laced there may bring the same to be reviewed before the Lords of Session, within a year after the down-fitting thereof, or of the Party lef his attaining to Majority, if he be now Minor, *Car. 2. par. 1. Self. 1. cap. 12. Anno 1661.*

Ratification of all priviledges and Acts in favours of the College of Justice, Senaours, Advocats, Clerks, Writers to the Signet, and remanent Members of the same, declaring that the whole priviledges granted and belonging to the Lords, and Senaours thereof, shall belong to all the rest, in all time coming, *Ibid. cap. 23.*

Twelve thousand pounds Sterling given to the Lords by way of Affliction, for bettering of their Courts, and the Act affects the Lords of Session to be the Supreme Judges under his Majesty, in all Civil Causes, *Ibid. c. 50.*

Other twelve thousand pounds yearly, besides the ten thousand pounds granted by King James the Sixth, p. 20. c. 11, (above) given to the Lords of Session out of the Customes, and whole firm of twenty thousand pounds yearly, equally secuted by

both the Acts, and appointed by this Act to be payed together, *Car. 2. p. 1. Self. 2. c. 7.*

Ratification of the priviledge of the Ordinary Lords of Session, as to their exemption from all burden imposed, or to be imposed by this or any other Parliament, *Car. 2. p. 2. Self. c. 2.*

An Act regulating the order of Process, and methods of proceeding before the Session, as also, all Advocats, Clerks, and Writers Fees, with the manner of keeping the Registers of Homings, Inhibitions, Interdittions, Sealing, Reversions, and others, *Car. 2. p. 2. Self. c. 16.*

The Summer Session signified and discharged, and the times of the Session yearly appointed to be from the first of November until the last of March, excepting the forecave from the twenty fourth of December until the last of January, *Car. 2. p. 3. Self. 1. c. 7.*

SHERIFF. See Judges.

That the Countrey, all or part, leaving the Kings Horn, or thersoe wanted, rife and follow the Sheriff in pair of Fyghtes, the Gentleman under the pain of forty shillings, and the Yeoman under the pain of twenty shillings, *Jam. 1. par. 6. cap. 99.*

That the Sheriff receive persons arrested by the Crowne, and keep them in firmance to the Justice Ait, upon the Parties own espences, or if they have no firm, upon the Kings, at three pence per diem, and if the Sheriff himself, that he be liable to *£10*, *Jam. 1. par. 6. cap. 101.*

That the Sheriff & Crowne should tolerate an Affise the last day of the Justice Ait, *Ibid. c. 103. See foranver.*

The Sheriff charging unlawful Convocation of the Lieges, and disobeyed, may cease the Court that day, and complain of the disobedey to the King, *Ibid. cap. 104.*

Sheriffs, Stewards, and Bailiffs, and other Officiars, should execute all Decretes, and their Fees appointed to be twelve pence of each pound, *Ja. 4. p. 3. c. 20.* and that whether they be Sheriffs Ordnaes, or in that part, and to be payed by the debtor, *Car. 4. p. 6. c. 66.*

That there be a Sheriff appointed for *Refs*, and another for *Callines*, *Im. 4. p. 6. c. 61.*

That *Cutlers* and *Tullians* come to the Sheriff Courard Justice Ait of *Strivling*: And a farther particular direction of Sheriffs made in the Act, *Ibid. c. 73.*

But the division of aincte to be only for Justice Ait, and not for Sheriff Courts, *Ja. 4. p. 7. c. 101.*

The Sheriffs, Stewards, or Bailiffs, giving Sealing on Precepts forth of the Chancellary, wite the day and year thereof, and bring the same to the Exchequer (See *Sealing*) And this Act shall be made, because Vallis are hurt by the lying out of their Over-loads unentered, *Ja. 4. p. 6. c. 89.*

The Sheriffs cause proclaim the names of all Denounced and Registerd at the Horn in his Books, upon the Mercat dayes preceding the ture the said Courts, and that the Catalogue of them be affixed on the Mercat Cross, and in the Tolbouth, that they may be repelled *ab agenda*, and that within fifteen dayes thereafter they fend their names to the Thesaurer, that their Elections may be taken up, *Ja. 6. p. 6. cap. 76.*

That the Sheriff charge himself with, and make compt of all Echeats intromitted with by him within his Jurisdiction, *Ja. 6. p. 11. c. 74.*

That Sheriffs give yearly at the beginning of the Session to the Lords, the names of the Deputes and Clerks they mind to make use of for that year, and that they be charged to find Caution Burgeffes dwelling in *Edinburghe*, Acted in the Books of Council, that they shall yearly make compt and payment in Exchequer, *Car. 4. p. 11. c. 81. Ratified. Car. 4. p. 1. Self. c. 14.*

That Sheriffs and all Judges Ordinary toburgh or Lond, within Regillry or Royalty, be diligent to know the Laws, and put the same to execution, specially in searching, pursuing, and waiding Traitors and Rebels, as they will answer, in their perill, of the same pains incurred by the Traitors; As also, in searching and apprehending of Somers, Vagabonds, fleeing Berges, and *Egyptins* as is shou, in giving the said searching, and detaining, at reasonable prices, in bringing their Books and Compts yearly to the Exchequer, and in making of the Deputes and Clerks, who shall be bound to bring their Regillres to the Exchequer, and that they find sovery for doing these things, and lending their Deputes and Clerks yearly the first of November to the Lords of Session, to be examined, and admitted, and such pains as the Lords shall modify, wherein if they failize, that they be denounced, and all the Lieges shall come within their Jurisdiction, *Ja. 6. p. 12. cap. 128.*

The Office and Duty of Sheriffs manifestly firmed up, *Car. 2. par. 1. Self. 3. cap. 15.*

SHERIFF-CLERK.

That the Sheriff Clerks come to the Exchequer with the Sheriffs, and bring their Books filled with their hands, *Ja. 5. p. 6. c. 79.* To remain in the Register, *Ja. 6. p. 11. c. 84.*

That the Sheriff Clerks be marked by the Register, as other Notis Books, and that the autentick Copies be copied yearly, to remain in the public Register, and that they be answerable for this yearly in Exchequer, under the pain of Waiding of Homing, *Ja. 6. p. 13. c. 271.*

SHIP. See Merchant, and Navigation.

That Shippes keeping here the Ship and Goods be thair to the King; as they be of a Country breaking fuch a Law, but not, that they have fuch favour as they shew, *Ja. 1. p. 2. c. 129.*

That no Ship be freighted without a Charter Party, whereof the points are, What the Master of the Ship shall furnish to the Merchant, that in case of debate betwixt them, they undely the Jurisdiction of the burgh whereof the Ship is freighted; That Goods be not split by ill holling; That no Goods be lost, or broken up; That the Master lue no Goods on his Over-loaf, or if he do, these Goods shall be callen Freight, nor shod the Goods beneath Sea; or to witte them, in case they be callen *£1* Freight, and if within five Lall, the half of it, under the pain of five pounds: And that no Drink-silver be taken by the Maltier and his Doers, under the same pain: And howeas a Tun Freight to the Kirk Work of the Town that they are freighted to, *Ja. 3. p. 2. c. 14.*

That Act nullified, and that no Goods be fiured on the Over-loaf, nor the Merchants Goods broken up, nor spiked, nor riven, under the pain of twenty pounds to the King, *Ja. 3. p. 14. c. 109.*

That no Shippes be freighted outward with Staple Goods from *Simon and Judes* day, till *Cooldum*, under the pain of five pounds, *Ja. 3. p. 2. c. 15.* And *Ja. 1. p. 4. c. 25.* where the pain is nullid to twenty pounds. And *Ja. 4. p. 2. c. 14.* whiche the time prohibit is from *Hallowmas* to *Cooldum*, excepting that any Goods may be sent forth in the time forecald in Shippes that bring in *Scit*, or Wine, *Ja. 5. p. 4. cap. 25.*

That no Shippes pass forth of the Realm without the Kings Cocket, *Ja. 6. p. 2. c. 40. See Coquet.*

Shippes reckoned amongst Goods moveable, *Ja. 6. p. 4. c. 16.* That all Shippes be victualled within Free Burghs and Ports, at the sight of the Merchant, and Customers there, and marked by them, and if any more be found, that it be confiscat, *Ja. 6. p. 5. c. 67.*

SHOOTING, See Guns. SIGNATURE.

The date of Signatures should be filled up with the hands of the Treasurer, Collector, Comptroller, the Treasurer of new augmentations, and Secretary, or their principal Clerks, and bear on the back the date of the Registration, and the full day of the Signing, Writing to, and passing the Writs Seal, should be made, and the trial of Antecedents not to be received but on great Admiration, and a great firm conviction, and by the Writers, principal Officers, their Deputies, or Clerks, Writers up, and keepers of the Seals, and also the falsehood, if found, to be punished with the pains of Felony, and of High Treason, and three parts of the Lands and Goods forfeited to belong to the King, and the fourth to the party injured, Ia. 6. p. 12. c. 133.

That no Signatures, or Letters be preferred to his Majesty, but by his ordinary Officers, unto whose Office they properly belong, otherwise the said Officers are commended under their highest penalty to stop the same, and the said stopping shall be proved good service, Ia. 6. p. 10. c. 20.

Ratified, and that the said Officers cause Register the Decree of the said Signatures in a Register, and send the double thereof to his Majesties Secretary under their hands, that he may give his Majesty notice of all priors, or different deeds, Car. 2. p. 1. Sec. 1. c. 60.

SIMONY.

Any condition made by the Tenant and the Patron, referring to the Minister a vicarage maintenance answerable to the title of the Benefice, is declared not to be Simonical, And the Lords of Session are appointed Judges in this manner, Ia. 6. p. 21. c. 1. See Patron.

SINGING. See Musick.

SKIN and BIRN.

That Beef, Mutton and the like be presented to the Metcath with Hide, Skin, and Birn, under the pain of excheat thereof, Q. M. p. p. c. 85.

SLAUGHTER.

Where ever Slaughter is committed in Royalty, Regality, or Burgh, the Sheriff should pursue the flayer whilke he is taken, or put out of the Shire, and in this case advertise the next Sheriff, or Lord of Regality, or his Bailie, who shall do the like diligence, and so forth, until the flayer be taken, or put out of the Realm; And that the flayer when taken, be sent back to be tried to the Sheriff where the deed was done, and if the deed be found to be fore-thought, the flayer shall die for it. In case the first Sheriff apprehend the flayer, he may put him in fetter halnes, and the Law to be done within forty dayes at the Fathell, and if it be rede hand, within that day, Ia. 1. p. 6. c. 90.

The lame renewed, and extended to Denonbration as well as slaughter, Ia. 4. p. 31. c. 28.

And in case of escape, that the respective Sheriffs denounce the flayer Fugitive, and forbid his harbour, rest, or help, under the pain of life and goods, Ia. 1. p. 4. c. 91.

And these Acts, Ia. 1. p. 6. c. 90. and 91. Ratified, and that the Sheriffs neglect to be in the Kings will, and removed for three years, Ia. 3. p. 5. c. 36. and Ia. 5. p. 7. c. 97.

If a man be slain in the Barony, that the flayer be arrested, and the Law done by the Baron, if he have power, otherwise he shall lend him to the Sheriff; but if he escape unarrested through flight, or favour of the Baron, the Baron shall pay twenty pounds, or he and his Officer imprisoned, and at the Kings will, Ia. 1. p. 6. c. 92.

That the Officers in Burgh arrest the man-slayer in like manner, Ibid. c. 93. If he Sheriff, or Minister of the Regality, Ministers unto the Law, and this may be done by an Adverser, or Withselling of worthy and true men, three, four, or more that then be imprisoned forty dayes, and pay forty pounds to the King, and the Croty to the next of Kin of the slain, Ibid. c. 94. But probably the Act should say, if any Sheriff, or Minister of the Royalty, &c. And to the Title should be changed, as appears by the next Act.

That the Lord of Regality whilke negligent, be punished in like manner; and the Minister of the Regality fail, he shall be punished by his Lord, as the Sheriff by the King, and Aldermen and Bailies in Burghs to be punished by the Kings Justice, Ibid. c. 95.

Where the committer of slaughter flies to Church: See Ia. 3. p. 5. c. 36. in Girth. See also Fore-thought Felony.

That if the man-slayer be put to the parties horn, he shall be relaxed, or have Dilatorie forty dayes, but upon sufficient Caution, and if he then fallize to comply, that he be put to the Kings Horn, and his Goods excheat, Ia. 1. p. 6. c. 43.

That the man-slayer charged by the Sheriff personally, or at his dwelling house, and at the Metcath Croty of the Head Burgh of the Shire where the slaughter is committed, upon five dayes to find Caution, and disobeying be denounced, and his Goods excheated, and intimation made to the next Sheriff, Ia. 3. p. 14. c. 100. See Relaxation.

SOAP, and SOAP WORKS.

Oyl, Pot Ashes, and all other Materials for Soap Works, and Soap making, and all Soap made within the Countrey declared free of Customs and Excheat, and other publick or private dues whatsoever. As also all Soap to made and exported, to be free for nineteen years after the setting up of the said Works, and after the date of this Act, for such as shall be set up, Car. 2. p. 1. Sec. 1. c. 48.

SORNERS.

That no man ride nor gait with more men nor may suffice, and for whom he will make payment, Ia. 1. p. 1. c. 5.

That no Companies pass in the Countrey, and ly on the Kings Lieges, or Thigh, or Sojourner Horle on them, under the pain of Aftiding, the King and Party complaining, Ibid. c. 7.

That Inquisition be made by all Judges against Sorners, Masterful Beggers, Bards, and made Fools, to be punished by Imprisonment so long as they have the wit to live upon, and fra they have nor, by assailing their Lugg, cutting off their Ears, and Banishment, and if they be found again, that they be hanged, Ia. 2. p. 6. c. 22.

That offences be punished forthwith by the Iudices, as Thieves, or Reivers, Ia. 2. p. 11. c. 45. Ratified, Ia. 3. p. 10. c. 78.

That in all Iudiciall Aits Inquisition be taken of Sorners, Bards, and feigned Fools, Ia. 2. p. 14. c. 79.

SPEARS.

That all Spears be five elns in length, under the pain of excheat of the Spears, and the maker or home-bringer to be in the Kings will, Ia. 3. p. 6. c. 45.

SUILZIE.

That in open and publick Reiffs and Spuilzies, the Sheriff cause the Spuilzies or Reiffers make restitution, and arrest both them and the Goods to the Law, and if they disobey, Denounce them, and if the Sheriff refuse, that he be denuded by the Lieutenants, and the Spuilzie should have been, Ia. 2. p. 5. c. 9.

And this Act to be fulfilled by the Lords of Regalities also, with assistance of the Lord of the Ryall, if need be, and if the Lords of Regality fail, the Sheriff may fulfill it within the Regalities, &c. c. 10.

The Spuilzie being proven, whether the Spuilzie comper or not, the Spuilzie should be restored, his expences payed, and also the Kings unlaw, Ia. 2. p. 6. cap. 19.

Summons of Recent Spuilzie, Ia. 4. p. 61. c. 65. See it in Summons.

That for Detrapations, Reiffs, and Spuilzies, particular Iudices may be set in the discretion of the Lords of Session, the matter being first civilly decided, Ia. 5. p. 4. c. 34.

In case of Theft and Reiff by broken Borderers, or High-Roads, the Party may pursue for the Reiff, to be made, by his own Oath, either before the Lords of Session, or the Justices, where an Execution shall pass against both the Principals and their Sopynes, Ia. 6. p. 11. c. 93. See Clums and High-Roads.

STALKER. See Wilde Beasts.

Stalkers: slayers of Deere shall pay forty shillings to the King, and their Holders ten pounds, and this to be point of Ditty, Ia. 1. p. 21. c. 36.

STANCK.

That none take Fish out of others Stanks, under the pain of Ditty and Theft; Ia. 3. p. 7. c. 61. See it with the Act following in Theft. That Lords and Landlords make Parks, Stancks, Canningais, Downes, and Orchards, Ia. 4. p. 7. c. 74. See it in Planting, and Policy.

STEALING. See Theft.

STEWAR D. See Judge, and Sheriff.

STRANGER.

That Strangers selling Merchandise for money within the Realm, either with their money, or penny-worths, or pay the Customs of forty pennies per pound, Ia. 1. p. 1. c. 16.

Strangers Merchants coming in the Realm with Victual, and other lawful Merchandise, should be honourably and favourably treated, and not troubled with Attentions; and after they come, the King should be first served, and then the Lords of his Council, according to the price agreed with the Merchants, and the rest follow, Ia. 3. p. 10. c. 73. Ratified and enlarged; and that the King and his Lords be first served for good and thankful payment, Ia. 3. p. 14. c. 114.

STUDENTS, See University.

STUDES, and STUDE-PLACES.

That Studes, and Stude-places be furnished with Meats, and Stallions, Ia. 5. p. 4. cap. 19.

SUBSCRIPTION.

That Writs under Seal, without the Subscription of the Party, and Witnesses, or an Ostar for the Party, if he cannot writ, make no Faith, Ia. 5. p. 7. cap. 17.

That all Writs of Herbage, out of importance, be subscribed, and Sealed by the Party, or if he cannot writ, by two famous Notars, before four famous Witnesses, well defigned, and present at the time, otherwise the said Writs to make no Faith, Ia. 6. p. 6. c. 80.

But this Act as to sealing, is declared not to be understood of Writs bearing Registration, a contract to the Registration being a greater Solemnity, and the due subscribing thereof sufficient: And notwithstanding of the said Act, one Notar with an sufficient number of honest Witnesses, is declared to be sufficient in Instruments of Sealing, Ia. 6. p. 9. c. 4.

Noble-men, and Bishops, only are allowed to subscribe by their Titles, and all others should subscribe by their Names, and surnames, and may if they please adjoynt their Designation O. E. &c. &c. &c. place, otherwise they may be punished by the Council upon information of the Lyon, and his Brethren, Car. 2. p. 2. Sec. 3. cap. 21.

SUCCESSION. See Testament.

Ad affecting the right of Succession to the Crown of Scotland, to devolve immediately according to the proximity of blood, and that no difference of Religion, or Law, made, or to be made, in alter, or divert the said right, nor stop, or hinder, the Successor, in the full, free, and Actual Admission, according to the Laws of the Kingdom, and that it is high Treason, by Writing, Speaking, or any other manner of way, to endeavour the Alteration, Subversion, or Diversion, of the said right, or to debate the Lawful Successor, from the innumdact, Actual, full, and free Actual Admission of the Government, conform to the Laws of the Kingdom, Car. 2. p. 3. cap. 24.

SWEARING.

Particular pains ordained against Profane Swearers, with gradual Augmentations, and ending in Banishment, Q. M. par. 5. cap. 16. Ratified, with an Augmentation of the pains, and that Magistrates, to Burghs, and Landward, appoint Centours in publick Meetings, and Paits with power to exact the said pains, and that House-keepers, depute Officers within their Houses, under the pain to be esteemed as Offenders themselves, Ia. 6. p. 7. cap. 103.

Ratification of all Acts made against Swearing, and Cursing, and farneth, that who hall Blasphemes Swears of Curse, shall pay the Noble-man, Twenty pounds; the Baron, Twentie marks; the Gentleman, Hectors, or Burghs, Ten marks; the Yeas-man, Fourty shillings; the Servant, Twentie shillings; sober maister, and the Minister, and Paits with power to be applied as in the Act, and House-keepers of Peace, and the Involunt, to be punished in their Persons, Car. 2. p. 1. Sec. 1. cap. 19. Ratified, Car. 2. part 2. Sec. 3. cap. 22. See it in Profaness.

SUMMONDS.

The Summonder may make his rehaite in Court, by Writ, or by Tongue, keeping the lex terms of Summons, and he must have sufficient witnesses of all verities.

verfe Barones, who shall Sweite Court the truth of the Summonds, Jam. 1. p. 9. cap. 113.

The order of Summoning Persons, Continuances, and their fines, with the manner of putting the Perlewer in Detention of their Lands, and Cudles, after three diets, and their recovery thereof, and if the Party be Contented, that his Lands, and Cudles, be recognised in the Kings hands; and if he lies none, then he shall be out-lawed, and put to the Horn, lam. 2. p. 6. cap. 29. (these are old forms.)

Summonds Petempore before the King and Council abridged to twentie one dayes, lam. 3. p. 1. cap. 6.

In Summonds of Error, the Members of Inquest should appear Personally, becaufe it may depend on their Intimations, and the Summonds proceeds, whether the Party called for his Interest compar or not, and the Perlewer of this Summonds nor miffing, payes the expences of the Party, and an whole of *Fourty shillings*, and in other Summonds, lam. 4. p. 3. cap. 35.

Summonds of the specialtize, that is tiled within fifteen dayes after the committing of the offence, may be made on fifteen dayes, and no Dilator to be admitted, if the Summonds be lawfully indorfitt, lam. 4. p. 6. c. 65.

Summonds Acknowledged, are made lawfully, calling of Letters, redeeming of Lands, Ads of Adjournal, Adcons of Tined against Supertors, Reduccon of Inordant Procees before the sheffs, and Bailiffs, and retreating, and transferring of Decretes, except Letters that concern Homing, which shall have Procees at all times, lam. 2. p. 5. cap. 45. See *Defiffion*.

A Person being Summond eight dayes before he go forth of the Realm, if he be not *Re-pudice Causa*, the Procees goes on against him, as if he were not forth of the Realm, upon warnings at his dwelling place, or if he be none, or be not left a Procurator, at the Mercat-steece of the head Burgh of the Shire where he most resort of to live, and this to have place in Civil Adcons only, but not against wifes, Q. M. p. 6. cap. 32. See *Executio*.

Ad and Letters of continuation discharged, and that in lieu thereof, all Summonds in use to have been continued, contain two diets, and are directed to shireffs, and Messengers, *respelted*, and be Executed the first diet, and after elaping of the dayes of the first Citation, to the second diet, in the same manner, and with the same words, as Summonds, Ads, and Letters were used formerly, Car. 2. p. 2. Seff. 1. cap. 6.

SUMPTUARIE LAWS, See Apparel.

SUPERIOR.

That Superiors charged by their Vassils, upon fourtie dayes, entor their Superiores, otherwise the same, for that Vassils time, and mult Altit his skuth, and the Vassil is to be entered by the next Superior, Jam. 3. p. 7. cap. 51.

That the Mills, and Duties of Lands pertaining to Vassils that have been first set at the Hono, retain again to the Superiors, for the Vassils life-time, except in Crimes of Treason, and *Isa-Majesty*, Jam. 5. par. 4. cap. 32.

SUPERIORITIES of Kirk-lands, See Kirk-lands.

SUPERSEDERE.

All *Superfederees*, or Licences, granted by the King to Persons at the Hoto, forbidden, and declared null, and void, lam. 6. p. 11. cap. 64.

SUPERSTITIUM, See Pilgrimage, and Religion.

SUPPLY ROYAL; See Annuity. 40000 pounds Sterling.

Act of Convention for a Supply to his Majesty of ten Hundred Thousand markes, to be raised in five years, by way of Taxation, Act of Convention, 4. of *August*, 1666.

Act of Convention for a Supply to his Majesty of a Twelve Months Cels, being Seventy two Thousand pound, per *Annus*, in all Eight Hundred and sixty four Thousand pound, Act of convention 23. of *January*, 1667.

Act for a supply to his Majesty of Three Hundred and fifty Thousand pound to be raised by way of Assessment, at the tetus in the year specified in the Act, Car. 2. p. 2. Seff. 2. cap. 3.

Act for a Supply to his Majesty of Eight Hundred, and fifty four Thousand pound, to be raised by way of Assessment, and payed at four tetus, *Lambas*, 1672. *candlemas*, and *Lambas*, 1673. and *candlemas*, 1674. And that no man be obliged to produce discharges thereof after the tenth of *February*, 1681. And Retorcion is granted of a Sixth part of Annual-rents upon *Marrimes*, 1672. and *Marrimes*, 1673. for ease of the Heterots, and Land-rent, Car. 2. p. 2. Seff. 3. cap. 4.

Act of Convention for a Supply to his Majesty of Twentie five Months Cels, being Eighteen Hundred Thousand pound to be raised in five years, five months yearly, beginning the first term at *Marrimes*, 1678. Act of Convention 25. *July*, 1678.

Act and Offer of a new Supply to his Majesty, by continuation of the said five Months Cels, per *annum*, for other five years, after the term of *Marrimes*, 1683. *Michaelis*, and that none be obliged to produce discharges of this Supply, after the tenth of *June*, 1683. And that Heterots for their relief, may tax the Inhabitants upon their ground, as in the Act, and the order of uplifting, and quartering for this Cels, is set down in the Act, Car. 2. p. 3. cap. 3.

SUSPENSION.

That no Suspension be putt against Bishops, Ministres, or Master of University, or Colledge, of any Charge for their doos on speciall Decretes, except upon production of discharges, or upon Confession, and if the Rent charged for be Vitiual, of a Hundred markes for each Chaldier: But prejudice of a higher Modification at the discharging, and that Bills of Suspension of general Letters the time of Action, be first shewed to the charger, and if either the charge, or Suspension be found Malicious, the Lords of the Seffs, may indorse a fifth part of the sum for expences, Car. 2. p. 2. Seff. 1. cap. 6.

SYNOD DIOCESAN, See Kirk, and Ministers.

SYNOD NATIONAL.

Act ancient the Constitution of a Synod National, whereby his Majesty hath the power of proposing by the Archbishop of St. Andrews President, and is shawes

to be present, by himself, or his Commissioners, and no Act to be valide, unless agreed to by the President, and Major part, and unless he be content with his Majesties Petogative, and the Laws, and be confirmed by his Majesty or his Commissioners, Car. 2. p. 1. Seff. 3. cap. 5.

TACK, and TACKSMAN, See Tenement.

That Tacks being set to Labourers, the Tacks shall remain therewith until the tiche of the terms thereof, for the mail they took tenn, to whose hands lever the Lands come, lam. 2. p. 6. cap. 17.

But who takes Land in Woder, they for Mail long time after, the Land be quite out for half Mail, or thre by, thare the Tacks be not kept, after the counting, unless they be let for the very Mail, or thereby, *libd. cap. 14*.

Now, and for what years and space be beneficed Persons may let their Benefices, and Fruits thereof. See in *Beneficed Persons*.

TALLOW.

That no Tallow be had out of the Realm, under the pain of excheat of it, lam. 1. par. 2. cap. 32. And further of all the Owners Moveables, as also of the Moveables of the Matter, or Skipper of the Vessel, that receives it, lam. 5. p. 7. cap. 123, and Q. M. p. 6. c. 40.

That none wax, rinde, nor Barrel Tallow, under the foresaid pain, *libd. l. 5. p. 7. cap. 123*. See *Forfeiture Goods*.

TAVERNE.

That no man in Burgh, be found in Tavern or Ale-house, after the strike of nine, and the Bell rung, under the pain of washing, and the Aldermen and Bailiffs neglig ent in this, to be hooded by the Chamberlaine in *Eighty shillings*, lam. 1. p. 13. cap. 144.

TAXATION, See Supply.

Order for speedie bringing the Taxation, lico granted, and found that the King could not grant discharges of that Taxation, being granted by the Act Taxation of Two Hundred Thousand markes, granted to the King and proportioned time, the sum of An Hundred Thousand markes, by the Spiritual Estate the sum of forty five Thousand five Hundred, and forty five markes, eight shillings, ten pennes, by the Barons, and Freeholders, and the sum of Thirtie three Thousand, three Hundred thirtie three markes, four shillings, five pennes, by the Burrows, and the Barons part as here lated is text to *Forfeiture shillings*, upon the pound Land, and old extent, and the Act contains at length the totin and manner of uplifting it, lam. 6. p. 2. cap. 27. Anno 1677.

Another Taxation granted to his Majesty of Thirtie shillings the pound Land of old extent, tenly for tetus, for the Barons, and Free-holders, and the Spiritual Estate, and the Burrows, to pay their parts of the said Taxation, may at the light to the said Tax upon the Barons, as also an Extraordinary Taxation of the Twentie pennes of all free Annual-rents for four years, Jam. 6. par. 23. cap. 2. Anno 1621.

Act about the Collecting, and imbrging of this Taxation, and Relief, to Prelats, *libd. cap. 3*.

An Taxation granted to his Majesty of Thirtie shillings the pound Land of old extent, tenly for tetus, or tetus, for the Barons, and Free-holders, and the Spiritual Estate, and the Burrows, to pay their parts of the said Taxation, may at the light of the first term, or at *Michaelmas*, 1634. with an Extraordinary Taxation, of the *fourteenth* penny of all free Annual-rents yearly the said six years, Car. 1. par. 1. cap. 1. 28. *June*, 1633.

Act about the Collecting and imbrging of this Taxation, and for the relief of Prelats, *libd. cap. 2*.

Supply to his Majesties of Ten Hundred Thousand markes, to be raised in five years, by way of Taxation. Act of Convention 4. *August*, 1666. See *Supply*.

TEIND, and TEINDING.

That Teind Masters Teind within eight dayes after hearing of the Coms, as the fame are teide, or otherwise the Labourers requiring them openly in the Paroch Kirk, three Sabbaths in the fore-noon, after the hearing, may at the light of two honest neighbours, swim before witnesses, feire their flock from the Teind upon the ground, which he should keep Rem Bealls, until the first of *November*, lam. 6. p. 6. cap. 73.

But these three Sabbaths be reduced to two, providing there be fourteen dives fully interceded, betwixt the day of the Requintion, and the day of the Teinding, lam. 6. p. 11. cap. 48.

That Teinding if the owner please be at three times, the Court Com at one time, the best of the land, and the ore Feild Court the third, and that fifteen dayes after the tiche of each sort, Teind may be required on seven dives, and the Owner if not satisfied, may teind, and *lick at 10770*, lam. 6. p. 5. cap. 8.

Teinding at the three times in the last Act, 25. *June*, 1607. and that eight dayes after hearing of each sort, Teind may be required upon other eight dayes, and if not obtained, that the Owner may teind, and *lick*, as above, lam. 6. par. 21. cap. 6.

But this dayes of Requintion are thortened to four, and it is appointed to be made to the Feild Master: his dwelling house, if he please he may to his Factor personally, or to the Minifter, and at the Factors dwelling house, which Factor the Feild Master is ordained to name, and appoint, within the Paroch, or some distance near to, and to intimate the same the last Sunday of *July*, or the first Sunday of *August*, publicly, or otherwise Teinding may proceed after the said eight, and four dayes, and the Owners is only bound to keep the fepest Teind upon the ground eight dayes thereof, and it is declared, that a third part shall be repaid them, as said is, albeit about a tenth of it be left in hand, and the same order is to be used as to this tenth part, when thon, lam. 6. par. 22. cap. 9.

That each Heterot have the leading and drawing of his own Teind, whether Personage, or Vicarage, the same being full valued, and either bought by him, or he paying the rate thereof, which is declared to be the fifth part of the constant Rent of Stock, and Teind, or the Teind be valued severally, then the rate is the Valuation thereof, deducting a fifth part for the Heterots ease, thare the price of all Teinds be nine years purchase, the fame being either at the rates of the Countrey, and the Heterots have liberty to buy at this Rate, except the Teinds locally assigned to the Minister any time betwixt and *Marrimes*, 1635. or if the Teind be not yet valued, within two years after the expending of the Valuation, unless the Teind be Mine, or unless he helps himself to sell, in which case the Heterot offering to buy at this rate, shall be admitted to buy at the Teind at 40 years, but if the Heterot be Mine, his Minority impedes him not to the said 40 years, only for the tye he be hath allow against his Tutors & Curators. And where the

Access, or Point of any sort or colour, any Foreign made Gloves, Shooes, Boors, or Slippers, or any wearing Cloths made abroad, for Men, Women, or Children (except what persons have used, and bring home from abroad with them) with Certification, that the thing Imported contrary hereto, shall be burnt, or destroyed, and the Importers or Recreifers fined in the value: And the Act contains most strict Orders to Customers and Searchers, and appoints Informers and Judges for execution. And it is declared to be in place of any former *Jumprary Law* ancient Act, *Car. 2. p. 3. c. 12.*

TREASON. See Rebels.

That no man openly rebel against the Kings Person, under the pain of forfeiture of Life and Goods, *J. 1. p. 1. c. 3.*

If any when required by the King doth to enforce him against noisur Rebels against his Person, they shall be challenged as favourers of such Rebels, *Ibid. 4.*

Who speaks in England, and seduces there against the Kings will, shall be holden as a Traitor, *J. 1. p. 9. c. 128.*

To take alliance of *English-men* is forbidden, under the pain of Treason, *J. 1. p. 13. c. 141.* And *J. 2. p. 12. c. 21.*

Who commits Treason against the Kings Person, or Majesty, rises in fear of War against him, layes hands on his Person violently, of whatsoever he be, retorts or supplies them that have committed Treason, and holds them against the King, or ruins houses of their own, in furtherance of Rebels, or that afflickes Castles, or places where the Kings Treason shall be, without consent of the three Estates, shall be punished as Traitors, *J. 1. p. 6. c. 24.*

Persons suspect of Treason to be put in *Prison*, *1a. 2. p. 7. c. 10, and 31.*

Barrows, until they thole an Alliance, *1a. 2. p. 12. c. 49.*

That no man pass into England the time of War without leave, under the pain of Treason, *1a. 2. p. 12. c. 50.* That no man supply *Barracks*, or pass away with Goods taken in Raids until they be paid, under the pain of Treason, *Ibid. cap. 52.*

If any man take a fray in the Hoell without cause, he shall be accused of Treason. And that these Acts be inamit by the Heads-men, when Raids are made in England, *1a. 2. p. 12. c. 54. See England.*

A promise and Oath made by the three Estates, that none of them shall maintain, defend, be Advocats for, or stand at the Bar with manifest Traitors, common Men, Thieves, Deceivers, and the like, except with their kin and Friends, in soberwise, in defence of them in *Shoos*; but that they shall assist the King in doing justice, and who fulfills herein to be punished after the old Laws of the Majesty, and other Laws, *1a. 3. p. 14. c. 98.*

Willful Fire-raising declared to be Treason, and Crime of *Leffe-Majesty*, *1a. 5. p. 2. c. 8. See Fire-raising.*

Treason against the Kings Person, or Common-wealth, may be purged against the Acts of the Traitor, for forfeitauling his Estate and Memory, *1am. 5. p. 1. c. 69.*

To take any Prelates place the time of the vacancy after their decease, is Treason, *1a. 5. p. 7. c. 145. See Prelates.*

Who is accused and declared in Parliament, being taken and slain upon suddeny, or otherwise, who moves question against, or in any wayes injures the said Accused thereon, incurs the pain of Treason, *Q. M. p. 4. c. 8.*

That no Thief take any *Scots-men*, under the pain of Treason, *1a. 6. p. 1. c. 21. See in a Thief.*

That none decline the Kings Authority, or impugne the Authority and Dignity of the three Estates of Parliament, under the pain of Treason, *J. 6. p. 8. c. 130, and 131. See them in King and Parliament.*

Who he accuses another calumniously of Treason, if the Party be acquit incurs the fame Crime, *J. 6. p. 11. c. 49.*

Landed-men convicted of common Theft, Retail of Theft, or Steath, Reiff, incur the pain of Treason, that is in all of Life, Lands, and Goods, *Ibid. c. 50.*

Murther and the murder of a Person under the trust, credit, assistance, and power of the Buyer, is also Treason, and punishable as such, *Ibid. c. 51.*

How Charges of Treason should be execute by *Heraults* or *Maiests*: See *J. 6. p. 12. c. 13. in Executions.*

Willful setting of fire in Coal-heughs, is declared to be treason, and punishable by the pains thereof, *1am. 6. p. 12. cap. 146. See Mefrs, and Religion,* and what is rebe in treason.

It is treason to call in question the Kings Prerogative, in Calling, Holding, Protrouging, or Dissolving Parliaments, or in authorizing their Acts, *Car. 2. p. 1. Self. 1. cap. 1.*

It is high treason for the subjects, more or less, upon any Pretext, to rise, or continue in Arms, to maintain Strengths, Forts, or Garrisons, to make Peace, or War, or to make Treaties, or League with foreign Princes, or States, or among themselves, without his Majesties special authority first Intrepsoned, *Ibid. cap. 5.*

That if any Person shall Plot, Contive, or intend Death, or Destruction to the King, or any Bodily harm, tending thereto, or any restraint upon his Person, or to deprive, depose, or suspend him, from the Sule, Honour, and Kingly Name, of this, or any other his Majesties Dominions, or to suspend him from the Exercise of his Government, or to levy War, or to take up Arms against him, or any Common-wealth by him, or to entice Strangers, or Others, to invade any of his Dominions; and by Writing, Printing, Preaching, or Other malicious, and Advised Speaking, Express, or Declare such their Treasonable intentions, he shall be adjudged a Traitor, and punishable as in the cases of high Treason, *Car. 2. p. 1. Self. 2. cap. 2.*

Act allowing Messengers to execute Summons of Treason is marked in the Index of the Impaired Act, *Car. 2. p. 5. Self. 1. Act 13.*

In case of Treasonable rising in Arms, and open, and manifest Rebellion against his Majesty, and his Authority, the Persons guilty, upon the Councils order, may be Proseute, and Sentenced before the Justices, albeit absent, as is present, *Car. 2. p. 2. Self. 1: cap. 11.*

It is high Treason to endeavour the Alteration, or Suspension, of the right of Succession to the Crown, as settled by Act, *Car. 2. par. 3. cap. 1. See it in Dissolution.*

Assimulation, and the affecting the Lawfulness thereof, declared to be Treason, *Ibid. cap. 14. See in Assimulation.*

THESAURER, See Exchequer.

TRENT DECREETS, See Religion.

TRESPASS, See Crime.

TREWES.

That the dayes of *Trewes* with England be kept, *1am. 4. p. 2. cap. 11.*

TUTORS, and CURATORS.

The nearest Agnats of twenty five years of age, to be Tutor of Law, albeit there be one nearer under age, *1am. 5. par. 7. cap. 52.*

The Mother remaining Widow, preferred to the Tutor in Law, as to the case mentioned in the Acts, *Q. M. p. 4. cap. 5. and 1am. 6. p. 2. cap. 42.*

That the nearest Agnats be preferred to the Tutor, of Fools, and foolish Persons, according to the Common Law, *1am. 6. par. 1. cap. 18. See Idiots.*

That no Tutor, nor Curator, to Pupill, Minor, Idiot, or Furious Person, not already entered in the Office, have power to Act, or meddle with their writs, or means until first he make Inventor of the Lands, Bands, Tickets, and Compts, and all Moveables under his Charge, at sight of the Friends on the Father side, and on the Mother side, of which Inventor there shall be three doubles, to wit, for the Tutor, or Curator, and Friends, and leave two Duplicates in the Clerks hands, and recorded before the Judge Ordinary, and in case the Friends on either side, after Citation concur not, that the Inventors be made at sight of the Judge Ordinary, and Signed, Sealed, and Configned as in the Act. That they also eke as things come to their knowledge, and within two Months after the staining the Possession, and cruise make an Act thereon, and leave two Duplicates in their hands, where the principal Inventor was made, and Debitous are not to oblige to pay, until they first their claims contained in the saids Inventors, and if the saids Tutors, and Curators fall in the pretences, that they be lyaible, both for Intention, and Omission, and for no allowance of expenses, and be temorable as sufficient, but prejudice nevertheless to the saids Minors, and Others, to supercharge their Tutors, and Curators. That all Gifts of Tutor, proceed upon Citation, or consent, obtained in writ of the nearest kin, on both sides, and that the Gifts be the issue, or otherwise be declared null, at the instance of any obtaining a Lawfull Gift, *Car. 2. p. 2. Self. 3. cap. 2.*

UNION.

Commission for meeting again the Union of Scotland, and England, relieving Fundamental Laws, Rights, Offices, Dignities, and Liberties, *1am. 6. p. 17. cap. 1.*

Act about the Union of the two Realms, marked fig. 2. in the List of the Impaired Acts, *1am. 6. par. 19.*

Act authorizing certain Commissioners of the Kingdom of Scotland, to treat with the Commissioners of England, about a further Union of both Kingdoms, *Car. 2. p. 2. Self. 2. cap. 1. Anno 1670.*

UNIVERSITY, and COLLEGE.

Act empowering the Magistrates of Free-burghs, in case they find Students, Bursers, and Masters of Colleges vagrant, by night, or by day, within their Towns with Arms, to take their Arms from them, *1a. 6. p. 14. cap. 23.*

That no Masters, Principals, Regents, or Proctors, be admitted, or continued, in any University, or College, unless they be pious, Loyal, and Peaceable, submitting to, and owning Episcopal Government, as now settled, and that they swear the Oath of Allegiance, and report Certificates thereupon, as in the Act, *Car. 2. p. 1. Self. 2. cap. 4.*

Act for better Provision of the Universities, ordaining upon the Oath made by the Clergie fiftie pounds out of every Thousand merk of Bishops Rents, and Fourtie pounds, of Six per cent, out of every Thousand merk of Ministers Rents, to be paid yearly for five years, after the year 1666, inclusive, for the use of the saids Universities, in manner specified in the Act; as also for the Vacant Stipends for seven years, after the Sixth of February, 1664, as appointed for the same use, and the Fifty two Act, Self. 1. of this Parliament, is in full suspended, *Car. 2. p. 1. Self. 1. cap. 6.*

Act ancient Suspensions of Charges by Masters of Universities for their dues, *Car. 2. p. 2. Self. 1. cap. 6. See in Suspension.*

Act assigning Vacant Stipends, for the better provision of the Professors, and Masters of the Universities, according to the division therein specified, and that for seven years, from the year 1672, inclusive, with the burden always of upholding the Manes, and the former Act, *Car. 2. p. 1. Self. 3. cap. 24.* is declared void, *Car. 2. p. 2. Self. 3. cap. 20.*

Half a Months Cess imposed, and appointed for the University of St. Andrews, for bettering their Stock, to be applied in the years 1682, and 1683, *Car. 2. p. 3. cap. 43.*

USURIE.

That Takers, or Makers of Baitpains, for greater interest, or profit, for the loan of money, then at the rate of Ten pounds, or *Five Bolls* Viñal, per cent, for the yeas, be punished as Usurers, conform to the Laws of the Land, *1am. 6. p. 11. cap. 52.*

Extended whether the same be taken upon Wadd, Pledge, Obligation, Act, or Contract, before hand, or after, or the Party payed, or obliged for the said Usurie, if he reveale it, shall be discharged of the Debt, and if another reveale it, he shall have right to the sum, and the Receiver, or Counterfeiter for the said unlawful profit, shall tike the loss, *1am. 6. p. 14. cap. 22.*

That the interest of the first and full profits, are declared to be punishable by Confiscation of Moveables, and otherwise, in their Persons, as Usurers, and that all Annual-rent in Viñal, be reduced, and may be acquit by payment of Ten per cents, And all Bonds, Contrads, or Inseiments, made in default of this Act, either way of Wodde, for a back-tack duty, exceeding the said Annual-rent, or under the Colour of buying, and selling, or by detraction before hand, are declared null, by way of Action, or exception, and the Party, with concurrence of the Kings Advocate, or the Kings Advocate, without the Party, may perform the same, and the nullity may be cried by Oath of Party, or otherwise, and being found, the principal, with the ordinar Annual-rent unpaid, belongs to the King, and his Donors and the Party, if he concur, (and so otherwise) hath repetition of the exorbitant profit, *1am. 6. p. 13. c. 247.*

And the meaning of this Act as to the probation by Oath of Party, &c. therein mentioned, declared that, that Usurie may be proven by Wit, or Oath of the Party Receiver, and by the Wancles in the testimony, without taking the Oath of the Party giver, *1am. 6. p. 16. cap. 7.*

That no Person lending, or giving out money for Annual, retain the time of the lending, or exact, or receive the Annual before the time, under the pain of the Usurie. Yet at the time of the lending the Annual may be added, to the principal, providing that neither be exacted before the term, *1am. 6. p. 23. cap. 23.*

It is Usurie to take a proper Wodde of Lands, exceeding in Rent the Annual-rent of the money lent, with a provision, that the Creditor shall not be lyaible to the hazard of the Fruits, and Rents, *Car. 2. p. 1. Self. 1. cap. 63.*

VACANT STIPENDS.

That all Vacant Stipends, and Benefices, be employed for the supply, and reparations of the lodes of fish in the Ministry, or Universities, as were thitherto, and diffused for their Loyalty, in the late confusions, and of their Wives, and Bairs, and that at the sign of the Council, without prejudice to the Relief, and Executors of Ministers, of their dues after the Ministers decease, and this Act to endure for seven years, and longer, as his Majesty shall think fit, Car. 2. p. 1. Sect. 1. cap. 52. See *Maner*.

VAGABONDS, See Beggars, Poor, and Sorners.

That all men certifie concerning Vagabonds, and fustier Persons, that they may be apprehended, under the pains due to these Vagabonds, Jam. 6. par. 12. cap. 144.

Act for establishing Correction Houses in the Burghs, and in manner mentioned in the Act, for idle Beggars, and Vagabonds, Car. 2. p. 2. Sect. 3. cap. 18.

VALENTINES.

The Kings close orders to Land-lords, and Chieftains of Clans, to produce notable Linnetts, which should be obeyed, Jam. 6. par. 11. cap. 103. See it in *Highlands*.

VICTUAL.

That buyers of Victual, and holders thereof to a death be reputed as Cooper, and so punished, and the Victual echeat to the King, Jam. 2. p. 6. cap. 22.

That none that buy Victual to sell again, hold more then will suffice them, and their men, till new Corn, under the pain of echeat of the Victual, and that all have power to buy, and sell Victual, and that none hold old stocks in their Yearls, longer then *Zule*, under the pain of echeat of the Stocks, *Ibid.* cap. 23.

Order for thiebing out of Coms, then unthefsen, Jan. 2. p. 60. c. 37.

That no man hold Victual in cimers, but cillnely for his own use, and finally unthefnes, then next, *Ibid.* cap. 38.

That no man hold more then will leve him, and his Houfe for a quarter, and that the rell be preferred in Mercat, *Ibid.* cap. 39. These three Acts seem to have been made for the preluce death.

That bringers of Victual be favourably treated, and no new Custom taken off them, Jam. 2. p. 10. cap. 90.

All men are free to bring, and sell Victual, all the dayes of the week, as well as on the Mercet day, Jam. 4. p. 45. cap. 44.

That none carrie Victual forth of their Realm, under the pain of echeat of it, with the rell of the Owners Moveables, as also of the Skippers Moveables, who received it, Q. M. p. 61. cap. 40.

Another Act against the transporting of Victual, and Gades, (See *Beffial*) either by Land, or by Sea, and for staying the transport of Victual by Sea, that the Ship, and whole gades of the Miller, and Clerk thereof be echeat, in case of Contravention, and their reffors impudencd at the Kings will, and that Sectchets be appointed by the Burgh, to search with the Kings Sectchets, and the one half of the Victual found, to be echeat to the King, and the other to the Burgh, Jam. 6. p. 11. cap. 15. See *Beffial*.

That notice be taken what Victual Ships take in their passing to *Leoborn*, and the *North Isles*, to the Fishing in the Harvell, *Ibid.* cap. 57.

That Victual may be transported when under the prices following, Wheat, *Twenty pounds*, Bar, and Barley, *Eight pounds*, Oats, and Peafe, *Eight merks per Bull*, the former Ads notwithstanding, the Victual paying Custom, and Estimation as formerly, bur the Lords of Trinity Council when they find inecellary, may forbid this export, Car. 2. p. 1. Sect. 3. cap. 12.

Imposition of *Three pounds Scots per Bull* on Victual brought from *Ireland*, *Ibid.* cap. 14. See *Ireland*.

Victual exported discharged of Custom, Bullion, and all dues, except one *merck per Chalden*, and the Lords of Council are authorized to declare the prices as in the Act, Car. 2. p. 1. Sect. 3. cap. 12. (above) and restrain this export when they see cause, Car. 2. p. 2. Sect. 1. cap. 14.

Act for charging the Imporation of Victual from *Ireland*, Car. 2. p. 2. Sect. 3. cap. 3. See *Ireland*.

VIOLENT POSSESSOR.

That Violent Inwarders, and Possessors of other mens Lands, be ejected by the Sheriff, upon the complaint of the Party, Jam. 2. p. 14. cap. 78.

WODSET.

Tacks set at the granting of Wodsets, to Commence after the Redemption, for half Mill, or thertby, not to be kept, but they should be set for the true Mill, Jam. 2. p. 6. cap. 18. See it in *Tacks*.

That in case of proper Wodless granted since the year, 1649, where the Rent exceeds the Annual-rent, and yet the Creditor is expressly freed of the hazard of the Fruits, and Rents, that the same be restituted to the ordinary Annual-rent, and the *Overplus* Rent be comped for and imputed to the payment of the principal sum, and that all such Wodless in time coming be judged ultra-rite; and where the Creditor bears the risk he is not, yet if there be any Clause irritant in the said Wodless, the same are suspended for five years after *Whitsunday*, 1661. As also the Debitor is allowed to reduce, at any *Whitsunday*, or *Mar vines* he pleasts, albeit by the sight, the Redemption be suspended, but where the Creditor, and Grantor of the Wodless, have transferred to an Irredimible right, the said Transferrals are declared valde at what time the Creditor hath pot completed. And further because of the difficulties of former times, it is ordained that in case of any proper Wodless already granted, the Creditor in time coming during the not Requition, or Redemption, upon offer made by the Debitor of sufficient security, for his Annual-rent, shall be holden to renounce his Possession, at least (if they be rather please) to rellit the sum to his ordinary Annual-rent, and be compleable for the *Overplus*, providing always that the Creditor hath pot completed his Annual-rents, for all years preceeding, all publick burdens,

expenses of Meliorations, and lodes whatsoever, being first discounted off, which he shall do, the lodes are to take any reasonable provision with the Creditors Oath in Supplement, and that where he is in natural possession with his own Goods, he be duly warned and removed: And it is declared that after this favour the like shall not be granted hereafter, as to lawful proper Wodsets, Car. 2. par. 1. Sect. 1. c. 62.

WARDEN OF THE BORDERS.

That the Warden choofe such Deputes as he will find for, and that the King assign him such Officers, Ja. 2. p. 6. c. 13.

That there be no Wardens of the Borders made in Fees, and that they Judge not of Treason, or points of Dittay, saving what is needful for conservation of the Trews, Ja. 2. p. 11. c. 42.

That no man go away with Goods taken in the Wardens Raids before they be paid, under pain of Treason, Ja. 2. p. 12. c. 74.

The Warden may continue his Courts for three dayes, or shorter, Jam. 3. p. 11. cap. 87.

WARDEN OF THE CUINZIE. See Money.

That there be a Warden for eflaying the Cuinzie, Jam. 3. p. 13. c. 93. And his Office more fully set down, Ja. 4. p. 1. c. 2.

WAIRD-HOLDING, and WARDATAR.

That the Wardatar required by the Sheriff find forty men to defend the Lands, but to keep them in like like kind as he finds them, and that a reasonable living be given to the Air, if he have no other Lands, Ja. 4. p. 3. c. 25.

Ratified, and the Sheriff and other Officers lawfully enjoyed to put in execution, with power to charge for the said forty, Ja. 5. p. 45. c. 15.

The period of age of an Air Male in Ward-Lands paid to be twenty years, and of an Air Female fourteen years complete, Q. M. par. 3. c. 65. And Jam. 6. par. 2. cap. 42.

That such as hold Lands Waired or Feud, *cum maritagio* of the King, or of the Prince, composing therefore, and getting the same changed to Feud, shall be free of the marriage, as to all other Superiours of whom they may hold other Lands Waired, feild, as usual, and continue as such, not exceeding ten *feilds* on the *bona-ry*: But if they Annalize their Lands to changed, then the Alienator and his Airs to have no longer the benefit of this Act, Car. 2. p. 1. Sect. 1. c. 58.

WAIRING. See Removing.

That Wairing be not to Tennets forty dayes before *Whitsunday* any time within the year, either personally, or at their dwelling places, and on the Ground of the Lands, and a Copy delivered to Wite or Serjants, or falsing thereof, affixed on the Gate of the dwelling place of the said Lands, if any be, and there after the Precept to be read in the Parish Kirk where the Lands lay, upon a Sabbath before noon, the time of reaching, or of staying, and a Copy affixed on the Kirk door forty dayes before the Term, Q. M. p. 61. c. 39.

WAIR-METT. See Metts, and Measures.

WAYS.

Waysets Mercat Towns should be twenty Foot-brood at least, and where larger, of 60. Car. 2. p. 1. Sect. 1. c. 38. See *Justices of Peace*.

Power and Rules given to the Sheriffs and Justices of Peace, to oversee and mend High-ways, Bridges, and Ferries, and the Heritors in each Shire required to rent themselves, if needfull, for that effect, but exceeding ten *feilds* on the *bona-ry*: And if the Justices neglect, the charge is committed to the Council: As also Letters of Horing and Poynding are ordained to be direct by the Council upon this Act, Car. 2. p. 2. Sect. 1. c. 16.

Act concerning the former as to the term of mending therein specified, and referring it to the Justices at what time to call the Country to mend the Ways, &c. See *Time* and *Havell* excepted, and to rake money, as in the Act, from *feilds* by reason of their distance cannot attend, *Ibid.* Sect. 2. c. 9.

WEAPON-SHAWING. See Militia.

That Weapon-shawings be made in ilk Shire four times in the year, Ja. 1. p. 2. c. 44. And likewise in Burrows, and that all men be sufficiently furnished and Armed, Ja. 1. p. 3. c. 62. As also, that they be holden by Lords and Barons Spiritual and Temporal, four times in the year, and that the Foot-bill and Golf be cryed down, and Bow-marks made in each fatch, and all betwixt twelve years and fifty use shooting, Ja. 2. p. 1. c. 64. And Ja. 3. p. 6. c. 45.

That all the Leiges be ready, well abulized for War upon eight dayes warning, to come to the King, or his Lieutenant, for defence of the Realm, furnished with Victual and expenses for twenty dayes after their coming: And that Sheriff, and all Bailiffs of Regalities and Baronies, hold the saids Weapon-shawings, and amerit them that are absent, or not well abulized, as in the former Act, Ja. 3. p. 13. c. 90.

That the saids Weapon-shawings be made as said is, in all places convenient within the Shire, and that men be armed, as is specified in the Act, and the direction of the Sheriff, or the Kings Commission in that part, Ja. 4. p. 3. cap. 17. And that neither Foot-bill, or Golf, nor unprofitable for the defence of the Realm be used, but shooting and Bow-marks, as is before appointed, *Ibid.* cap. 32.

That for keeping of Armour and Harnes in time of peace, all *Scottland* make Weapon-shawings on *Thursdays* in *Whitsun-week*, Ja. 4. p. 6. c. 5.

That Weapon-shawings be made twice in the year, in the months of *June* and *October*, at such dayes and place as shall please the Sheriff and Bailiffs to Burgh and ro Land: And that the Multers be taken by them, or the Kings Commissioners in that part, Ja. 5. p. 6. c. 85.

The manner of Harnes and Weapon-shawings appointed, *Ibid.* c. 87, and 88. And that all coming to Weapon-shawings be invollid, with the manner of their Armes, *Ibid.* c. 90. And warning to Weapon-shawings to be on twenty days, *Ibid.* c. 90. And that Captains one or more be chosen in ilk Paroch, by the Sheriff, and Bailiff, with the Kings Commission in that part, by the advice of the most able in the Shire, to Muster their Companies each month for *May*, *June*, and *July*, and other months also if they may, at what dayes they shall think fit on Holy dayes before noon, *Ibid.* c. 91. See *Militia*.

WEAVER.

That no Weaver make any Searge under the breadth of an Elb and a Nail, Perpetuaries under three Quarters and an half, and Wools cloth under an Elb and an half, under the pain of twenty pounds, and the Cloth or Smit to be confiscat, half to his Majesty, half to the discoverer, Car. 2. p. 1. Sect. 1. c. 42.

That they make Linen Cloth of ten fillings per Ell, or above, an Ell and two inches broad, under the pain of Imprisonment, and twenty pounds Fine, *Ibid.* c. 43. See it in *Linen*.

WEIGHTS. See Meets, and Measures.

That Bread, and all Butcher-Flesh be retailed by weight, and no otherwise, under the pain of an hundred pounds times quarters, *Cap. 2. p. 3. c. 24.*

WIFE.

That in Pecunial pains, Wives be weighed and considered conform to the Blood and State of their Husbands, *l. 6. p. 7. c. 104.*
That Wives be fysable in their Husbands Fines, and that their Husbands pay the same for them; This Statute in the case of Swearing, *Cap. 2. par. r. Sell. r. c. 35.*
But in the case of Conventicling, the wife's Fine is but the half of her Husbands, and is fysable forth, *Cap. 2. p. 2. Sect. 2. c. 5. See in Conventicles.*

WILDE BEASTS, and FOWL.

That no Wilde Fowl be taken from the beginning of *Lent* until *Ascensh*, by any manner of Instrument, under the pain of forty fillings, *l. 1. p. 7. c. 109.*
That Wilde Fowl for mans use be destroyed, but Fowls of Reith, as Ems, Gleds, &c. As also Ruiks and Crows be destroyed, *l. 2. p. 6. c. 84.*
That no man flye Deer, Hare, nor Deere in time of fowm, or their Kids while they be in yeard, under the pain of ten pounds, *l. 3. p. 7. c. 61. And Q. M. p. 6. c. 51.* And the pain augmented to an hundred pounds, *l. 6. p. 14. cap. 210.* And all former Acts thereunto Ratified, *l. 6. p. 23. cap. 35. See Drabbers, and Thiefs.*

That no man shoot or Deere, Wilde Beasly, or Wilde Fowl, with any sort of Gun, under the pain of death, and echeit of moveables, and that their Moveables be given for ward to their Apprehenders, *Q. M. p. 4. c. 9. And p. 6. c. 51.*

Renewed against such as shoot with Guns, or Bows, at Deer, Hare, Hinde, Hote, Cuning, Dove, Heron, or Fowl of River, under the pain of echeit of moveables, and if the offender be Yeabound, having no Goods, to be punished by Imprisonment forty days for the first, and cutting off his right hand for the second fault, *l. 6. p. 7. c. 126.*

Ratified, and that the Judge Ordinary put the same to execution, under the pain of an hundred pounds for the first fault, and to be fill doubled for each fault thereafter; and that Heretors, when required, present the Offender living upon his Ground, under the pain to be exacted on him by the Judge Ordinary, *l. 6. p. 7. c. 123.* And both this Acts Ratified, and the Crime ordered to be punished as the Crime of Theft, *l. 6. p. 11. c. 115.*

That whoe Hunt, or any Wilde Fowl at any time, with Gun or Cion or shoots at Duck or Drake, or other Wilde Fowl with an Harbut, incurs the pain of an hundred pounds, or to be punished in their persons, *l. 6. p. 14. c. 210.* See this Act in *Forrests*.

And these Acts Ratified, with power to Sheriffs, Stewards, Bailiffs, and Barons, to they all lying Dogs used by Bowlers, and put the Fowles in the Stocks for using them, the price of forty eight month, *l. 6. par. 1. cap. 266. And par. 16. c. 23.* And that none sell or buy any Deere, Hares, or Wilde Fowl commonly chased by Hauks, under the pain of an hundred pounds as well the buyer as seller, half to the King, half to the Apprehender; and in case of inability, the Offender to be scourged; And all Judges to Burgh or Land, and Barons, are hereto made Justices, and that none buy or sell Milt-Fowls before the third of July, nor Ferridge-Ponts before the eighth of September, but Cunnings, Wood-cock, Plover, and Wild-Goole are excepted from this Act, *Ibid. p. 16. c. 23.*

That none buy or sell any Wilde Fowl, that is Pouts, Ferridges, Muir-Fowl, Black Cocks, Gray Hens, Termignis, Quailles, Capercallies, &c. under the pain of an hundred pounds to the buyer or seller, *l. 6. p. 23. c. 30.* See *Hunting and Hawking*.

WINE.

That none buy Wines from *Flemings* of the *Dam*, under the pain of echeit, *l. 1. p. 14. c. 147.*
That no one bring home corrupt or mixt Wine, and that none buy or sell it after it is declared to be such, and that no person mix Wine or Bece, all under the pain of death, *l. 3. p. 22. c. 89.*

That Wines brought in by the East and North Seas be sold, the *Burdex* Wine for twenty pounds the Tun, and ten pence the Pint; the *Rochel* Wine for sixteen pounds the Tun, and eight pence the Pint; And the Wines brought in by the Welch Seas, to be sold the *Burdex* Wine for sixteen pounds the Tun, and eight pence the Pint, and the *Rochel* Wine at twelve or thirteen pence per Tun, and six pence per Pint: And that no Taverner mix Wines, nor louse the same, but expose them to sale for the prices foresaid, under the pain of echeit of his Wines, and tinfell of his Freedom, *Q. M. p. 5. c. 11.*

Ratified as to mixing and haurding of Wines, and the Magistrates of Burghs made Justices in that part, with power to seize and hold Courts monthly for that effect, *l. 6. p. 7. c. 126.*

That no Wines be brought home without a Certificate of the price thereof, under the Towns Seal where they were bought, none Certificate be sufficient for the Wines of a Ship, and the price be made of the common prices that Wines give the time of the buying, *l. 6. p. 11. c. 52.*

That the Duty granted by the Estates to the King upon the Wines be payed within ten dayes after the Acting thereof, and that the Magistrates of the Burgh take Notice of the Merchants, Master, or home-bringer, for this effect: And that Letters of Homing on ten dayes be directed against the said Magistrates, home-bringers, or their Cautioners, in the option of the Collector, on this Act, and that the Person Denounced thereupon for disobedience, be not relaxed, until he pay the double of the Duty, *l. 6. p. 14. c. 206.*

WITCH-CRAFT.

That no man use any manner of Witch-craft, Sorcery, or Necromancy, nor give themselves out to have such Crafts, there through abusing the people; And that no man seek any help or response, or Consultation at any such usets, or abusers, under the pain of death, to be executed by any Judge Ordinary thereunto having power, *Q. M. p. 9. c. 73.*

WITNESSES.

That better off subscribing Witnesses be probative of the Parties Subscription, and that none in this case Subscribe as Witnesses, unless he know the Party, and saw him Subscribe, or heard him give warrant to the Notar, or saw him touch the Pen, or heard him acknowledge his Subscription the time of the Witnesses Subscribing, otherwise they shall be reputed and punished as accessory to Foggesy: That hereafter none but Subscribing Witnesses be probative in Instruments of Seal: That hereafter none but Subscribing Witnesses be probative in Instruments of Seal: or Relegation, *ad remanentem*, or of Intimation, or in Mellengers Executions, or Inhibitions, Interdictions, Homing, or Attretments, or in Executions of Summons used for Interruption of Prescription in real Rights; And that in all the said Cases the Witnesses be defined in the Body of the Writ, Instrument, or Execution, otherwise the same to be null, *Cap. 2. p. 3. c. 5.*

COMMON WOMEN.

That Common Women be put at the outmost end of Towns, *l. 1. p. 4. c. 74.*

WOOD. See Forrests, Planting, and Thieft.

That the unlaw of Creen Wood, by felling, or burning, be five pound, And that the old unlaw of Creen Wood, as to the defoyers, stand otherwise as before, *l. 2. p. 6. c. 71.*

That every Lord or Laird, Plant at least an Aiker of Wood, where there are no great Woods or Forrests, *Ibid. c. 74.*

That the pain of defoying Creen Wood, by cutting, pelling, burning, or felling, or of new Hainings, be for the first time ten, for the second twenty pounds, And for the third time death, *l. 5. p. 4. c. 11.*
That these Acts be execute, and that the Judges ordinary hold two Courts yearly, at *Passche* and *Lawrence*, for that effect, and cause Conventicles find Caution to defoy the pain of an hundred pounds, as to the first contravention, *l. 6. p. 1. cap. 30.*

That the fleasles, peilers, or defoyers of Creen Wood, or hained Boom, may be punished before the Baron, Sheriff, or Justice, and the pains, ten, twenty, and forty pounds, or Cion, Stocks, or Imons, for eight, fifteen, and thirty dayes, for the first, second, and third fault, *l. 6. p. 6. c. 56.*
That wilful Defoyers, and Cutters of grownd Trees, be punished to the death as Thieves, *l. 6. p. 11. c. 52.*

WOOLF.

That Barons hunt and chase the Woolf, and the Woolfs whelps, four times a year; and as oft as they see them: And that the Tenants shill, *l. 1. p. 7. cap. 70.*

That the Sheriff and Bailie hunt the Woolf thrice in the year, bewest St. Marke day, and *Lamias*; and that the Commite file with them for that end, *l. 2. p. 14. cap. 87.*

WOOL.

That no Wool be transported out of the Kingdom, under the pain of Confiscation thereof, and of the Whole Remanent Goods of the Owners and Transporters, And that no Licence be granted contrary to this Act, but that the Purchasers and sellers thereof, incur the same pains, *l. 6. p. 7. c. 123.*

This Statute is subjoynted to the Regulation then made of mens Apparel, and that no Licence be granted contrary to the Regulation then made of mens Apparel, nor sold to any English-man in Scotland or England, who transports the same to England, under the pain of Echeit thereof, and of all the moveables of the said Transporters: As also, of the Carriers and Sellers thereof to be transported, half to the King, and half to the Apprehender, and Waiting for six Moneths, and otherwise at the Kings will, annulling all Licences either granted or to be granted, *l. 6. p. 12. c. 149.*

The Acts aforesaid, and all Licences in the contrary discharged; and the King promises, To grant no such Licences hereafter, *l. 6. p. 15. c. 250.*

That no Native or Stranger export Wool, nor skins with wool upon them, until made in wolk, or put to the best avail, under the pain of the full value thereof, half to the King, and half to the Informer and Profecutor, and such further punishment as the Exchequer shall appoint: That none Forcible the Mcessors of Wool, nor keep up the same to death, under the pains aforesaid. Regraters and Forcible sales, (See *Forcible sales*) and that for ewehewing the deceit of putting it on, or the like fault here-in. No Wool be wupt up in the Fleece, under the pain of Confiscation, half to King, and half to the discoverer and purifier, Declaring always, that the Exchequer may Licence the export of Wool and skins, *Cap. 2. p. 1. Sect. 1. c. 40.*

WRITERS. See Skins.

That Clerks of the Signet be sworn to be faithful and discreet, *l. 5. p. 5. c. 59.* Item, what prices they should take, *Ibid. c. 60.* And that they mark their Bills with their Names, *Ibid. c. 61.* See the Acts in *Skiffes*.

That Writers to the Signet Frame no Signature or Letter, to be past His Majesty's hand, with any Novelty or Infamy against the accustomed Style, under the pain of Deprivation. And that they write their Names on the back of the Signature, as is appointed by them, as they will answer at their highest penail, *l. 6. p. 10. cap. 13.*

Fines allowed for Writers, Clerks, and Keepers, and their Writs and Seals, *l. 6. p. 23. c. 59. See Prices.*

WRITS.

That all Original Writs and Evidents be made after the first of November, 1599, contain in the Writers Name and Designation, specially inserted in the end before the inferring of the Writelles, otherwise that the same make no faith, *l. 6. p. 13. cap. 173.*

That all Writs Subscribed hereafter wherein the writer and Writelles are not designed be null, and not receivable by a Condescence on the Writer and Writelles their Designations, *Cap. 2. p. 3. c. 5. Anno 1611. See in Writelles.*

FALSE WRITS. See Falshood.

Y
YEARD, See Orchard.
Y YARES, See Crives.
YOUTH, See Pedagogue.

That the Youth going out of the Kingdom, abide constant in the true Religion, *l. 6. p. 6. cap. 71. See Religion.*

That such as send their Sons abroad, have a special Care, that their stay may be where the true Religion is professed, specially where they want Pedagogues, at least where the Institution is not, and in case any of these Sons haunt the exercise of contrary Religion, whether have the Charge of them may be framed to find Caution, to furnish them no more money, except their reasonable expenses to bring them home, *l. 6. p. 20. cap. 2.*

Z
ZETLAND, See Orkney.
Z FINIS.



A TABLE OF ALL THE KINGS OF SCOTLAND,

Declaring what zeir of the warld and of Christ they began to reign, how lang they reigned, and quhat qualities they were of; Verie necessar for the manifestation of the dates of all Charters and Evidentes.



FERGUS, the first King of Scotland, the sonne of *Ferguhard*, a Prince of Ireland, began to reigne in the zeire of the warld, 3641. before the cumming of our Saviour Iesus Christ, 330. zeirs. In the first zeire of the 112. Olympiade: and in the 421. zeire of the building of Rome: About the beginning of the 3. Monarchie of the Grecians, when *Alexander* the Great overthrew *Darius Codomannus* the last Monarch of Persia. He was a valiant King, and died Ship-broken upon the Sea-coast of Ireland, in the 25. zeir of his reigne.

II *Feritharis* brother to *Fergus*, began to reigne in the zeire of the warld 3666. In the zeire before the cumming of Christ 305. He was a good iustitiar. In his time there was a Law made, that gif the sonnes of the King departed were so young, that they could not rule, that then in that case, the nearest in blood suld reigne, being in age sufficient for government, and then after his death, the Kings children suld succede: quihilk law continued unto *Kenneth* the 3. his dayes, 1025. zeires almost. He was slaine be the means of *Ferlegus*, *Fergus* his brothers sonne, in the 15. zeire of his reigne.

III *Mainus* King *Fergus* sonne, succeeded to his fathers brother, in the zeire of the warld 3680. and in the zeire before the cumming of Christ, 291. He was a wife and gud King, and died peaceably in the 29. zeire of his reigne.

IIII *Dornadilla* succeeded to his father *Mainus*, in the zeire of the warld, 3709. In the zeir before the cumming of Christ 262. A gud King. He made the first lawes concerneing Hunting, and died peaceably in the 28. zeire of his reigne.

V *Nothus* succeeded to his brother *Dornadilla*, in the zeire of the warld, 3728. And in the zeir before the cumming of Christ 233. He was a greedie and a cruel tyrant. He was slain by *Dovulus* ooc of his Nobles, in the 20. zeire of his reigne.

VI *Reutherus* *Dornadilla* his sonne, began to reigne in the zeire of the warld 3758. In the zeir before the cumming of Christ 213. He was a gud King, and died peaceably in the twentie fix zeir of his reigne.

VII *Reutha* succeeded to his brother *Reutherus*, in the zeir of the warld 3784. In the zeir before the cumming of Christ, 187. A gud King, He of his awne accord left the Kingdom and lived a private life, when he had ruled 14. zeirs.

VIII *Thereus*, *Reutherus* sonne, began to reigne in the zeir of the warld 3798. In the zeir before Christ 173. He was an unwife, cruel tyrant: He was expelled and banished the Realme in the 12. zeir of his reigne, be his Nobles: And *Conarus* a wife and grave man, was made Governour of the land. He died to exile in the Citie of Yorke.

IX *Jofna* succeeded his brother *Thereus*, in the zeir of the warld 3810. In the zeir before Christ 161. He was a quiet and gud Prince, A gud medicinar and Herbitifer. He died in peace to the twenty fouzezeir of his reigne.

X *Finnanus*, *Jofna* his sonne, began to reigo in the zeir of the warld 3834. In the zeir before Christ 137. A gud King. He was meikle given to the superstitious religion of the Draydes. He died in peace in the 30. zeir of his reigne.

XI *Durffus*, *Finnanus* sonne, succeeded to his father in the zeir of the warld 3864. In the zeir before Christ 107. A cruel and a traitorous tyrant, slaine be his Nobles in battell, in the 9. zeir of his reigne.

XII *Evenus 1.* succeeded to his brother *Durffus*, in the zeir of the warld 3873. In the zeir before the cumming of Christ 98. zeirs. A wife, iust, and vertuous Prince. He died peaceably in the 19. zeir of his reigne.

XIII *Gillus*, *Evenus* bastard sonne succeeded to his father in the zeir of the warld 3892. In the zeir before Christ 79. A craftie tyrant, slaine in battell be *Cadallus*, in the 2. zeir of his reigne.

XIIII *Evenus 2.* *Donaldus* son, K. *Finnanus* brother, began to reigne in the zeir of the warld 3894. In the zeir before the cumming of Christ 77. A gud and civill King. He died in peace in the seventeen zeir of his reigne.

XV *Ederus*, *Doehamus* sonne, *Durffus* sonne, began to reigne in the zeir of the warld 3911. In the zeir before the cumming of Christ 60. A wife, valiant and gud Prince. He died in the 48. zeir of his reigne.

XVI *Evenus 3.* succeeded to his father *Ederus* in the zeir of the warld, three thousand, nine hundred 59. In the zeir before the cumming of Christ 12. A luxurious and covetous wicked King. He was ta-

ken be his nobles, and imprisoned, and died in prison, in the seveteen zeir of his reigne.

XVII *Metellanus*, *Ederus* brothers sonne, began to reigne in the zeir of the warld 3966. Four yeires before Christs Incarnation. A very modest & gud King. He died in the 39. yeir of his reigne.

XVIII *Caralaccus*, *Cadallanus* and *Eropia* *Metellanus* sisters sonne, began to reigne in the yeire of the warld 4005. In the yeir of Christ 35. He was a wife and a valiant King, and reigned 20. yeires.

XIX *Corbredus 1.* succeeded to his brother *Caralaccus*, In the zeir of the warld 4025. In the yeir of Christ 35. A wife King, and a gud iustitiar. He died in peace in the 18. yeir of his reigne.

XX *Dardannus*, Nephew to *Metellanus*, began to reigne, In the yeir of the warld 4042. In the yeir of Christ 72. A cruel tyrant. He was taken in battell, and beheaded be his own subjects, in the fourth yeir of his reigne.

XI *Corbredus 2* fur-named *Galdus*, *Corbredus* sonne, began to reigne in the yeire of the warld 4046. In the yeir of Christ 76. A valiant and worthy King, for he had many warres with the Romaines, and was oft victorious over them. He died in peace in the 35. yeir of his reigne.

XII *Lugthacus*, succeeded to his father *Corbredus 2.* in the yeire of the warld 4080. In the yeir of Christ 110. A lecherous bloodie tyrant. He was slaine be his Nobles in the 3. yeir of his reigne.

XIII *Mogallus*, *Corbredus 2.* sisters sonne, He began to reigne in the yeir of the warld 4083: In the yeir of Christ 113. A gud King and victorius, in the beginning of his reigne: but in the end of his life, became inclin'd to tyrannie, lecherie and covetousness, and was slaine be his Nobles in the 36 yeir of his reigne.

XIIII *Conarus*, succeeded to his father *Mogallus*, in yeir of the warld 4119. In the yeir of Christ 149. A lecherous tyrant. He was imprisoned be his Nobles, and died in prison the 14. yeir of his reigne: and *Argadus* a Noble man was made governour.

XXV *Ethodius 1.* *Mogallus* sisters sonne, began to reigne in the yeire of the warld 4133. In the yeir of Christ 163. He was a gud Prince. He was slaine be ane Harper, in the 33. yeir of his reigne.

XXVI *Sarrall*, succeeded to his brother *Ethodius 1.* In the yeir of the warld 4165. In the yeir of Christ 195. A cruel tyrant. He was slaine be his own Courtours, in the 4. yeir of his reigne.

XXVII *Donald 1.* the first Christian King of Scotland, succeeded to his brother *Sarrall* in the yeir of the warld 4169. In the yeir of Christ 199. A gud and a religious King: be the first of the Kings of Scotland that canizeid mony of gold and silver. He died in the 18. yeir of his reigne.

XXVIII *Ethodius 2.* *Ethodius 1.* sonne began to reigne in the yeir of the warld 4186. In the yeir of Christ 216. An unwife and base minded King, governed be his Nobles. He was slaine be his own guard in the 19. yeir of his reigne.

XXIX *Athireo* succeeded to his father *Ethodius 2.* in the zeire of the warld 4201. In the zeire of Christ 231. A valiant prince in the beginning, but he degenerated and became vitious, and being hardly persecuted be his Nobles for his wicked life, flew himselfe in the 12. zeire of his reigne.

XXX *Nathalocus*, brother sonne, as some writ, to *Athireo*, began to reigne in the zeire of the warld 4212. In the zeire of Christ 242. A cruel tyrant, slaine be his Nobles, and cast away into a privie, in the 11. zeir of his reigne.

XXXI *Findocus*, *Athireo* his sonne, began to reigne in the zeigne of the warld 4223. In the zeire of Christ 253. A gud King and a valiant, slaine be kinzie Hunters, at the confiscation of *Donald*, Lorde of the Iles his brother, in the 11. zeir of his reigne.

XXXII *Donald 2.* succeeded to his brother *Findocus*, in the zeire of the warld 4234. In the zeire of Christ 264. a gud prince, He was wounded in battell, and being overcome, died of displeasure in the first zeire of his reigne.

XXXIII *Donald 3.* Lord of the Iles, brother to *Findocus*, began to reigne in the zeire of the warld 4235: In the zeire of Christ, 265. A cruel tyrant, slaine be *Crathilinus* his successor, in the 12. zeire of his reigne.

XXXIIII *Crathilinus*, *Findocus* sonne, began to reigne in the zeire of the warld 4247. In the zeire of Christ 277. A valiant and a godly King, he purged the land from the Idolatrous superstition of the Draydes, and planted the syncre Christian religion. He died in peace in the 24. zeire of his reigne.

The Kings of Scotland.

XXXV *Fincornachus*, father brother sonne to *Crathilintus*, began his reign in the zeir of the world 4271. In the zeir of Christ 301. A godly King and valiant. He was a worthy promoter of the kingdom of Christ in Scotland. He died in peace in the 47. zeir of his reigne.

XXXVI *Romachus* brothers sonne to *Crathilintus*, began to reigne in the zeir of the world 4318. In the zeir of Christ 348. A cruell tyrannyslaine by his Nobles, and his head striken off, in the third zeir of his reigne.

XXXVII *Angulfamus*, *Crathilintus* brothers sonne, succeeded to *Romachus* in the zeir of the world 4321. In the zeir of Christ 351. A gud King, slaine in battell be the Pictes, in the 3. zeir of his reigne.

XXXVIII *Fehelmachus*, another brothers sonne of *Crathilintus*, he began to reigne in the zeir of the world 4324. In the zeir of Christ 354. He was a valiant King, for he overcame the Pictes, and slewe their King. He was betrayed to the Pictes beane Harper, and slaine be them in his owne chalmir in the 3. zeir of his reigne.

XXXIX *Eugenius 1.* *Fincornachus* sonne, began to reigne in the zeir of the world 4327. In the zeir of Christ 357. A valiant, iust, and gud King. He was slaine in battell be the Pictes and Romaines in the 3. zeir of his reigne. And the whole Scottish nation was utterly expelled the Ile be the Pictes and Romaines, and remained in exile, about the space of 44. zeires.

XL *Fergus 2.* *Erius* sonne, sonne to *Ethadius*, *Eugenius* the first his brother, returning into Scotland, with the help of the Danes and Gotthes and his owne currie-men who were gathered to him out of all countres where they were dispersed, conquered his kingdom of Scotland againe out of the Romaines and Pictes handes. He began his reigne, in the zeir of the world 4374. In the zeir of Christ 404. He was a wife, valiant and gud King. He was slaine be the Romaines in the 16. zeir of his reigne.

XLI *Eugenius 2.* *Fergus 2.* sonne, succeeded to his father, in the zeir of the world 4390. In the zeir of Christ 420. He was a valiant and a gud prince. He subdued the Brittones, and died in the threite twa zeir of his reigne.

XLII *Dongardus* succeeded to his brother *Eugenius 2.* In the zeir of the world 4421. In the zeir of Christ 441. A godly, wife and a valiant prince. He died in the 5. zeir of his reigne.

XLIII *Constantine 1.* succeeded to his brother *Dongardus*, in the zeir of the world 4427. In the zeir of Christ 457. A wicked prince. He was slaine be a noble man in the Iles, whose daughter he had defiled, in the 22. zeir of his reigne.

XLIII *Congallus 1.* *Dongardus* sonne, began to reigne, in the zeir of the world 4449. In the zeir of Christ 479. A gud and quiet prince. He died in peace in the 22. zeir of his reigne.

XLV *Comarus*, or *Comarus*, succeeded his brother *Congallus 1.* In the zeir of the world 4471. In the zeir of Christ 501. A gud and a wife prince, he died in the 34. zeir of his reigne.

XLVI *Eugenius 3.* *Congallus* sonne succeeded to his father: In the zeir of the world 4505. In the zeir of Christ 535. A wife King, and a gud iustitiar. He died in the 23. zeir of his reigne.

XLVII *Congallus 2.* or *Conwallus*, succeeded to his brother *Eugenius 3.* in the zeir of the world 4528. In the zeir of Christ 558. A verie gud prince. He died in peace in the 11. zeir of his reigne.

XLVIII *Kinnmailus* succeeded to his brother *Congallus 2.* in the zeir of the world 4539. In the zeir of Christ 569. A gud prince. He died in the first zeir of his reigne.

XLIX *Aidanus Conuonus* Sonne, began to reigne, in the zeir of the world 4540. In the zeir of Christ 570. A Godlic and gud prince. He died in the 3. zeir of his reigne.

L *Kennethus 1.* sur-named *Zeir*, *Congallus 2.* sonne, began to reigne in the zeir of the world 4575. In the zeir of Christ 605. A peaceable prince. He died in the 1. zeir of his reigne.

LI *Eugenius 4.* *Aidanus* sonne, began to reigne in the zeir of the world 4576. In the zeir of Christ 606. A valiant and a gud King. He died in the 16. zeir of his reigne.

LII *Ferquhard 1.* succeeded to his father *Eugenius 4.* In the zeir of the world 4591. In the zeir of Christ 621. A bludic tyrant. He flew himselfe in prison in the t2. zeir of his reigne.

LIII *Donald 4.* succeeded to his brother *Ferquhard 1.* in the zeir of the world 4602. In the zeir of Christ 632. He was a gud and religious King, he was drowned in the water of *Tay*, quhill he was a silbing in the 14. zeir of his reigne.

LIIII *Ferquhard 2.* succeeded to his brother *Donald 4.* in the zeir of the world 4616. In the zeir of Christ 646. A verie wicked man. He was biten by a wolfe in hunting, of the quhill infewed a fever whereof he dyed in the 38. zeir of his reigne.

LVI *Maldune Donald 4.* his son began to reigne in the zeir of the world 4634. In the zeir of Christ 664. A gud prince, strangled be his wife who suspected him of Adulterie, in the 20. zeir of his reigne.

LVI *Eugenius 5.* *Maldune* his brothers sonne, began to reigne in the zeir of the world 4654. In the zeir of Christ 684. A false prince, slayne by the Pictes in battell in the fourth zeir of his reigne.

LVII *Eugenius 6.* *Ferquhard 2.* his sonne began to reigne in the zeir of the world 4658. In the zeir of Christ 688. A gud prince, he died in peace in the 10. yere of his reigne.

LVIII *Ambirkelthus Findanus* sonne, *Eugenius 5.* sonne, began to reigne in the zeir of the world 4667. In the zeir of Christ 697. He was slaine be the shot of a ce arrow, by quhom it was shot it is unknowin, (a vicious prince) in the second zeir of his reigne.

LIX *Eugenius 7.* succeeded to his brother *Ambirkelthus*, in the zeir of the world 4669. In the zeir of Christ 699. He died in peace in the 17. yere of his reigne. A gud prince.

LX *Mordacus Ambirkelthus* sonne began to reigne in the zeir of the world 4685. In the zeir of Christ 715. A gud prince. He died in the 16. zeir of his reigne.

LXI *Eifinus Eugenius 7.* his sonne, began to reigne in the zeir of the world 4700. In the zeir of Christ 730. He died in peace in the 31. yere of his reigne.

LXII *Eugenius 8.* *Mordacus* sonne, began to reigne in the zeir of the world 4751. In the zeir of Christ 761. A gud prince in the beginning of his reigne, and thereafter degenerating from his gud life, he is slaine by his Nobles in the 3. yere of his reigne.

LXIII *Fergus 3.* *Eifinus* sonne, began to reigne in the zeir of the world 4734. In the zeir of Christ 764. A lecherous prince, poyfoned by his wife in the 3. yere of his reigne.

LXIII *Solothius Eugenius 8.* sonne, began to reigne in the zeir of the world 4737. In the zeir of Christ 767. A good prince, he died in peace in the 20. yere of his reigne.

LXV *Achais*, *Eifinus* sonne began to reigne in the zeir of the world four thousand 757. In the zeir of Christ 787. A peaceable, gud and goddolic prince. He maid a league with Charles le maigne Emperour and King of *France*, quhill remained in-violable kept to this day. He died in the 32. zeir of his reigne.

LXVI *Congallus* or *Conwallus*, *Achais* fathers brothers sonne began to reigne in the zeir of the world 4789. In the zeir of Christ 819. A gud prince, he died in the 5. yere of his reigne.

LXVII *Dongallus*, *Solothius* sonne succeeded in the zeir of the world 4794. In the zeir of Christ 824. A valiant and gud prince. He was drowned cumming over the river of *Sprey* to war against the Pictes, in the seventh zeir of his reigne.

LXVIII *Alpinus Achais* son, began to reigne in the zeir of the world 4801. in the zeir of Christ 831. A gud prince. He was taken in battell and beheaded be the Pictes in the 3. yere of his reigne.

LXIX *Kenneth 2.* furnished the Great, succeeded to his father *Alpinus* in the zeir of the world 4804. in the zeir of Christ 834. a gud and a valiant prince. He utterly overthrew the Pictes in diverse battelles, expelled them our of the land, & joynd the kingdom of the Pictes to the Crown of Scotland. He died in peace in the 20. zeir of his reigne.

LXX *Donald 5.* succeeded to his brother *Kenneth 2.* in the zeir of the world 4824. In the zeir of Christ 854. A wicked Prince: he flew himselfe in the 5. zeir of his reigne.

LXXI *Constantine 2.* *Kenneth 2.* his sonne began to reigne in the zeir of the world 4829. In the zeir of Christ 859. A valiant prince. He was slaine by the Danes in a cruell battell striken at *Carraill* in *Fife*, in the 16. zeir of his reigne.

LXXII *Eihus* surnamed *Alipes*, *Constantine 2.* his sonne, succeeded to his father in the zeir of the world 4844. In the zeir of Christ 874. A vicious prince, he was imprisoned be his Nobles, where he died in the 2. zeir of his reigne.

LXXIII *Gregorie* surnamed the Great, *Dongallus* sonne, 2. began to reigne in the zeir of the world 4846. In the zeir of Christ 876. A valiant, victorious and renowned prince throw the world in his time: he died in peace in the 18. yere of his reigne.

LXXIII *Donald 6.* *Constantine 2.* his sonne, began to reigne in the zeir of the world 4863. in the zeir of Christ 893. a valiant prince. He died in peace being loved of his subjects in the 11. yere of his reigne.

LXXV *Constantine 3.* *Eihus* *Alipes* sonne, began to reigne in the zeir of the world 4874. In the zeir of Christ 904. He was a valiant King, yet he professed not in his warres against England, and therefore being wearie of his life, he became a Monke, and died after he had reigned 40. yeirs as King.

LXXVI *Malcolme 1.* *Donald 6.* his sonne, began to reigne in the zeir of the world 4913. In the zeir of Christ 943. a valiant prince and a gode iustitiar: He was slaine in *Murray* by a conspiracie of his awin subjects, in the 9. yere of his reigne.

LXXVII *Indulfus Constantine 3.* his sonne, began to reigne in the zeir of the world 4922. In the zeir of Christ 952. a valiant and a gud prince. He had manie battelles with the Danes, quhom he overcame, but in the ende he was slaine by them in a frangeme of wirc, in the 9. yere of his reigne.

LXXVIII *Duffus*, *Malcolme* the first his sonne, began to reigne in the zeir of the world 4931. In the zeir of Christ 961. A gud prince and a severer iustitiar. He was slaine be one *Donald* at *Forres* in *Murray*, and was buried secretly under the Brig of a river beside *Kinloche*, but the mater was revealed, and the murderer and his wife, that consented thereto severely punished: He reigned 5. yeir.

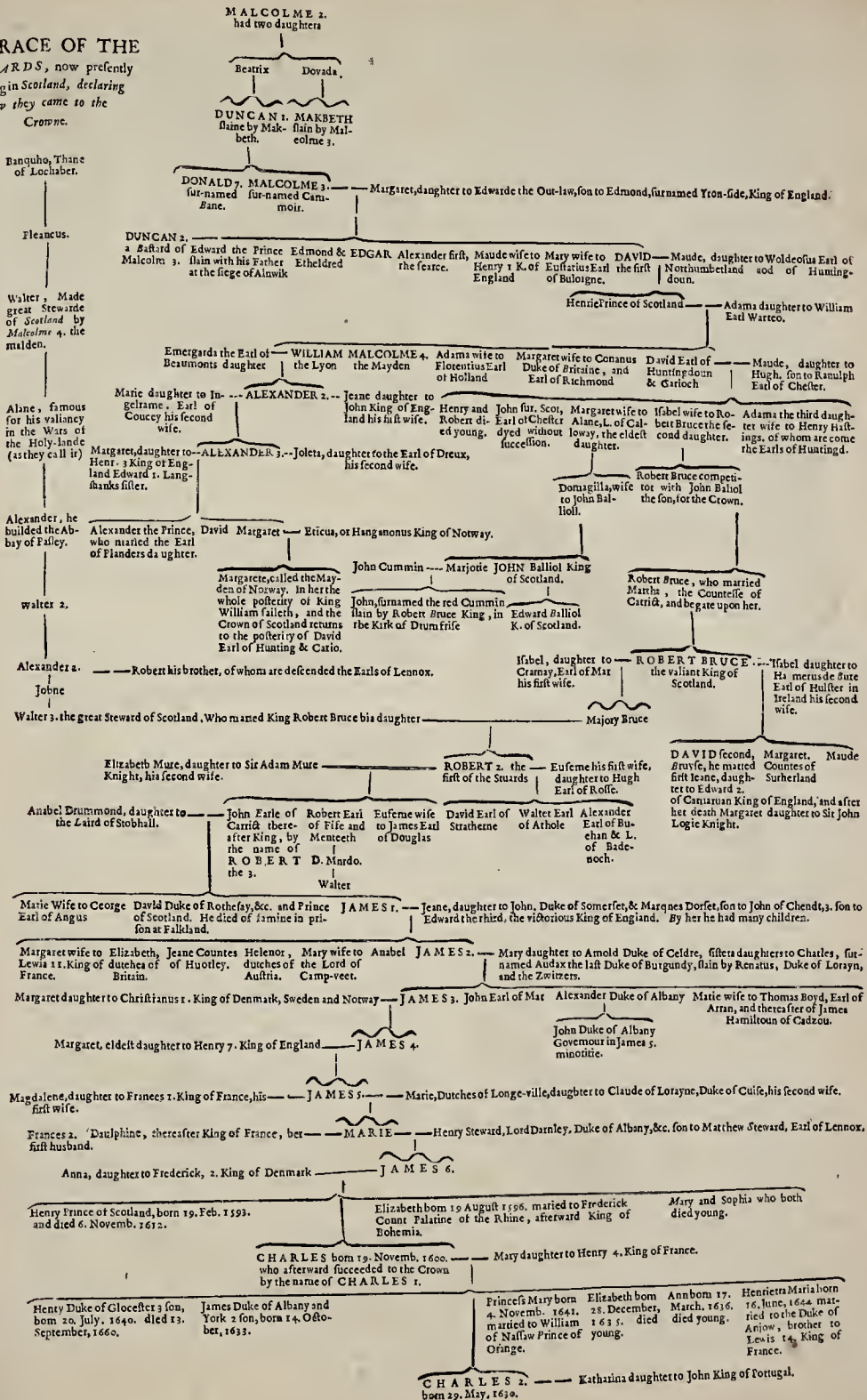
LXXIX *Calemus*, *Indulfus* sonne, began to reigne in the zeir of the world 4936. In the zeir of Christ 966. A vicious & an effeminate prince. He was slaine at *Meibven* by *Radarius* a Nobleman, whose daughter he had defiled in the 4. yere of his reigne.

LXXX *Kenneth 3.* *Duffus* Brother, began to reigne in the zeir of the world 4940. In the zeir of Christ 970. A valiant and a wife prince: But in the end he became cruell, and flew *Malcolme* his brothers sonne, and in Gods judgement, who sufferech not innocent blood to be unpunished, he was slaine by a strange ingine, an Image fixed in an wall, at *Fettincarne* by the means of a Noble woman there, called *Fenella*, in the 24. yere of his reigne.

LXXXI *Constantine 4.* surnamed *Calemus*, *Calemus* sonne, began to reigne in the zeir of the world 4964. In the zeir of Christ 994. Ane usurper of the Crown. He was slaine in battell at the towne of *Crawmond* in *Louthian* in the 2. zeir of his reigne.

The race of the Kings of SCOTLAND, since Malcolme the second, Kenneth the thirds son.

THE RACE OF THE STEWARDS, now prefently reigning in Scotland, declaring how they came to the Crowne.



LXXXII. *Grimsu Duffus* Sonne, began to reigne in the zeir of the ward 4966. In the zeir of Christ 996. a vicious Prince, he was slaine in battell by *Malcolme 2.* his successour in the 8. zeir of his reigne.

LXXXIII. *Malcolme 2.* *Keneth 3.* his sonne, began to reigne in the zeir of the ward 9974. In the zeir of Christ 1004. A valiant and a wife Prince, quha maid manie gud lawes, of the quihlik a few are zit extant. He was slaine by a conspiracie of his Nobles at the Castell of *Glammes*, who after the slaughter, thinking to escape, were drowned in the Loch of *Forfar*, for it being winter, and the loch frozen and covered with frae the yee brake and they fell in, In the righteous judgement of God. He reigned 30 zeires. * The table is to follow on, in this place.

LXXXIII. *Duncane 1.* *Beatrix*, *Malcolme* the Second his daughters Sonne, began to reigne in the zeir of the ward 5004. In the zeir of Christ 1034. a gud and a modest Prince. He was slaine by *Macbeth* traitorously, in the fext zeir of his reigae.

LXXXV. *Macbeth*, *Donada* *Malcolme* the second his daughters Sonne, began to reigne in the zeir of the ward, 5010. In the zeir of Christ, 1040. In the beginning of his reigne he behaved himselfe asa gud and iust Prince, but thereafter he degenerated into a cruell tyrant. He was slaine by his Successour *Malcolme 3.* in battell, in the 17 zeir of his reigae.

LXXXVI. *Malcolme 3.* surnamed *Cammor*, *Duncane 1.* his sonne, began to reigne in the zeir of the ward, 1027. In the zeir of Christ, 1057. a very religious and valiant Prince. He married *Margerei*, daughter to *Edward*, surnamed the Our-lark, Sonne to *Edward*, surnamed *Yron-side*, King of England. a verie gud and religious woman, according to these times, who bare unto him sex sonnes, and two daughters, the sonnes were, *Edward* the Prince, *Edmond*, *Ethelred*, *Edgar*, *Alexander*, *David*, the Daughters were *Mahildis*, or *Maude*, surnamed *Bona*: wife to *Henry 1.* surnamed *Beauclerc* King of England, of whose vertues is extant that auld Epigramme.

Prospera non latam fecere, nec aspera triflem,
Prospera terrot ei, aspera risus erant.
Non cedat effertis fragiles, non scepra iustis,
Sola potius humilis, sola pudica decens.

That is,

Prosperitie reioyced her not, To her griefe was no paine,
Prosperitie affrayed her not, Affliction was her gaune,
Her beautie was no cause of fall, In royall state not proud,
Humble alone in dignitie, In beautie onely gud.

She founded the Kirk of *Carleill*. The other daughter was *Marie*, wife to *Eustathius*, Earle of *Boloigne*. King *Malcolme* builded the kirkes of *Durcheam* and *Dumfermeline*: He was slaine with his Sonne Prince *Edwarde*, in the 36. zeir of his reigne, at the fege of *Anwick*, be *Robert Mowbray*, surnamed *Peerce-eie*, and was buried at *Tinmouth*, but thereafter he was removed to *Dumfermeline*.

LXXXVII. *Donald 7.* surnamed *Bane*, usurped the Crowne, after the death of his brother, in the zeir of the ward, 5063. In the zeir of Christ, 1093. And was expelled in the first zeir of his reigne by *Duncane 2.* King *Malcolme 3.* bastard sonne.

LXXXVIII. *Duncane 2.* usurped the Crown, in the zeir of the ward 5064. In the zeir of Christ 1094. A rash and foolish Prince: He was slaine be *Makpinder* the Thane of the *Meimes*, when he had reigned little over a zeir be the procurement of *Donald 7.*

Donald 7. maid King againe in the zeir of the ward, 5065. In the zeir of Christ, 1095. and reigned 3. zeires. He gave the West and North lises to the King of *Norway*, for to assit him to attein to the Crown of *Scotland*. He was taken captiue by *Edgar*, his cies put out, and died miserably in Prison.

LXXXIX. *Edgar*, *Malcolme 3.* his sonne, began to reigne in the zeir of the ward 5068. In the zeir of Christ 1098. He builded the Priorie of *Coldingham*. He was a gud prince. He died at *Dundie* without succession, and was buried at *Dumfermeline*, in the 9. zeir of his reigne.

XC. *Alexander 1.* surnamed *Fearce*, succeeded to his brother, in the zeir of the ward 5077. In the zeir of Christ 1107. A very gud and valiant prince. He builded the Abbacies of *Score* and of *S. Colmes-lis-Inche*. He married *Sybilla*, daughter to *William* Duke of *Normandie*, &c. He died in peace without succession, at *Strivilling*, in the 17. zeir of his reigne, and was buried at *Dumfermeline*.

XCI. *David 1.* commonly called *S. David*, King *Malcolme 3.* his zongest sonne, succeeded to his brother in the zeir of the ward 5094. In the zeir of Christ 1124. A gud, valiant and religious prince, according to these times. He builded manie Abbacies, & kis Haly-rudd-houffe, *Kilslo*, *Jedburgh*, *Dun-draan*, *Cambuskenneth*, *Kinloss*, *Mel-ross*, *New-bottle*, *Dumfermeline*, *Holme* in *Cumberland*, and two religious places at *New-castle* in *Northumberland*. He erected foure Bishopricks, *Ross*, *Brechin*, *Dumblane* and *Dunkeld*. He married *Maude*, daughter to *Woldefus* Earle of *Northumberland* and *Huntingroun*, and *Inditha*, daughters daughter to *William* the Conquerour King of *England*, be whom he had one sonne named *Henry*, a worthy and gud zowth, who married *Adams*, daughter to *William*, Earle *Warren*, who bare unto him three sonnes: *Malcome* the *Mayden*, *William* the *Lion*, and *David* Earle of *Huntingroun* (concerning whose posteritie looke the Table) and two daughters, *Adama* wife to *Florentius* Earle of *Holland*, and *Margaret* wife to *Conan* Duke of *Brittaine*. He died before his father. *S. David* died in peace at *Carleill* in the 29. zeir of his reigne, and was buried at *Dumfermeline*.

XCI. *Malcolme 4.* surnamed the *Mayden* (because he would never marie) succeeded to his gud-fehir *David 1.* In the zeir of the ward 5123. In the zeir of Christ 1153. A gud and meik prince. He builded

the Abbey of *Cowper* in *Angus*, and died at *Ied-burgh*, and was buried at *Dumfermeline* in the 12. zeir of his reigne.

XCII. *William*, surnamed the *Lyon*, succeeded to his brother *Malcolme 4.* In he zeir of the ward 5135. and in zeir of Christe 1165. A gud and a valiant King. He married *Emergarda*, daughter to the Earle of *Beau-mount*, He builded the Abbacie of *Aber-brothok*, and the builded the Abbacie of *Balmerinoh*. He died at *Strivilling* in the 49. zeir of his reigne, and was buried at *Aber-brothok*.

XCIII. *Alexander 2.* succeeded to his father *William*, in the zeir of the ward 5184. In the zeir of Christe 1214. A gud prince: He married *Jeane* daughter to *John* King of *England*, be whom he had no succession. After her death he married *Marie* daughter to *Inglemar* Earle of *Coucy* in *France*, be whom he had *Alexander* the thirde. He died at *Kernerie* in the *West Isles*, and was buried at *Mcroffe* in the 35. zeir of his reigae.

XCIV. *Alexander 3.* succeeded to his father, in the zeir of the ward 5219. In the zeir of Christ 1249. A gud prince. He married first *Margaret* daughter to *Henry 3.* King of *England*, be whom he had *Alexander* the prince: quha married the Earle of *Flanders* daughter, *David* and *Margaret* quha married *Hangonans*, or as some call him, *Erius*, son to *Magnus 4.* King of *Norway*, who bare to him a daughter, commonly called the *Mayden of Norway*, in whom King *William* his whole posteritie failed, and the crowne of *Scotland* returned to the posteritie of *David* Earle of *Huntingroun*, King *Malcolme 4.* and King *William* his brother. After his sonnes death (for they died before himselfe without succession) In hope of posteritie, he married *Joleta*, daughter to the Earle of *Dreux* in *France*, be whom he had no succession. He builded the croce Kirk of *Peibles*. He died of a fall off his Horse upon the sands betuix *East* and *West* King-horne, in the 37. zeir of his reigne: And was buried at *Dumfermeline*.

After the death of *Alexander 3.* quhilk was in the zeir of the ward 5255. In the zeir of Christ 1285. There were Sex Regens appointed to rule *Scotland*, for the South-side of *Forth*, were appointed *Robert*, the Arche-bishop of *Glasgowe*, *John Cummin*, and *John* the great Steward of *Scotland*. For the North-side of *Forth*, *Mak-duff* Earle of *Fife*, *John cummin* Earle of *Buchan*, and *William Frazer*, Arch-bishop of *Sanct Andrews*, who ruled the land about the space of seven zeires, quhill the controversie was decided betuix *John Ballioll* and *Robert Bruys*. *Gud-Chire* to *Robert Bruys* the King of *Scotland*, cummed of the wa eldest daughters of *David* Earle of *Huntingdoun*: for *Henrie Halings*, who married the zongest daughter, put nor in his fate with the rest, and therefore there is little spoken of him.

XCVI. *John Ballioll* (of whom looke the Table) was preferred to *Robert Bruys*, to be King of *Scotland*, be *Edward 1.* surnamed *Lang-Shankes* King of *England*, who was chosen to be judge of the controversie, upon a condition, that he full acknowledge him as superiour: quhilk condition like an unworthy man he received. He began his reigne in the zeir of the ward 5263. In the zeir of Christ 1293. He was a vaine-glorious man, little respecting the weill of his currie. He had not reigned fully foure zeires, when he was expelled be the faide *Edwarde*, and leaving *Scotland*, departed into the partes of *France*, where he died long thereafter in exile. And so *Scotland* was without a King and government, the space of nine zeires: during quhilk space, the faide *Edwarde 1.* *Lang Shankes*, cruelly oppressed the lande, destroyed the whole ancient monuments of the Kingdome, and did meikie innoent blood.

XCVII. *Robert Bruys* (concerning whom looke the Table) began to reigne in the zeir of the ward 5276. in the zeir of Christ 1306. A valiant, gud and wife King. In the beginning of his reigne, he was subiect to great miserie and affliction, being oppressed be *England*, bot at length, having over-com and vanquished *Edward 2.* of *Carnarvan*, at the field of *Bannock-burne*, he delivered *Scotland* from the slaverie of *England*, and set it at full libertie, all Englishmen by force being expelled out of the land.

He married first *Jabell* daughter to the Earle of *Narre*, who bare unto him *Margyrie*, *Walter*, the great Steward of *Scotland* his wife (concerning whom, and the race of the *Stewards*, this day ruling in *Scotland*, looke the Table) after her death, he married *Jabell* daughter to *Hazmerins de Burc*, Earle of *Hulston* or *Huller* in *Ireland*, who bare unto him *David 2.* *Margaret* the Countess of *Sutherland*, and *Maudeth* that died zong. He died at *Cardros*, and was buried at *Dumfermeline* in the twentie-foure zeir of his reigne.

XCVIII. *David 2.* *Bruys*, succeeded to his father in the zeir of the ward 5300. In the zeir of Christ 1330. A gud prince, subiect to meikle affliction in his youth, being first after the death of *Thomas Rannilph* his regent, forced to flee into *France*, for his owne favogard, and then returning home, was tane at the battell of *Durhame*, and was holden 12. zeires almost captiue in *England*: but thereafter he was restored to his liberty. He married first *Jeane*, daughter to *Edward 2.* King of *England*, and after her death he married *Margaret Logie*, daughter to *Sir John Logie* knight, and died without succession at *Edinburgh*, in the 40. zeir of his reigne, and was buried at *Haly-rudd-houffe*.

XCIX. *Edward Ballioll*, sonne to *John Ballioll*, usurped the Crowne of *Scotland*, being assisted be *Edward 3.* King of *England*, in the zeir of the ward 5302. In the zeir of Christ, 1332. But he was expelled at length be *David 2.* his Regens, and *David 2.* established King.

C Robert 2. surnamed *Blair-rie*, the first of the *Stewards*, son to *Walter Steward*, and *Mariorie Bruys* K. *Robert Bruys* his daughter, succeeded to his mothers brother, in the zeir of the ward 5346. in zeir of Christ 1371. A gud and a peaceable prince. He married first *Enfene* daughter to *Hugh* Earle of *Roffe*, who bare unto him *David* Earle of *Strathern*, *Walter* Earle of *Athol*, and *Alexander* Earle of *Buchan*, Lord *Badzenoth*: After her death

for th' affection he bare to his children, begotten before his first marriage, he married *Elizabeth Mure*, daughter to Sir *Adam Mure* knight, who had borne unto him *John*, thereafter called *Robert 3.* Earle of Carrick: *Robert* Earle of Fife and Menteith and *Eufeme* wife to *Lalnes* Earle of Dowglas. He died at Dun-donald the 19. zeire of his reign, and was buried at Seone.

C1 Robert 3. fur-named *John Fairs-zeire*, succeeded to his father, in the zeire of the warld 1360. in the zeire of Christ 1390. A quiet and peaceable Prince: He married *Anabell Drummond*, daughter to the Laird of Stobhill, who bare unto him *David*, the Prince, Duke of Rothesay, the third in prison of verie extreme famine at Falkland, and *James*: the first taken captiv in his voyage to France, and detained a captive, against all equitie, almost the space of 18. zeires in England. He died of displeasure at Rothesay, when he heard of the death of the one sonne, and captiv. wife of the other, and was buried at Paisly, in the 16. zeir of his reign. The *Robert* Earle of Fife and Menteith governed Scotland, in the zeire of the warld 1376. in the zeire of Christ 1406. He died in the 14. zeire of his government. *James 1.* being a captive in England.

Murdo Steward succeeded to his father, *Robert* Earle of Fife, in the government of Scotland, in the zeire of the warld 1390. In the zeire of Christ 1420. And ruled foure zeires, *James 1.* zit being a captive in England. Both the father and his sonne *Walter* were executed thereafter for oppression of the subjectes be *James 1.*

CII James the first began to reigne in zeire of the warld 1394. in the zeire of Christ 1424. He was a gud, learned, vertuous and just prince. He married *Jeane* daughter to *John* Duke of Summerford and *Marques* Dorch, sonne to *John* of Ghendi, 3. sonne to *Edward 3.* the victoriorus King of England, who bare unto him *James* the 2. and sex daughters *Margaret* gave wife to *Lenes 11.* the *Daulpine*, thereafter King of France, *Elizabeth* the Duches of Brittain, *Jeane* countes of Hunley, *Eleanor* Duches of Austria, *Marie* wife to the Lord of *Campvere*, and *Anabella*. He was slaine at *Perth* traiterouslie be *Walter* Earle of *Albobe* and *Robert* *Grahame* and their confederates, in the 31. zeire of his reign, gif we count from the death of his father; and in the 13. zeire, gif we count from his deliverance out of England; and was buried at the Charter-houfe of *Perth* quhilk he builded.

CIII James the 2. succeeded to his father, in the zeire of the warld 1407. In the zeire of Christ 1437. a Prince subject to great troubles in his youth. He married *Marie* daughter to *Arnold* Duke of Gelare, Sisters daughter to *Charles*, surnamed *Andax*, the last Duke of *Burgundy* &c. who bare unto him three sonnes, *James* the 3. *John* Earle of *Alexander* Duke of *Albanie*. and *Marie* wife first to *Thomas* *Boyd*, Earle of *Arrane*, and after his decourting to *James* *Hamiloun* of *Cadzou*. He was slaine at the siege of *Rotheburgh* in the 24. zeire of his reign.

CIII James 3. succeeded to his father in the zeire of the warld 1430. in the zeire of Christ 1460. A Prince corrupted by wicked Courtiers. He married *Margaret* daughter to *Christians 1.* surnamed *Dives*, King of *Denimark*, *Norway* and *Sweden*. He was slaine at the field of *Bannock-burne*, in the 29. zeire of his reign, and was buried at *Cambus-kenneth*.

CV James 4. succeeded to his father, in the zeire of the warld 1459. In the zeire of Christ 1489. A noble and courageous Prince. He married, *Margaret*, Eldet daughter to *Henry 7.* Earle of *Richmond*, King of England and *Elizabeth* daughter to *Edward 4.* In whose two persones the two houses of *Lancaster* and *York* were united, and the bludie civill weires of England pacified. He was slaine at *Flowdon* be England, in the twentieth five zeire of his reign.

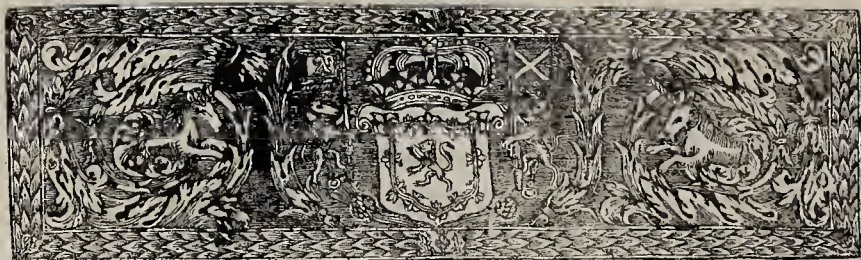
CVI James 5. succeeded to his father in the zeire of the warld 1484. In the zeire of Christ 1514. A just Prince and fever. He married first *Margalen* daughter to *Frances 1.* King of France, who died shortly thereafter without succession. After her he married *Marie* of *Lorraine*, Duches of *Longeville*, daughter to *Claude* Duke of *Guisse*. He died at *Falkland* in the 29. zeire of his reign, He was buried at *Halitide-houfe*.

CVII James succeeded to her Father *James 5.* In the zeire of the warld 1513. In the zeire of Christ 1543. a Princess vertuous and inclined. She married first *Frances 2.* *Daulphin*, thereafter King of France, then after his death, returning hame to Scotland, she married *Henrie Steward* Duke of *Albanie*, &c. Lord *Darley*. ionne to *Mathew* Earle of *Lennox*, (a comelic Prince, *Pronepny* to *Henrie 7.* King of England) to whose she bare *James* the 6. She was put to death in England 8. Febr. 1566. after 18. zeires captivlie.

CVIII James 6. A gud, Godlie and learned Prince, succeeded to his Mother, in the zeire of the warld 1537. In the zeire of Christ 1567. He married *Anna* Daughter to *Frederick* the Second King of Denmark, and *Sophia* *Ulricus* the Duke of *Meckelburgh* his Daughter, quha heis borne unto him alreadie *Henrie* *Frederick* the Prince, the 19. Febr. 1593. and *Elizabeth*, 19. August. 1596. and *Charles* Duke of *Albanie*, 19. November, 1600. And upon the death of Queen *Elizabeth*, he succeeded to the Ctowne of England, and was Crown'd King at *Westminster*, 25. July. 1604. He had also by his wife Queen *Anna*, two other Daughters born in England, *Lady* *Mary*, and *Lady* *Sophia*, who both died young. *Prince* *Henrie* died upon the sixth of November, 1612. *Lady* *Elizabeth* was married to *Frederick* the 5. of that name, Count *Palatine* of the Rhine, afterwards elected King of *Bohemia*, by whom he had many Children. King *James* died at his palace at *Theobalds*, in England, 27. March, 1625. when he had reigned 22. years over *Great Britain* and *Ireland*.

CIX King Charles the first, An incomparable Prince. for pietie, learning and vertue, succeeded to his Father, in the year of the world, 1595. and in the year of Christ, 1625. He married *Mary* the daughter of *Henry* the 4. King of France, and *Mary* the Daughter of *Frances* great Duke of *Tuscany*, of the Noble Family of *Di-Medics*, in year, 1625. He had issue by her *Charles* Prince of *Wales* (Our present Sacred Sovereign) born 29. May, 1630. His Royal Highness *James* Duke of *Albanie* and *York*, born 14. October 1633. And, *Henrie* Duke of *Glocester*, born 20. July, 1640. And bad four Daughters, *Princess* *Mary*, who was born 4. November, 1631. and was Married 2. May, 1641. to *William* *Nassau* Prince of *Orange*, and had to him one Son, *William* Prince of *Orange*, who now liveth; She died 24. December, 1660. His second Daughter, the *Lady* *Elizabeth*, was born 28. December, 1635. His third Daughter *Lady* *Ann*, was born 17. March, 1636. who both died young. His fourth Daughter *Lady* *Henrietta* *Maria*, was born, 16. Jane, 1644. and married to the Duke of *Anjou*, Brother to *Lewis* the 14. present King of France; she died in the year, 1670. The Duke of *Glocester* died 13. Septemb. 1660. *Charles* the first was by a strange and unparalleled villany judged by a publick mock tryall of a pretended High Court of Justice at *Westminster*, and by some of his most rebellious and perfidious Subjects, was executed and suffered Martyrdom before his own Palace at *Whitehall*, 30. January, 1649.

CX King Charles the second, a great, wise, most mercifull, and Magnanimous Prince succeeded to his Father, in the year of the world, 1619. in the year of Christ, 1649. He was Crown'd King of Scotland, at *Seone*, 1. January, 1651. and after nine years exile, by a rebellious, prevalent party in England, was in the year 1660. miraculously, and wonderfully, restored peaceably, to the Royall Throne of his Ancestours, and to the Crowns of *Great Britain* and *Ireland*, and was Crown'd at *Westminster*, 23. April, 1661. He married *Katharina* *Infanta* of *Portugal*, Daughter to *John* King of *Portugal*, and *Donna* *Lucia*, Daughter to the Duke of *Medina* *Sidonia*. He is now presently King of *Great Britain* and *Ireland*, whom God Almighty blefs, and long preserve, and may the Lineall Succession of that Royall Family (under whose happy Government this Kingdom hath flourished these 2012. years, in an un-interrupted Line) continue by a just, and Lineal Descent while the Sun and Moon endure.



De verborum significatione.

THE EXPOSITION
OF THE TERMES AND
DIFFICILL WORDES, CONTEINED

IN THE FOURE BUIKES OF *REGIAM MAJESTATEM*,
and uthers, in the Acts of Parliament, Infestments,
and used in practique of this Realme, with
diverse rules, and common places,
or principalles of the Lawes.

Collected and Exponed be M. JOHN SKENE, Clérke of our Sovereaine Lordis
Register, Councell and Rolles.

And now Re-printed by His Majestie's special Command.



EDINBURGH,

Printed by DAVID LINDSAY, Anno DOM. M. D. C. LXXXI.

CUM PRIVILEGIO.

TO THE READER.

I Have rather opened and shewen ane occasion to the gud Reader, to perform this warke, then expoued, or declared the samin; being an matter nocht pleasand in it self, nor treated be uthers of before: Gif I have pleased to do weil, or attempted that, quibill uthers may accomplish and make persite, the profite and commodity redounds to thee, quaba at thy pleasure, may big upon this little ground and fundament. Gif utherswaies be error or ignorance, I have nocht satisfied thy desire and expectation, Sic erranti medicina confessio. For ane absolute memorie, and persite knowledge, in na thing erroneous, is proper to God, and not competent to man. Quhat ever I have done, I did it not to offend thee, or displease any man, but to provoke uthers to do better, alwaies for thine awin weil, be warre to reprehend my doings, flowand from ane benevolent, and gude mind: except thou be assured to be reprehended of na man, quaba cumis after thee and fall censure thy doings. I am affrayed of all Readers, for ilk man hes his awin Judgement and opinion, quabair of their is als mony contrarieties, as diversities of persons. Advise therefore, and or thou do any thing rashly, gif thou may, transact and agree with all the posteritie, that albeit thou doe aswel as Homer in his Poesie: nane of them be unto thee, successor or imitour of Zoilus: so great is the varietie of ingines, and inclinations, that nane can be sure fra reprehension. Reade therefore, and make thy profite of gud thinges. Correct modestly al errors, quibilks are ignorant, and nocht wilfull. Eik all necessaries omitted. Cut away al superfluities adjected. And whatever thou do, esteeme of me, as I do of thee and of al, to quabais knowledge, this my little labour shall happen to cum. And swa.

*Vrue, Vale: si quid nouisti rectius istis,
Candidus imperti: si non, his utere necum.*



THE

EXPOSITION

Of the difficult words and termes, contained in the four Buikes of

REGIAM MAJESTATEM,

And others: In the Acts of Parliament, Infestments, and used in the practique of this Realme,

with divers Rules, and commoun places, or principall grounds of the Lawes.

The pale of
them quha
couns evil
armed to the
Kings hoist.



ACTILIA, Armour, Weapons, Harnessing, Sta. 2. *Roberti Brunse. c. ordinatum* 27. Quhair it is statute that ilk man havand Ten pounds worth of gudes fall have for the defence of his body and Realme, ane sufficient Acton, and bafnet, with gulffes of plait, an speir, ane sword; and quha-fa-eyer hee nocht ane Acton, and bafnet, fall have ane sufficient habrigion, or ane Ironcjacke, an Knapskica of Ironc, and gulffes. Swa that ilk man fall be readie *cum aëtilis & harnesibus suis*, under the pain of excheit of all his gudes, the ane halfe thereof to the King, and the uther halfe to his Maister, and Lord. *Acton* ane aulde Frenche word, *Hocqueton*, quhilk corruptlie is pronounced *Ofton*, *segum militare*. Sum affirmis *Acton* to be an auld kinde of armour, for preservation of ane mans bodie, maid of steill or Ironc, quhilk covered his head allweill as the rest of his bodie: Quhair of zit sum are extant as auld monuimentes in the Hielandes; Bot nocht daillie used, or worne. Uthers mair probable alledgis *Acton*, to be ane forme of armour, quhilk covers ane mans bodie (except his head) to awne from his knee, maid of Taffite, Ladder, or Linnen claitch, stuffed with caddes, and stiked verie thick with threid, or silke of divers coullers, and partial gilt, with sprangcs or streames of Gold fullzie; And is commounlie used in time of battell under the habrigion, to save ane mans bodie, fra the shot of ane arrowe: or fra the bruiffing of the straik of an sword. It is ane kinde of that auzilement, quhilk in Latine is called *vestis virgata*, *varis virgis seu aureis lineis distincta*, & *virgata*, *ut est illud Virgilii Aeneid. 8. Virgatis lucent sagulis*.

ACTORNATUS Lib. 4. c. *quis defendens* 46. *actor*, *alienorum negotiorum gestor*, utherwaies in the Lawes of this Realme called *responsalis*, quha makis answer for ane uther in judgement, speciallie for the defender, Lib. 1. c. *Eslo*. 27. Lib. 3. c. *Placita*. 12. *cum seqq.* Like as *Prolocutor* is he quha speaks for the perswercer, as his forelpeaker. Lib. 1. c. *consequenter* 13. Alswa *actoratus* is he quha dois ony thing in an uther mans name or behalfe, as he quha compeiris for an uther in Couertes, or Justice aire, to pass upon inquestes, and serving of retoures, to the Kings Chappel, or to give presence for him, quha fendis him. For he quha aucht baith sute, and presence in onie Court, suld nocht onlie fend an futour to decide actions, and causes, conforme to the Law, but also suld compeir personally, or send an Actornay, quhilk also he suld do, quha aucht presence allanelcie, for ather he suld compeir, or ane Actornay for him, with the seal of his Armes, the quhilk all friehalders, dwelland within the schireffdom, are obliged to do, in al Schireff courts. I. 1. p. 9. c. 130. In justice aires Actornayes, suld be honest and sufficient persons of discrecion. Ja. 1. p. 3. c. 35. And *Actoratus Justitiarum*, is taken for the Justice depute *quon. attach. c. prepositus*. 61. *Ass. Reg. Da. c. nullus* 10. *Actornay* is not onlie the procurator quha is sent: Bot also the procuratoric or mandat quhilk is given to him, and zit they are different, for an procuratoric is commounlie maid be ane privie man: And an Actornay, called *litens Actor natus*, is granted be the King, or onie uther, havand Chappell Stat. Rob. 3. c. *ut. generaliter, in omnibus negotiis, loquelis, & placitis moris seu movendis*. And therefore the Lordes of Session decreed ane requisition of ane aire, anent his maniage; maid be ane Actornay;

to be null. Becaus all sike requisitiones suld be maid be the superior, or be ane procurator havand speciall power, to that effect.

ADJURNATUS, ane French word, suntioned or called to ane certaine daie, likeas *Adjurnamentum* is called an suntioned, or *ciatio*, *summonitio*, quhilk is defined, *certi dicit & loci exhibitio partium, ad diem legalem, quoniam attach. c. 1. Præceptor mens Mattheus Wesenbecus in paratili. Tit. de in jus vocando. Nu. 13. definiti citationem, ut sit actus Judicialis, seu Judicii præparatorius; quo is quem coram sibi opus est, iudicis mandato, legitime vocatur, juris experienti causa Et Assisa dicitur adjornata ad alium certum diem*. That is continued to ane certaine daie. Lib. 4. c. *Si Petens*. 57. & *curia dicitur respectuata*, That is continued or respited. Stat. 2. Rob. Br. c. *Item quacunque*. 34. *Cheslausius in consuetudines Burgundie Rub. 1. Sect. 6. verb. messiers & seriens. Nu. 88. multa (inquit) sunt nomina, quae idem important, ut est citatio, in jus vocatio, monitio, editum, demutatio, conventio, & aliud quod in vulgari nostro dicitur, adjurnamentum. Adjurnal* is the Justice aire, as ane act of *Adjournal*, fo called, because it is maid in the Justice aire. *vid. iter.*

ADVOCATIO *Ecclesie*, Is the right of patronage, or the tide and right to present onie person to ane Kirk vacant, and nocht havand ane lauchfull Ecclesiastical person to rule and governe the Gamin. Lib. 2. c. *Dop. 19*. Lib. 3. c. *sequitur* 30. *Dicitur autem advocatio Ecclesie, vel quia patronus alienus Ecclesie, ratione sui juris, advocat se ad eandem Ecclesiam: & asserit se in eam habere jus patronatus, eamque esse quasi sue clientis loco. Res potius cum aliquo (nempe patronus) advocat alium, iure suo, ad Ecclesiam vacantem eamque loco alterius (veluti defuncti) presentat, & quasi exhibet. In the English Lawest is called, *Avowson of Kirkes*.*

Avowson of
Kirkes.

AFFIDATIO, Lib. 2. c. *unde* 49. In the quhilk place, *Mutua affidavitio*, is taken for ane mutual faith, truth, and obligation of fidelitie, quhilk is betwixt the wife and the husband. And sicklie it signifies the mutual league, and band of fidelitie, quhilk is betwixt the over-lord, and his vassal, quha are bound and obliged *hinc inde* to uthers, quhilk is called *mutua dominii & homagii fidelitatis contractio*. Lib. 2. c. *mutua* 88. In sik sort, that how far the vassill is bound be reason of homage to his superior: (as far the superior is obliged to his vassal, except reverence and honour allanelier, for the ane suld obey and save his maister: the uther suld intertaine and defend his man. And the vassill suld honour and reverence his maister as his superior: But the maister suld not reverence the vassil: for like as of the Law; there is no sovereignty, nor invade amangis them that are *patres*, conforme to the rule of the Law, *pat in parem non habet imperium*. Even swa, the superior is not obliged to make onie reverence to his inferior, bot suld receive honour fra him. *Item Dissidatio*, (h. c. *inimicitiarum capitalium denunciatio*, quhen ane defies an uther, and gives up kindnesse with him) is contrair to *Affidatio*. Baith the ane and the uther is driven a *fade*, *vel fidelitate*: or fra ane word ut in the fenes. *Faida*, that is battell; *seid*, injurie, hatred. As we commounlie say *deidie feid*, and *semina dicitur fuidam non facere*, gl. in Sect. ult. *de lege Contract. di. 2. defendi*: be reason we men be the Law, are nocht subject to weir-fair, to battell, or proclamation maid for that cause.

Dissidatio

Fida

AMERCIAMENTUM, or **FORISFACTUM** *curie*. The un-law or amerciamment of a court; for absence in lawful time, for ane

De verborum significatione.

The un-laws
of courts.

ane fault, trespass, or ony uther cause, as is manifest in the Register, in the action perused by the Thesaur contrar the burgh of Perth, 16. Decem. 1547. The un-law in the Chalmerslaire or court, is fiftie schillings; and twa schillings to the Serjantes of the burgh of like un-law. The un-law before the Justice on the North pair of the water of Forth, aucht Kye, ane colpidnach to the Crowner, and twa schillings to the Clerke; And in the South-side of the water of Forth, as in Louthian, & bewixt the waier of Tyne, and Forth, ten punds, and ane colpidnach, or threitie pennies to the Crowner, and twa schillings to the Clerk. In the Schirreff-court, it suld nocht exceed fowerne schillings, and twa schillings to the Clerke, or ane colpidnach, or threitie pennies. In the Barone court the famin laws & un-laws, suld be kept, quhilkis are used in the Schirreff-court. In the court of them quia haildis of Barones, and are called *milites*, heir un-law is half of their superiours un-law. The un-law of them quia are called *submigeri*, is ane Kowe, ane zowe, or three schillings, *leg. Malc. Mak. c. 4.* The un-law within Burgh suld not exceed the summe of aucht schillings, *leg. burg. c. forisfactum 42.* The un-law of them quia comperis nocht in Parliament, being lauchfullie warned thereto, is ten punds. *l. p. rti. Julij p. 4. c. 82. & p. 5. c. 99.* Quhilkis like-wayes the un-laws of them quia comperis nocht in generall Councelles, quhilk now is altered be the newe act of Parliament, maid be OUR SOVERAINE LOARDE King James the Sext. 29. Julij. p. 11. c. 24. Quhair it is statute that everie Earle fall pay three hundred pounes, ilk Lorde twa hundred pounes, ilk Pralate ane hundred pounes; And everie Burgh ane hundred markes, in case it fall happen onie of them to be absent fra the Parliament.

Twa kinde
of annexati-
on.

ANNEXATION, Anc Laine word, quhilk signifies ane fast knitting and binding, as quhen ane thing is bund or knit with ane uther and bath as it were united togidder, and incorporate in anc. As quhen ony Lord-shipp, landes, Castellles, Customes, Offices, Fishinges, or uther renis are annexed to the Crown, to remaine perpetually their-with quhilk is called *incorporatio, quando bona aliqua, velus terre, rediguntur in corpus fisci, cum eorum scribitur Inventarium, manu publica, continens eorum nomina & qualitates, et ita ponuntur in numero rerum fiscalium. si quando 3. & ibi gl. C, de bonis vacan. lib. 10.* In the Lawes of this Realme ther is twa kinde of annexation: The ane quhilk may be called *acta*, quhairin the word of Annexation is nocht expremed, but uther wordes equivoque theire. The uther is *expressa*, quhilk contains maner mention of annexation or union. The first forme is used in the daies of King David the second 6. Novemb. 1357. quhair it is statute & ordand, that all landis, rents, and possessiones, quhilkis of auld perteneit to the crown, or the Kingis domaine and propertie, suld all and hail, and perpetuallie remaine in the hands and possession of the King, for his sustentation & living, without ony alienation therof. And sike-like 27. Septem. 1367. with consent of the three Estaites, it was statute for the Kingis better sustentation, and living, that all rents, fermes, kuses, customes, forrests, offices, and uther emolumentes quhat-sum-ever. And also all landes, alwerd the pr. p. tie, and uthers, in possession quhairto King Robert 1. father to King David the second, deceased as of sic; and that all possessionis, & landes quhilkis perteneit to the richt and propertie of the Crown, the time of the said King Robert, or of King Alexander the third, or of the said King David the second, suld remane all and hail to the crown, with all advocations of Kirkes, & all service pertaining thereto; To remaine perpetuallie with the Crown, nocht-withstanding onie alienation therof, maid to onie person, and that na disposicion therof be maid thereafter, without consent of the three Estatis. And gif onie person had onie of the saides landes laboured with his awin pleuch: It was ordand that he suld paie all meikle ferme and dewtie therof, as the famin might gudly pay, or as onie uther lands as gud, and als meikle used to pay. And sike-like all the great and small customes, and burrow mailles of the Realme, are ordand to abide and remaine with the King, till his living, be ane act maid be Ja. 1. Parl. 1. c. 8. Of the second forme of Annexation quhairby landes, possessiones and uthers, *per expressum*, are annexed, united, and incorporate diverse and findre examples are extant in the actes of Parliament of King James the 2. 11. Parl. 4. Aug. c. 41. & of uthers maid therafter. Landes, and uthers dewties, or possessionis quhat-sum-ever annexed to the crown, being annallied or disposed, na lauchfull disposicion maid therof, it is lesfume to the King, nocht-withstanding the said alienation to pur his hand to the saides landes, and take them back again to the Crown, *brevis manu*. without onie ordour or proces of law. And as concerning the proffices therof, quhilkis are extant, *pendentes & nondum consumpti*, the time of the said intromission, the king, or his comptrollar maie intromet their-with, in the famin manner, as he maie intromet with the landes, *tute fidei, quia fructus pendentes, & exantibus censuræ p. p. soli*. And twitching the fructes, and proffices of the landes quhilkis are garsed, and consumed; The King and his comptrollar, ancht & suld repute the famin fra the possessor, and uptake of the saidis fructes, of all zeires of their intromission therewith, be waie of action, because they ar consumed and spendid. Quhilk deed consistand in *factu*, suld necessarilie be proven be ordinar waie of action. To the quhilk hail proffices the King hes gud richt, in respect that of the Law, *male fidei possessio*, can never acquire and conqueit to himselfe, onie fructes or proffices, either extant or consumed. And trow it is that thay, quia receiptis ony infestment or unlauchfull disposicion of the Kings annexed proffices, ar *male fidei possessores*: they receiving the famin against the manit' law of this Realme. The ignorance quhairof excusis na inhabitant of the famin. And manir-over, trow it is that the foresaid forme of intromission with the Kings annexed landes, and repetition of the proffices therof, hes bene in life and practik for the making of the actes of Parliament therint: Likes in the beginning of the reign of King James the Fourth 18. Jan. 1488. the landes and Lord-shipp of Brechen, and Newar were taken fra David Earle of

The second
kind.

Landes annexed and nocht disposed may nocht be annulled. Of the proffices of landes annexed during-while annulled.

Cramford, and ane terme assigned to prove against him, the avayl of the mailles and dewties of the saides Landes with the pertinents, intromitted with him, sen the time of the gif therof. Item the King maie intromet with his annexed propertie, and proffices therof, quhair he be *Major* or *minor*. For gif their be na lauchfull dissolution of the famin, he is ay as it were *minor* anent his said propertie. All annexations ar perpetual, and induris continuallie, ay and quhill ane lauchfull dissolution be maid be onie King: Induring the time of the quhilk dissolution, the annexation ceasis, and sleeps, and the dissolution being ended be decaife of the maker therof, the said annexation beginsto quicken *quasi reviviscere*. In sik forthat the King quia succedis to the maker of the said dissolution may set na fewes of his annexed propertie, be vnew of the dissolution made be his predecessor, but mon make ane new dissolution to the effect forsaid. Quhilk fault and vice, I finde in divers and findre infestmentes of the propertie; and specially in the minoritie of King James the Fifth, quhilkis are wrongfullie given be vertue of the dissolution maid be King James the Fourth, his Father. *vid. Dissolution.*

The King's
propertie
wrongfullie
annulled.

Annexati-
on perpetuall

ANNUELL ane word used in the practik of this Realme, for ane zeirelie revenue, or dewty, payed at certaine termes, either legal, quhilkis are called *termini legales vel legitimi*, prescribed and appoynted be the law of this Realm, sike as Martinnes & Whit-fondays; Or conventional as pleas the parties list agree, and appoynt, be paction and contract, as betwix *Zule* and *Candell-mee*, or onie uther time. In the Actes of Parliament maid be Quene Marie 4. Parlia. 29. Maij. c. 10. mention is maid of ground annuell, few annuell, and top annuell, quhairof I have red na mention in onie uther place; and ane intencin quhat they do signifie; but referis the famin to the judgement and opinion of the Reader. Alwaies ground annuell is esteemed to be quhen the ground and propertie of onie land bigged or unbiggid, is disposed and annallied for ane annuell to be payed to the annallier therof, or to ane uther person, sike as onie Chappellaine or Priest. Top annuell is ane certaine dewtie, given and disposed furth of onie bigged tenement, or land, of the quhilk tenement the propertie remanis with the disposer, and he is onlie obligid to pay the said annuell. Few annuell, is ather quhen the few mail, or dewtie is disposed as ane zeirelie annuell. Or quhen the land, or tenement is sette in few-ferme heretofore for ane certaine annuell to be payed *nomine fendi-firme*. The annuell of Norwaie quhairof mention is maid in the actes of Parliament of King James the third, and in the Register of this Realme, was ane annuell of the summe of an hundred markes, sterling money, quhilk the Kings of this Realme was obligid to pay zeirelie to the King of Norwaie, for the cause after specified. Because Donald Base, brother to King Malcolme Canmorri, wrongfullie after the decaife of his brother usurped the richt of the Crown against his brother sones, Edgar, Alexander, David, and uthers. And for help, and supplie, gave all the Iles of Scotland to the King of Norway, quhairthrow, and for uther occasiounes, monie bluidie and cruell battalles followed, until the battell of Largs 3. August. 1263. In the time of King Alexander the third. And Aho King of Norway: Quha thereafter in the famin zeire 22. Januare departed in Orkney. And the Scottis beand victorious, Magnus the fourth of that name, King of Norway, sonne to the said Aho, maid peace and concord, with the said King Alexander in anno, 1266. and renounced, quite-demid, and discharged all richt, or title, quhilk he or his successours had, or might have, or pretend to the Iles of Scotland. The King of Scotland payand therfor zeirelie to the said Magnus, and his successours ane annuell of an hundred markes, sterling money. Quhilk contract and agreeance was ratified, and confirmed be Haquinius King of Norway, the fifth of that name, and Robert the first, King of Scotland, in anno 1312. Borat the last the said annuell, with all the arrearages, and by-terms thereof, was discharged, and renounced *simpliciter*, in the contract of marriage betwix King James the third, and Margaree, onlie daughter to Christianus the first, King of Norway, Denmark, and Sweden, 8. Septemb. 1468. Quhilk discharge is nocht onlie ratified, but also renewed therafter be the said Christianus 12. Maij. 1469. And like-wise the said King James the third 24. Fe. 1483. commanded his Ambassadors send to the Paip, to desire confirmation of the said perpetual renunciation, and discharge of the contribution of the Iles.

Ground ali-
nuell.

Top annuell.

Few annuell.

The annuell
of Norway.

BE A R A G E, utherswaies Average, from *Averia*, Quhilk signifies ane beaft, as false heretafter expoued: And twa consequentlie Average, signifies service, quhilk the tenant aucht to his mailter, be horse, or cartage of horse 18. Jan. 1501. John Stewart contrair William Blair. In the act of Parliament Ja. 4. p. 2. c. 10. It is written *Soavage*. And likewise, in the indenture at Perth pen. Mart. 1371. betwix Robert Stewart Earle of Menstith upon the ane part, and Dame Isabel Countess of Eife, on the uther part, it is plainly written, *in Soavagis & Carigais*. In the quhilk indenture, the said Isabel daughter and aire to Duncane Earle of Eife, & spouse to Walter Stewart brother to the said Robert, in the time of her Widuities, after the decaife of her said husband, obligid hir, to resigne the said Earldom of Eife, in the Kingis hands in favour of the said Earle, for new heritable infestment therof, to be given to him. The quhilk indenture is subscribed be Joannes Rollo, quha was secretary to the said Earle. And conforme thereto, resignation was maid: for the quhilk scho received zeirelie for her sustentation, an hundred fourtie five pounis, sterling money. Like as also the said Isabel 22. Junij 1380. resigned *ad perpetuam remanentiam* in the hands of K. Robert the third, the Barone of Strathbarr, Strathbarr, Discher, Toyer, with the Ile of Tay, lyand within the Schirefdome of Perth. The Barone of Comill, and Onchil, with the fortales therof, and patronage of the Kirk of Kincairdin within the Schirefdome of Aberdene, the Barons of Crumdaill, and Affon, within the Schirefdome of Invernes, the landis of Strabovie, and Abrauidale, within the Schirefdome of Dumf. The landis of Logyashry, within the Schirefdome of Perth; the

Isabel Countess
of Eife.

Swairde
Land, per-
taining to the
Crown.

De verborum significacione.

Normand. l. 5. c. 2. Nu. 7. *Zafus* de Feud. Tit. qui *Fendum dare possunt*. Some callis Banerens them quha hes Baner rent, and divided in fundrie partes. Others callis them quha hes the rent or zerlie de wite of an Baronne. And sik-like, some understandis them quha bearis the Kingis Baner in his hoiff and armie : quhilk office and honour, pertains heretablie, and allanetie, to the Coostable of *Dunbar*, the Kingis Baner man. But all men when they are belted and maid Earles, are called Baronne Banerens, and Lorde of our Sovereine Lordis Parliament : Quhairby it is manifest, that the said dignitie is common to manie, and nocht proper to ane man : And therefore seeing *Zafus* in the place foresaid, writis, that Banerent is ane dignitie concerning weir-fare : I think in my opinion, that Banerens are called *Chevaliers* of armis, or *Knichtis*, quha for obtaining of great honours, dignities or riches, hes power, or priviledge granted to them be the King, to raise and list up an Baner, with a companie of men of weire, either horse-men, or fircemen, quhilk is nocht lesam to any Earle or Baronne, without the Kingis speciall licence, asked and obtained to that effect : As *Henric Pasquier Advocat*. lib. 2. des re. cerbes de la France. c. 9. Fol. 100. provis be money and fundrie arguments of the Historie of France. And Doctour *Thomas Smith*, an learned man, in his buike, anent the common will of England. lib. 1. c. 17. Sayeth that *Knichtis*, Banerens, at maid in the felds, with the ceremonie of cutting of the poynt of their standard, and making of it as it were ane Baner, they being before Bachelers, are now of ane greater degree, allowed to display their Armes in ane Banner, in the Kingis hoiff and armie.

BANNITUS, Banished for onie crime or uther cause. *Bannum*, signifies ane trumpet, in latin *inbas*, as writis *Alciatus*. l. 2. par. c. 2. ex *Procopio*. l. 4. belli *Persici*. And be the common use and consuetude of this Realme, quhen onie person is banished, or put to the horne, the same is done with three blaifs of an horne, or a trumpet. And for that effect, it is stature and ordained that the Kinges maire, or serfant fall have ane horne and wand. Ja. 1. p. 7. c. 99. for with the horne he denunces men rebellis, and with the wand, he receives them to the Kingis peace, quhilk therefore is commonlie called the wand of peace. An *Bannius* possit impune, offendi in corpore & bonis. vid. *Cheffaneum in consuetud*. Burgund. R. 2. Sect. 1. ver. confiscationis. Nu. 7. cum seqq.

BARO, An Baronne. *Zafus* de Feud. Tit. qui *feudum dare possunt*, writes conforme to *Cornelius Tacitus*, in *Libro de Germania* : That *Dux*, or ane Duke, is the Governour of ane Province, or Armie, *Comites*, or Earles, are they quha are affealous to the Duke or Prince. *S*W *A* called a *comitandus*, because they accompanie the saidis Dukes, and never callis out of their presence.

Marchiones, ar *Marqueffis*, *Wardaines*, or keepers of the *Bordoures* : For *Mark*, *Marche*, in Latine *Limes*, and *Mark-grove* in Dutche, is *Comes Limianens*. And all *Marchiones* dwelling on the *Bordoures*, or *Marches*, of the Cuntrie. Asin this Realme the Earldome of *March*, quhilk perteineth to OVR SOVERAINE LORD, As ane part of his annexed propertie. Bot *Comes Martialis*, or Earle *Martialis*, is ane man of dignitie or jurisdiction, *de morte*, *vel bello* : Because the jurisdiction of weir-fare perteinis to him. *Alciatus libro de singulari certamine*. c. 32. Affirms, that like as the Earle is inferior to ane Duke, swa ane Baronne is inferior to ane Earle : And that *Baro*, cumnis fra the Greek word *Beris*, *grævis*, wife, grave, prudent, and discreet : Bot contrarye wife, *Petrus Pithæus*. lib. 1. *Advocariorum* writis, That *Baro* signifies ane bairst, fuile, or un-wife man. Quhais opinion, I cannot gudlie approve.

Baldus in Cap. Innocentii de electione, definit *Baronem*, ut sit quisquis merum iustumque habet imperium in aliquo castro vel oppido, ex concessione principis. In this Realme he is called an Baronne, quha holdis his landes immediatlie in chief of the King, and hes power of pit and Gallous.

BARRATRIE, or *Barrataria*, ane kinde of *Simonie*, especiallye in obtaining the richt of benefices. *Cocinus* reg. 55. *Baldus in consilio* 21. *Pari*. 5. For all men passand to *Rome* and buyeand benefices committis *Simonie*, and are called *Barratores*. Be quhome *Barrarie* is committed, and quhat is the paine thereof, it is manifest be the actes of Parliament. It is ane Italian word, and be the *Italiane* interpreters of the civil Law, *Barrataria*, is quhen ane Judge corrupted be buddies (lik as gold and silver) judgis wrongfullye, *Petrus de Raven. singulari*. 156. and swa doing sellis Justice for meid and profit, and makis his office deere to be bought be him, quha will give maiff thereof. *Angel. de Syndicatu*. Nu. 4. For the quhilk crime he may be deprived, and shalpe punished. *Barro*. 1. l. *Maoria*. 13. Sect. 1. nu. 2. de *annu. legat*. And likewais *Barratores* in the Law of England, suld nocht be suffered to make lute, or to give judgementes or pronunce sentence or doomes, anno 3. *Edward* 1. c. 32.

BASTARDUS, in French *Bastard*, anbarne unlauchfullie gotten outwith the band of Marriage. Quhilk word is barbarous, and (as I suppose) an reason can be given quhairfor it is so called. Bot *Gabriel Palessus*, in his buik de *nothis*, *Spiritualis filius*. c. 18. allegis it to cum fra *Bastardus* ; quhilk signifies ane huire, or common woman : Be reason that bastards are commonlie gotten and procreat with sik weemen, in Greeke he is called *nothos*, for in *notha* signifies that part of the fathers gudes & gear, quhilk be the law of the *Athenians* leasumlie might be given be the Father to his bastard sonne, extending to the summe of mille *drachme*, and therefore *Nothos* was called all that was not weir or lauchfull, as writis *Budæus in Pandectis*. And swa *Nothos* cum fra *no*, *privatio* a *particula*, & *thei-on*, *hæ*. *divinum*, *teste Suida*. Because he wantis that quhilk is godlie and lauchfull, that is ane honest and lauchfull birth, or parentage. And swa *nothos* dicitur qui non sit legitimus, to the quhilk ther is in ae proper Latine word correspondent, as *Quintilianus* testifies lib. 3. c. 6. Nevertheles, he is commonly called *Spiritus*, for in. l. i. ff. de *posse. contr. tabul*. *Spiritus* di-

cuntur para ten sperans, h. c. statione, vel seminatione, etaque uaga, & promiscua, ubi doctores sperand legunt, quasi parum concepti, like as they are called vulgo concepti. l. in adaptivis. 14. de ritu nuptiarum. Likewill *Spiritus* was the proper name of ane man amooigis the *Romaines*, as *Titus*, or *Caius*, and was written with two letters *Sp*, and likewais they quha had na certaine Father, was designd with the saids twa letters, *S*, and *P*. And swa be common use and consuetude, *Spiritus* dicebatur sine patre, as writis *Plautarchus in problematibus*, because ther Father and mother nocht beeing lauchfullie married, they have na certaine Father : quia pater dicitur quem legitima nuptia demonstrant. l. 5. ff. de in ju vocand. And it is alike to have na Father, and to have incertaine Father, as we say, he quha will have none Gods, hes na God. *Postremò Blondus lib. 8. Roma triumphantis*, sic inquit qui illegitimatus natus est ex concubina vel foris, contumeliose causa, *Spiritus* dicitur, eo quod Sabini, muliere pudendum speron appellarent : hæc ille. *Inhonesto originis genere in latere edunt, infami & inhoneste appellatione notare voluerunt veteres*. And that part of weemens clairs, lik as of their gown, or petticoat, quhik under the belt, and before, is open, commonlie is called, the spare. As concerning the succession of bastards, this (severt rules are to be observed, conform to the Law, and practise of this Realme. First na bastard, nor na person, nocht procreat, and gotten in lauchfull marriage, may onie wais be lauchfull aire and succesor to one of our Sovereine Lordis lieges. lib. 2. c. in custodiis. And succesor of God *Ismaell* being bastard, gotten upon ane bound woman *Agar*, might not be aire to *Abraham*, with *Isaac*. Gen. 21. 10. Because all richt of succession is be reason of blood, and consanguinitie of the Father side, quhilk is called *ius agnationis*, and therfor ane bastard, quhais Fatheris incertaine, be the law is understand, be the reason of blood to be sib to na man, and nane to him, & ubi nullus est pater legitimus, ibi nulla est agnatio aut successio ratione agnationis.

Secundlie the bairnes maill, or female, lauchfullie gotten be ane bastard, with ane lauchfull married wife, succedis to him as righteous and lauchfull aires, in his Lands, gudes and gear, in the samin manner, as gif ther father had been gotten and borne in lauchfull band of marriage, quia filius est hæres legitimus, quem nullus demonstrat. lib. 2. c. in custodiis 50.

Thirddie gif the lauchfull bairne maill or femaill of ane bastard, succedesto him, and thereafter deceasith without lauchfull aires gotten of his awn bodie, or without lauchfull brother or sister : and lauchfull testament and latter will maid be him, all and hail his lands, gudes and gear, nocht being disponed and analied be him in his lifetime, aucht and suld perteine to the King, be the priviledge and richt of his Crown : Because, as saidis, ther is na richt of succession in this Realme, be the Mother side, and the sonne or daughter of the bastard deceasand as saidis, hes na person sib to him be his Father side : And swa all richt of succession ceasand baith uppon the Mother and Father side : tom ratione agnationis, quom agnationis, the King be reason of his Crown, is universall succesor to him in his lands, gudes and gear, as *ultimus hæres*. Fourthly, ane bastard being legitimus, or not legitimus, may in his lige pousty and induring his lifetime, annalie and dispone his landes, gudes and gear moveable, and unmoveable, to quhom he pleasis, in the samine forme and maner as onie person gotten in lauchfull bed may do be the Law.

Fifilie, all gudes moveable and unmoveable of ane person borne bastard and deceasand bastard, without lauchfull aires gotten of his bodie, and na disposition thereof maid in his time, perteinis as escheire to the King, be reason of the richt of his Crown. lib. 2. c. quarti autem. 51. leg. fore. c. si bastardus. 50. de iudic. c. si bastardus. 54.

Sextlie, ane bastard being naturalized or legitimus be the King under the great seal, be the practise now used and observed, hes allanetie power to make testament, dispone his moveable gudes and gear, and nominate executors, conforme to the Law of this Realme : be the quhilk Law, na man lauchfullie, or unlauchfullie gotten or borne, may make onie disposition in his testament, bot of his moveable gudes allanetie. For na man upon his death-bed, or in his latter-will, without consent of his aire, may dispone ony part of his heritage. lib. 2. cap. Potest 21. cap. Cum quis 36.

Seventhlie, gif ane bastard legitimus and rehabed in his life-time, makis ane testament lauchfullie : The King thereby is excluded fra all richt and intromission with his moveable gudes : Bot gif he makes, ane testament, quhilk is null and unlawful : Or gif he makis na testament : The King be reason of bastardrie, succedis to him in all his moveables, and unmoveables. For in this case, the effect and power of the legitimation ceasis, and hes na operation.

Achtlie, quhen ane bastard deceasith without ony lauchfull testament maid be him, or not havand aires lauchfullie gotten of his bodie : The King, be his Theasurer, or ony uther havand gif and power fra him, may intromet with all the moveable gudes quhatsoever, perteinng to the bastard, the time of his deceafe, and not disponed be him in his lifetime, as escheit pertaining to his Hieneffe, be reason of his crown and Kinglie power.

Ninthlie, Sick-like all landes and tenements pertaining to the said Bastard, the time of his deceafe, and halden immediatlie of our Sovereine Lord in chief, after his deceafe perteinis to the King, and the propertie thereof, be deceafe of the bastard, and be reason of escheit of bastardrie, belangand to the Crown, is consolidat with the superiority in the Kingis person : in sik forme and maner, as gif the bastard in his life-time, had maid resignation thereof, in the Kingis handes.

Tenthlie, Concerning landes and heritage, pertaining to ane bastard, not halden of the King, bot of ane uther superior, Spiritual, or Temporal, the King hes richt of presentation : Be the quhilk, after the deceafe of the bastard, he may present ony person quhom he pleasis, as heretabie tenent

Dux.

Comes.

Marchio.

Comes Martialis.

Nothus.

Spiritus.

Spare.

De successione alicuius personæ Bastardorum. Bastardus non potest esse hæres.

Legitimus filius bastardus non potest esse hæres.

Fiscus succedit filio vel filie, Bastardus.

Bastardus si suo alieno potest, tamquam liber eorum dominus.

Fiscus succedit bastardo.

Bastardus legitimatus potest testari legitimus.

Bastardus legitimatus potest testari legitimus.

Testamentum illegitimi factum non excludit fiscum.

Bona mobilia Bastardi sine defensione.

Bona immobilia D. N. tenentur in feodum.

In alienatione immobilium Rex habet ius presentationis.

petent judge, at the instance of ane perswearer against ane defender. For it is Statute, that a man shall be ejected fro his land or tenement, & quhairin he allegis him to be veist and failed, & that he ane brieve pleadable or sum other brieve accordand therio, & that the said perswearer lawfully summons, to answer upon his heritage, at ane certayne day & place. Stat. 2. Rob. Tr. c. Item. 2. s. quhilk is conforme to the acts of Parli. la. 3. p. 6. c. 4. 1.

B R E V E de reitō, the brieve of reit was used before the Justice general and his deputies in decision of the ground, rick and propriety of lands, and redaction of infemments, the quhilk forme of process is declared at length, in the first buk of Regiam Majestatem. and in quo. assach. e. de brevis. 13. and be the Lords of council and session is decerned nocht to have bene, nor zit to be thir mony zeires in use, and therfore they find themselves, conform to the institution of the Colledge of Justice, and jurisdiction granted to them, to be judges competent in all causes of heritage, vizt. Februar. 1542. Patrick Weemes contrair Forbes of Keres.

B R E V E de morte antecessoris, the brieve of Mortanceffric. l. 2. c. generalia. 25. Or the brieve of succession, or of consanguinitie, de iudicib. c. Naturalia. 158. Or brieve inquisitionis. Stat. Rob. 3. c. 1. Or the brieve of inquest. l. 4. p. 6. q. Albeit all brevies are inquisitions, because they are determinate per inquisitionem patrie, de iudicib. c. cum quō. 152. or the brieve of recognitionis, brieve recognitionis. Stat. 2. Rob. Tr. c. Item. quō. 23. It is the maill necessar, common and profitable brieve, or inquisition that is used be the lieges of this Realme, quhairy air desir, to be served and retoured, as narrest and lauchfull air to his father or uther predecessour. This brieve is raised furth of the Chancellerie and perswearer be an appeirand air of perfitage, for recovering of hislandes, furth of his superiours handes: to gadder with all the profits and commodities therof. leg. forest. c. et sibi. 71. The raiser of the brieve at the famin time suld find caution to perswew and follow the brieve, and his clame conforme therio. lib. 3. c. generalia. 25. Be the auld law of this Realme, the Justice general and his deputies havand jurisdiction nocht onelie in criminal causes, bot also in civil actions, was judge competent to the service of this brieve. quo. assach. e. de brevis. 31. Bot now the famin is served before the Schirreff, Stewart, ballie, or on uther judge havand power and jurisdiction. Stat. Rob. 3. c. 1. Or before judges delegat be commissiōn, granted be the Lords of Council, for the serving of the said brieve. la. 5. p. 6. c. 82. The brieve suld be proclaimed upon fiftene dayes warning excludit. That is upon fiftene daies, nocht comptand the daie of the service of the brieve to bee ane of them, be ilk persons, as hes power be their office or commissiōn, to proclame the famin, in ane lauchfull, publick, and convenient place: That is to say, in the principall Burgh of the Schirreff-dome, Balliery, or uther place quhair the landes lies: at the mercat croce therof, and in mercat time of daie, before twa witnesses at the least, to the effect that the knowledge therof may cum to the audience of all parties, havand or pretendand thereinall, and thereafter the brieve suld be lauchfullie execute and indorfate, be the officiar, executor therof, and stamped with his seale or signet before the famin be presented in judgement. Stat. Rob. 3. c. 1. l. 1. p. 9. c. 127. l. 4. p. 6. q. 94. l. 6. p. 11. c. 60. In registro 16. No. 1537. It is necessar and also lawful to the Schirreff, or on uther iudge of this Brieve, to summons certaine persons maill worthy within his jurisdiction to passe upon the assise, and that upon the space of fiftene daies, or zit gif he pleas upon ane schorther time, and gif they be present in the tolbuth unsummed, it is leafsum to the Judge to compell them to passe upon the said inquest. la. 4. p. 6. q. 94. And ilk sk persones summonsed and nocht comparand, at charged at the barre and disobeyand, suld be decerned in ane unlaw and amerciamēt of court; The brieve beand lauchfullie proclaimed, and the persons of inquest ilk waies summonsed, and the daie of comparance being cum: the perswearer exhibitis and presents the brieve dewlie execute and indorfate, in judgement to the Judge, and desiris him to cause the famin be red, and put to the knowledge of ane assise: Thereafter the officiar, executor of the said brieve, be his great aith, fall swear judiciallie, that he did execute the famin brieve, conforme to the indorfation thereof in all poyntes, and the witnesses therein there-in, fall also make faith, that they heard, saw, and by stude, quhen the said officiar did execute and proclame the Brieve, in ilk manner, as is containd in the indorfation therof: The brieve and indorfation being fwa verified, gif ony person havand entresse, compertis to defend and object against the brieve, he suld have inspection thereof, gif he desiris the famin: And gif he proponis ony relevant exception, declinator, dilator, or peremptour: Hee thereby callis and annullis the Brieve. either unill ane new brieve be raised againe, or simpliciter in all times cumming: utherwaies, gif he has no reasonable exception or defence to stop the brieve, the famin fall passe to the knowledge of ane assise, Quoniam assach. e. de brevis. 13.

T H E N Certaine lauchfull menne maill worthy, and quha beste knawis the veritie, to the number of Threeteene, or fiftene, ar chosen in judgement, in presence of the perswearer, and defender: Or in presence of the perswearer, and in absence of the defender, knawin to have entresse, and being lauchfullie summonsed, and nocht comparand, to the said election, to object against the assise: For likeas it is necessar, that he be anis summonsed: Swa gif he compertis nocht, being lauchfullie summonsed, the brieve suld receive process, and passe to the knowledge of ane inquest, at the desire of the perswearer, in absence of the defender. lib. 3. c. Generalia. 35. ass. Reg. Da. c. stendim ass. 44. lib. 4. c. Si petens. 57. Quhilkis persons, na lauchfull objection maid against them, suld be received, s'worne, and admitted: And therefore ar calld Juratores. vid. Bona Patria. And gif they, or onie ane of them be s'worne and received, the judge may continue the brieve to ane uther daie, gif he pleas, and as necessitie requiris: utherwaies the continuation thereof, is nocht leafsum, without the

consent of the partie, after the clame is given in; And inquisition taken in the cause, gif the persones of inquest, being well counsellid, and adviced, deliveris and servis Negative, in favours of the defender, and findes the perswearer na waies nearre and lauchfull air to him quha doid laif Vette, and failed in the Landes aschimed: In that case the defender dois bruk and joyis the possession of the said lands, and the perswearer is debarred and seclated therfro. Bot gif the assise deliveris and servis negative, as said is, or affirmative, in favours of the perswearer against the defender, conforme to the clame in all poyntes: This thir answer to all and sundrie the poyntes of the brieve, seald with their seals, or of the maill part of them, togidder with the seale of the Schirreff, or uther judge closed, and the brieve inclosed therein (to the effect the same may be confered with the answer) is sent back and retoured to the chancellerie, conforme to the Kings command, containd in the end of the brieve. Stat. Rob. 3. c. 1. Quhilk therfore is called ane retour. And it is to be writ, that there is twa kinde of retoures, or answeres maid be the persons of inquest, to this brieve, and retoured to the Chancellerie: The ane is general and the uther speciall: The generalis, quhair na landes or tenements ar speciallie acclamed or toucht be the perswearer of the brieve: Bot onelie it is desired, that hee may be served and retoured generale, nearre and lauchfull air to his Predecessour: To the quhilk general clame, ane general retour is maid, be verue quhairof to the said general air, hee gude richt and title to all contractes, obligations, and reversions, and to the moveable air-schip guds, quhilkis pertained to his predecessour, and were not discharged, or disposed before his decease, in his liege poultie: And ilk-like, he may perswew, and defend quha sume ever action competent to him, be decate of his faine predecessour, to quhom he is served air general. 8. March. 1540. James Scot, contrair Blair: The speciall answer and retoures, quhen the perswearer

The clame of consequence.

Service affirmative.

Retour.

Two kinds of retour.

General retour.

Speciall retour.

Of lands returned towards holden of an uther superior.

The second precept.

The third precept.

The fourth precept.

Two manners of writ of superiouritie.

The perswearer of the brieve.

The Judge.

Proclamation.

Indorfation.

An assise sould be summonsed.

Verification of the brieve.

Defender.

An assise is chosen.

Continuation of the brieve.

of the brieve, claimis speciall landes, and the persons of inquest givis ane particular and speciall answer to ilk speciall poynt of the brieve. l. 1. 6. 4. c. statuti Dominus 45. The quhilk is direct and sent to the directour of the Chancellerie, to be tryed be him, gif the famin be conform to the direction and ordony of the brieve in all poyntes. Here is to be understand, that the landes containd in the retour, ar halden immediatlie of our Sovereine Lord the King, or of ony uther superior. Gif the landes be halden of the King in chief, the directour of the Chancellerie, comandis his Clerkes to direct ane precept, under the testimoniall of the great seale, called the quarter seale, in quhite Walk, to the Schirreff of the Schire, quhair-in the landes lyes: commanding him to give saifing to the person retoured, or his Actouray, of the landes containd in the retour: And to take securitie of the mailles aud dewties of the landes, sa lang as they ar retoured, to have bene in the handes of the King, or his Predecessours, be reason of wards, or none-entresse, quhairof ane memoriall is made in ane buk called, Responde, vid. Responde. Gif the landes retoured be balden of ane uther immediate superior then the King: The directour of the Chancellerie, directis ane precept, charging the superior, to give saifing to the person retoured, of all and sundrie the landes containd in the retour: He doand to him therefore all quhilk he is obliged to do be the Law: Quhilk precept, gif the superior disobeyis, beand required personallie, or at his dwelling place, to obey the famin: And for verifing thereof, ane authentick instrument reported to the Chancellerie: Then the second precept, called Meminimus, is direct to the saide superior, beand in effect, that the King remembrand, that of before he gave command to him to give saifing: quhilk command as zit is nocht obeyed, quhairof he mervallis: And therefore zit, as of before, chargis and comandis the said superior, to give saifing to the person retoured, of the landes containd in the retour. And gif ane uther authentick instrument be reported to the chancery for verifcation of the superiours disobedience the second time: The third precept calld Furche, is direct, commanding him to give the said saifing, or utherwaies gif he disobey, the king certifies him, that he will direct his uther precept to his schirreff to give the famin. In the execution of all thir three precepts, it is not necessari, that the superior fall be personallie apprehended. But it is sufficient gif he be fa charged in the execution of any ane of them. The third precept and charge being likewaies disobeyed, and the famin disobeyed lawfullie verified, as said is: ane precept is direct furth of the chancellerie, to the schirreff and his deputies of the schire within the quhilk the landes retoured lyes. As kand mention, that the King hes given command be his uther letters, to N. Barron and his deputies, that he without delay suld give saifing to the person retoured, or his attouray of the landes containd in the retour, quhilk gif he dois not, he comandis and chargis the schirreff, to give saifing of the saids landes with the penitents without delay, saifand ilk mans richt. Quhilk precept being obeyed be the schirreff, and saifing given conform therio: the superior who was three times charged of before and refused, be reason of his disobedience, tynis and forfealts the superiority of the lands quhairof he refused to give saifing induring his lyfe time. Quhilk superiority fall pertain to his immediat superior, quhiddir that be the King or ony uther. And after his deceas, his air be served and retoured to the superioritie of the famin lands, recoveris the said superioritie quhilk his father did time throw his disobedience. And fa be the law and practice of this realme, ane superior may tynne and forfealt his superiority. First, quhen he is entered and failed in the superiority, and being charged be precepts of the Chancellerie, refusis to receive his vassall, & tenants, served and retoured to the property. In the quhilk case be reason of his contempt and disobedience of the Kings precepts and command, he tynis the superiority, induring his lyfetime, without ane declarator, or decreit of ane judge. Secondly, quhen the superior is not entered nor failed in the superiority, and is charged be the Lords letters raised be his vassall, to cruet within fourtie dayis thereto, to th' effect he may

inty enter to the propriety. The q. thilk forty dyes being by-past, at the inst rate of the vassil, he may be deceiv'd be the deceit of the Lords of the Schire to have tyn: his supnodoty, and to falsifie the partie grieved. 14. 3. p. 7. G. 57. And in bath the causes foresaid, the vassil, or tenant, false entered an half of the King, or the other immediate over-lord, to him quia contemptum d. b. l. d. b. l. Last of all, concerning the giving of fising conforme to briefes served and returned before the judges, commissioners the forme and ordour of the Chancery above written, shal be kept and observed, and gif the landes returned be holden immediately of the King; the precept of fising shal be direct to the Schireff and his deputies. For the Lords auditors of the Checkers statute and ordained, 8. Aug. 1528. that in time coming, the clerke of the Chancery, upon the briefe served be an commission, shall direct the precept of fising, to the principal shireff of the shire, and make the respon upon the shireffs head, notwithstanding the said commission, quilk is ordained altherly to have effect, anent the serving of the briefe, and not anent the giving of the fising. And true it is, that all fising past upon precepts of the chancery, shal be given by the shireff clerk or his deputies, for the quilk the shireff shal answer. 14. 5. p. 6. c. 77. Mar. p. 6. c. 34.

Precepts of fising given conforme to returns to commissioners.

BROCCARI. In *statutu gilde*, signifies lockers, brokers, mediators, or intercessors in one tractation, paction or contract. As in buying and selling, or in contracting of marriage. In the civil law they are called, *Proxeniæ*. Lib. 1. c. 101. iii. de *Proxeniæ*.

BULLION an French word, *Billon*, signifies uncuzied silver or gold quhairto silver or gold is, or may be cunzied or striken: sik as *Ballucan* in greek *Chrysanon*, he. *auræ arenas*, quæ *ex terra effundit*. lib. 1. e. de *metallicis*. l. 11. In the English lawes it is called *Pallion*. In the acts of parliament of this realm, is it statute and ordained, That merchants shall bring hame Bullion, quhair-anent the Lordes of checker maid this ordinance, At *Edinburgh* the 10. day of Janua. 1597. In presence of the Lordes of checker compeired personally, the Provost, Bailies and the Treasurer of *Edinburgh*, with certain merchants their neighbors, and gave in their supplication, desiring the A. B. C. of Bullion to be explained, and an solide order to be taken with the expres quantity of Bullion, quilk they shalbe astricted to pay presently, & all time hereafter. After conferensio quhairto, & conference had at length with them, upon the particularities concerning the said matter of Bullion. The saids Lordes of checker, with consent of the saids Provost and Bailies, for themselves, and their remanent neighbors, and merchants of this realm, shes statute and ordained, that all merchants shall bring and pay in all time coming, for ilk last of hydes, sex ounces Bullion: For ilk last of Salmond, four ounce Bullion: For ilk 4. hundredth claith, four ounce Bullion: For ilk ferpenth of woole, four ounce Bullion. And for all other wares and merchandise transported be them furth of this realm, for ilk ferpenth of gudes, or fa-meikle as payis ane ferpenth of fraucht: The said Merchant shall pay, four ounces of Bullion: And untill maie perthe knowledges, be had of the full quantitie of the ferpenth, or landis was tun fraucht, to be comprid to the sek: And twa sek fraucht to the ferpenth. And the said Bullion to be in-brocht to the *Cunzie-houfe* be the merchandes: And payment to be maid to them for the famin, conforme to the act of parliament maid there-anent, upon the nineteenth day of December, last by-past.

Ane A. B. C. of the Bullion, set downe by the Lords of checker, for gudes transported furth of the Countrie. And declared be them, to be conforme to the acts of Parliament. And the acte of checker, above specified. 13. Febru. 1597.

The last of drinking beare	ij. ounce burnt silver
The last of Quate	iiij. ounce
The last of Beare	iiij. ounce
The last of Malt	iiij. ounce
The last of Rye, and Ryemeale,	ij. ounce
The last of Killing, Codlinge and Ling	ij. ounce
The last of Ollie	ij. ounce
The last of Orkney butter	ij. ounce
The last of Hering	ij. ounce
The last of Salmond	iiij. ounce
The last of Saipe	ij. ounce
The last of Affe	ii. ounce
The last of Pick and Tarre	ij. ounce
The last of Lint and Hemp	ij. ounce
The last of Irre	ij. ounce
The last of Copper containing 14. schip pund	ij. ounce
The last of Hart hides, dry hides, and salt hides	vj. ounce
The tun of wine	i. ounce
Ik four hundredth of claith	iiij. ounce
Ik sek of cheip skins containing 300.	ij. ounce
The ferpenth of lamb-skins containing 800.	iiij. ounce
The ferpenth of cunning-skins containing 16000.	iiij. ounce
Ik ferpenth of fustelles containing 4000.	iiij. ounce
Ik sek of gait-skins containing 680.	ij. ounce
Ik three chaldor of salt	i. ounce
Ik hundredth of dailes	ij. ounce
Ik last of Narvystalloun	ij. ounce
Ik tunne of lead	i. ounce
Ik four chaldor of coales	ij. ounce
Ik three hundredth of drie fish	vj. ounce
Ik thousand ling or killing in peill	ij. ounce
For ilk four cradill of glasse	ij. ounce
For ilk sek of wooll containing xxxij. stances	ij. ounce
The last of wax, containing xiiij. schip pund	ij. ounce

BURLAW, Eylaw. Lawes of *Burlaw* are maid, and determined be consent of neighbors elected and chosen be common consent, in the courts, called the *Burlaw* courts. In the quilk, cognicion is taken of complaints betwix neighbour and neighbour, lib. 4. c. The quilk men fall choosen, as judges and arbitors to the effect foresaid, are commonly called *burlaw* men. It is an Dutch word, for *bour* or *bursum* in Dutch, is *rusticus*, an husband-man. And *burlaw* burlaw, or burlaw, *leges rusticorum*: Lawes maid be husband-men, concerning neighbour-hold to be Augustamngs themselves.

CADROW, quhairto mention is maid in the act of P. printed, r. 568. Ja. 2. 4. An. 1454. c. 41. wrongfully, for *cadrow*, becaufe furth of the barony of *Cadrow*, an zeiry pension or annuel-rent of 26. pund 15. schil. 4. peny was paid to the King in the checker, as is manifest in the Schireff-rolles. Ja. 2. 1456. and likewise in the Schireff-rolles, Ja. 3. 1487. in the quilk rol, the barony of *Cadrow* is called *Hammilton*, & in divers others rolles. **CANUM, Cana.** In indie charters and settlements of lands, specially holding of the kirk, is commonly used, for the duty and revenue quilk is paid to the superior, or lord of the land, and specially to bishops, or kirk-men, quhairto it be quheac, beir, aites, or uther kinde of vicuals: solt, or summes of mony, as is manifest, *July*, Feb. 1509. The King contrare the *l. of Balmonch*. That nevertheless, the lands of *Kilconquhair*, liand within the schireldome of *Fyfe*, are returned to be holden be service of ward and reliefe, payand an certain fun of silver, *nomine canis*, to the B. of S. Andrews. Quilk he to be well done, I cannot assure: for it is certain, that all lands holden *nomine canis*, payis ane certain fun of silver, or some uther certain duty, particularly exprest in the infeftment. Sa gif that manner of holding be like to the holding be service of ward and reliefe: of necessitie the famin mon be ane taxed ward, and during the time thereof, the tenant full pay na maie but the particular summs or duty contained in his infeftment. **Canum**, appers to be an Irish word, for *Keane* signifies the head, as King *Malcolm Kemnor*, *grandis Capite*, vel *capite*, great head and likewise *Kain* or *Chan*, is called tribute, payed be the servant, or subiect to the maister, as I have red in an auld anienick register of the bishopric of *Dunkeld*, quhair it is called *Chan* or *Chanum*. And amongs the *Romaines* there was twa kinds of tribute: ane real, quilk was impute be reason of the quantity of the landes and guds immovable, quilk is called *jugatio*, *quod pro jugo iugum imponebatur*, l. 9. c. de *agricol. et censil*. lib. 1. A. In uther perfon, quilk is imposed to the perfon, and is called *capitatio*, *quod pro capite hominis prestat*, d. l. 9. *canal*, seq. c. *ubi gl. sacrosancti*, 8. c. de *facrosancti*, *eccles. lib. 1. c. de annon. et tribut*. lib. 9. And in the *Evangel*, *licetne dare censum Cafari*. *Theod. Pera interpretis*, *licetne dare captationem Cafari*. *Aulus Gellius*, and uther latin writers makis mention of them quha was taxed be the head or pow. In latin *capite censu*. Sa this word *Cane* signifies the head, or rather tribute, or dute, as *ane* towles, *Cane chels*, *Cane aites*, quilk is payed be the tenant to the maister as ane duty of the land, specially to kirk-men and prelates, quha in the time of their greatnes and supremacie, used ane forme and stile *albers* from uthers: and the auld form of precepts, given in the time of *K. Robert* 2. extant, anent the inbringing of the *K. remis*, contains *canum*, *Cana*, *redius*, *custumias*. And canage of wool, or hyds, is taken for the custome thereof, *le. navium*, fol. 171. in li. M. *Willielmi Scene*, *commissarii Sancte Landee fratris mei germani*. Specially, quilk is given for the mending and up-holding of the haven for schips, *leg. burg. c. ult. in lib. Carbarii*.

CAMPIONES, ane word commonly used in singular battell: For in auld times, quhen controversies, and debates could not be utherwise decided, bod be singular battell: the parties did either fecht in proper person, or conducted, and fled for wage uthers to fecht for them. Quha was called *campiones*, becaufe they feucht in *campo*, or in the fields, *de iudic. c. 93*. Albeit sumtime they did fecht in the *K. palace*. lib. 4. c. *stat. 38*. and sumtime in the common breits, *quo. attach. c. apud Dumfries*, 59. *stat. Alex. c. apud 28*. from the quilk consuetude cummis the common saying, *Do thou rich, do thou wrang*, *chein thou a campion strang*: for this is the law of Scotland. Be cause in all additions, and quarrels decided be campions in singular combat: That partie did win the cause, quha is campion was victorious, & he quha is campion was vanquilled, and overcum in battel, did tene his cause. *vi. Duellum gladiatoris, or duellatores*, are forbidden. l. *unc. C. de gladiatoribus*.

CATALA, an French word, *Chattel*, as is commonly taken in the lawes of this realm, for all guds and gearre moveable, li. 2. *cum quis*, 52. c. *injurii*, 53. c. 55. *ubi res mobiles dicuntur catalla*: and likewise in the lawes of *Normandy* guds moveable, signifies all things, as possessions quilk may be removed fra ane place to an uther, and commonly are called *catell*, as horse, claith, gold, silver, and uther like things. li. 5. c. 1. *J. B. c. 1*. Like as *hereditas*, or heritage, signifies all lands, & immovable guds in the said law of *Normandy*. li. 8. c. 1. And also in the lawes of this realm. li. 2. c. 53. *glid. c. item quod quincunq*, 19. and *leg. burg. c. si contigat*, 104. gif ane burges decas without an restament, hisaire, and his catrell, false in the keeping of the kinsmen of the mother side, called *agnati*.

CATHORIUS, *Catherius*, quhat it signifies, I cannot well declar, alwaies it is equivalent to the valor of 9. *Ky*, *St. Alex. c. apud 28*, *quo. at. c. apud 59*: quhair it is statute, that gif any person beis convict in singular battel, or utherwaies of breaking of the *K. protection*, or peace: he fall give to the *K. viginti duas vaccas, or ves cathorios*, vel *pro qualibet cathorio novem vaccas*. *Istruc*, that *catherius* in latin, signifies an gelded horse: fra the quilk comes the latin proverb, *catherius in fossa*, against them quha being unable, and not qualified, felks and cravis offices, quhair-in they can do na maie service nor a horse or horfman can do, being inclosed within an fowfe: and siklike *catherius in porta*, quhen ane horse *Catherius* being

The paine of him quha is convict in battel, or break the Kings protection.

being led forth of the stable, in the port, or in the beginning of his journey, snappers or falls with his maister: The superstitious peopill esteemed that to be an evil presage of the journey.

Hidaterra.

CARRUCATA terra. An French word, for *charroux*, is ane pleuch, *charroux*, and contains almeike an portion, or measure of Land, as may be tilled, and labourd within yeire and daie to be ane pleuch. *lib. 1. c. 2. d. 19.* Utherwaies in the famin place it is called *hidaterra*, *vel hidaterra*, quhilk is ane word used in the *arid* Eriton Lawes.

CARTA extensa, or extensa. An chartour quhilk contains ane disposition of landes, with certaine meiches, and marshes utherwaies called an boundand chartour, *quon. attach. c. stat. dominus rex. 62. aff. reg. Da. c. statui per consilium, 36. Stat. Wilb. c. 7.*

CAUPE, Calpes, in *Galloway*, and *Carriis*, quhair of menlon is maid in the Actes of Parliament, *Ja. 4. p. 2. c. 18. 19.* signifies ane gift, sik as horse, or utherthing, quhilk an man in his awin lighthouse, and liege poultie gives to his Maister, or to onie uther man, that is great in power and authority, and speciallie to the head and chiefe of the clanne, for his maintenance and protection, likeas for the famin effect and cause Indrie persones payis Black maill to thieves, or maintainers of thieves, contrair the Lawes of this Realme. Bot in the *Iles* and *Hie-Land* of this Realme, the *calpe* are presentlie payed be him quha oblihis him thairfore, after his decease. Swn the *Hereteldis* payed be provision of the Law and the *Calpe* is given be speciall paction, and obligation, baith the ane and the uther after the deceat of the deboutor. Bot the *Hereteld*, beid be first payed to the Lands-lord, and an noable oppression is used in taking up of the *Caupie*. For gif the chiefe of the clanne oblihis him to pay ane *Calpe*: after his decease, ane *Calpe* is payed for him. And also quhen onie of his clanne deceas, ane *calpe* likewaies is payed for ilk of them, be reason of the promes maid be their maister and chiefe. *Perinde ac si obligatio facta per principem tribus, obligaret singulos, ac tribus.*

CEPUM animalium, the tangle, creische or fatnes of beastes leg. *burg. c. si quis scierit. 71.*

CHAMPERT, ane bud, or gift, taken be onie great man, or judge fra onie person, for delay of iust adiones, or furthering of wrangous adions; quhiddir it be landes or onie gudes moveable. *Stat. 2. Ro. Br. c. dominus Rex. 22. Champert* in the Lawes of England is quhen the judge be himselfe directlie, or be onie uther indirectlie, mainteins the pley, to obtene the maintenance of the ane partie againt the uther, *John Russell, ver. Champert*, In the civil law, *patium de quibus litis*, is unlesum and forbidden *l. 5. c. de postulant. l. siconia 22. c. mandati.*

CHARDONES *vel Cardones*, Cardes quhair with wol is carded and wrocht. *leg. burg. c. de parva custodia 137.* fra the French word, *chardon* from *Carduus* ane thwiffill, to the quhilk the Cardes are like in sharpnes and in multitude, or similitude of monie charypkes, and teith.

CHAUD-MELLE, in latine *Rixis*, ane hoat suddaine uulzie, or debaite, quhilk is opposed as contrair to forthwith felonie. *Ja. 1. p. 6. c. 95. vid. Mellem, vid. Forhouch felonie.*

CHECKER, and the forme of Comptes maid therein. *vid. Scaccarium, vid. Ballivus.*

CLAN-MAKDUF *de iude. 78.* The croce of *Clanmakduf* dividis *Strathere* fra *Fife* abone the *Newburgh*, betide *Lundoris*. The quhilk had priviledge and liberie of *Girth*; in ilk fort, that quhen onie man-slayer, being within the ninth degrie of kin and bluid to *Mak-duff*, sumtime Earl of *Fife*, come to that croce, and gave 9. kic ane colpinchad, he was free of the slaughter committed be him. In the stanes of this Croce, is a swidrie barbarous wordes and verses wriitten, quhik here willinglie I pretermitt, and zit fun of them appears to be conforme to this purpose; *Propter makdudum & hoc oblatum, Accipe smeleridem super lampade Impida lubrum.*

King *David* the 2. gave and disponed the Earle-dome of *Fife*, with all priviledges & cum lege quo vocatur *Clan-makduff*, to *William Ramsay* and his aires, quhilk charter is zit extant in the Register. *Hector Boetius lib. 12. deditis tres priviledges iude to Mak-duff*, his clanne and familie, 1. that the Earle of *Fife* suld set up the King in his Chyre, the time of his Coronation: the 2. that in the time of battell, he suld secht the want-guard. The 3. that *Mak-duff* and his clanne suld have the priviledge and richt of regallitie. And I saw ane auld evident beand, that *Spens of Wormelown* beand of *Mak-duff*'s Kinne, enjoyed the benefite and immunitie of this Lawe, for the slaughter of ane called *Kinnymonth*.

CLAREMETHEN, *Clamatham*, the Law of *Claremeiben* concerns the warrandice of stollen cattell, or gndes: for quhen ilk gude are challenged, or repeated be the iust awners thereof: It is statute and ordaind that all persones, quha suld warrant the famin, fall cum to certaine places, speciallie nominat and appoynted to that effect, and lauchfullie warrant the famin. *lib. 1. c. hactum loca. 22. Stat. Alex. c. de Catal. lo. 12.*

CLARIFICATIO *quo attach. c. si quis appellat. 46.* The purging or clenging of ane assise. *aff. Reg. Da. c. 3. Clarificatio debitis*, the clearnes of ane debite, quhilk is notour and clear in the felie: Or clearlie, and sufficientlie proven and verified. *leg. Forei. c. probato. 86.*

CLEP, and Call, ane forme of Claime, petition, or libell, or certaine solemne wordes used speciallie in criminall causes. for sum clames were conceived simple, without onie solemnitie of wordes, as in the brieve of distres, or poynding for debte. *quon. attach. c. de brevisibus 31.* uther clames were libelled and conceived in ane certaine solemne forme, as in pleyis of wrang and unlaw, in the quhilk clepe, and call, was used as ane certaine solemnitie of wordes preferred be the Law, and observed in the practick, as when the pteserwer did clep, and call, the defender with wouth wrang and unlaw, in harming and skaiting of him of ilk ane thing, or of sik ane summe of silver mair or lesse, to his great harme and skait.

COLPINDACHE, ane zong beaft, or *Kow*, of the age of an or twa

zeires, quhilk now is called an *Comdaeh*, or *quoyach*, quhair of the price was 30. *d. leg. Ma. Ma. c. 4.* It is an Irish word, and properly signifies ane fur follower.

COLLISTRIDIUM, *Collistrigium, quod collum stringit*, Quhilk maie be called the *Jogges*, and is ordained for punishment of baxters. *leg. Arg. c. si aliquis. 21.* quhair it is called an pillorie, or stocks, or onie band quhair with the craig, or hals is bund, as an halfe-rang, in the laws of *England*, anno. 51. *Henz. 3.* in latin *Nemelle*.

Nemella.

CONQUESTUS, quhair of request mention is made in the lawes and practick of this Realme, is different from heritage. Because heritage signifies lands and immoveable gudes, quhilk pertainis to onie person, as a iure and universal succellour, to his father, or onie uther predecessour: and be the civil lawes *hereditas nihil aliud est quam successio in universum jus, quod defunctus habuit. l. hereditas. 62. d. regul. jur. l. nihil. 24. d. verb. signific.* and be the municipal law of this realme, the eldest fone succedis *iure universali in universum hereditatem patris sui. lib. 2. c. cum quis. 29.* *Conquestus* signifies landes, quhilk onie person acquiris and posseltis *pro. a. iure, vel singulari titulo, veluti donatione, vel singulari aliquo contractu. lib. 3. c. cum verb. 28.* Quhilk is conforme to the civil law, *ubi questus dicitur lucrum, quod exemptio, venditio, locatio, conditio, vel generalliter ex opus eia descendit. l. coivi. 7. cum seq. ff. pro Socio. Et de iure huius regni, conquestus cuiuslibet liberi hominis legitur, qui mortuus de ipso defunctus hereditatis sine fine herede de corpore suo, gradatim ascendit: hereditas vero gradatim descendit. Stat. Wilb. c. notandum. 24. leg. Burg. c. sciendum. 155. Stat. Rob. 3. c. 3. vid. post-natur.* And it is to be observed, that gif conquest landes, after the deceat of the conquerour, dois ane ascend, to ony person, quha thairiter happens to deceale, the famin landes fall descend, as heritage to his nearest airie, because conquest dois allanetlie anis ascend, and thairer perpetualle defendis to the righteous aires, gif onie be: *quia conquestus dicitur ratione primi conquestoris, & cum transmittitur ad eum heredem, exiit naturam conquestus: & induit naturam hereditatis.*

Heretage.

CRONER, *Croner* inquires be ane inquest ane murder and slaughter done, and committed quietlie. The quhilk inquisition suld be taken in the hie strectes, or in open places, in *corona populi*, for the quhilk cause he is called *coronator*, or zit because the violent death of the subiectes pertainis to the Kingis Crown, and power. Quhairan the *croner* takis inquisition, as said is *D. Thomas Smith lib. 2. c. 23.* of the common weill of *England*, Reade the *English laws anno. 4. Edward. 1. c. 2.*

CREFFERA, *or hata porcorum*, ane cruic, or ane fwinces *cruf. leg. burg. c. Nonlicet. 87.* quhilk in sum auld buikes is called ane *Stye*.

CROOY, in the Actes of Parliament, *Ja. 1. p. 5. c. 93.* is ane satisfaccion or almsittment for slaughter of ony man, The quhilk the judge full paiet to the narrest of his kin, in case he minister nocht the Law as he suld doe. *Ja. 1. p. 6. 89.*

CULRACH, sumtimes is called an furth comand borgh, but mair properly it maye call ane backborgh, or cautioner, for quhen ony havand power, or iurisdiction replegis ony man fra an uther mans court, to his awin court, he suld leit behind him in the court, fra the quhilk the replegation is maid, an pledge or cautioner quha salbe bundin and obliشد, that he quha uss the replegation, fall do iustice within zeire and daie in his awin court, to the partie complainand, upon the person quha is repleged. Quhilk cautioner lett in the court be him, and behind him quha uss the replegation, is called *Culrach lib. 4. c. si quis in alterius 20. quo. attach. c. 3. mod. ten. cur. c. 12. de Judic. c. 28.* And gif the partie complainand gets na reason in that court, to the quhilk, the defender is borrowed and repleged, he fall have regres againe to the first court, fra the quhilk the replegation was maid, and their fall the mure, and pley be ended, and the *Culrach* salbe in ane unlaw, gif the partie perswect compens nocht, and he quha used the replegation, and did nocht Justice, fall tinc his court for zeire and daie.

Claves curie.

CURIA, Ane court, quhairof iure is superiour and sum inferiour, *leg. Malc. Mah. c. 4. vide Americenarium.* The supreme court is the Parliament, quhair he iurisdiction of all maters Ecclesiasticall, civil, and criminall. All courtes by and attour the ordinar persones of the judge, the perswect and the defender suld have certaine uther persones and members, quhilkis are called *claves curie*, the keys of the court, that is ane lauchfull officiar or serjant, quha suld summond, attache and arreist the parties. Ane lauchfull Clerke quha suld informe the assise, and the dempster, and hes the cure and keeping of the process. Ane futor quha waird and pronounces the waird, and interlocutor of the Court. Ane dempster or doomster quha gives the doome or sentence definitive, conforme to the information of the Clerke or Judge.

CURIA christianitatis *lib. 2. c. debet autem, 37. lib. 1. c. placitum, 17.* Is called the ecclesiasticall iurisdiction or court: utherwaies *forum ecclesiasticum, lib. 1. c. 5. Curia Christianitatis opponitur laicali seu seculari, lib. 2. cum aliquis 50. lib. 3. c. preterea, 23.* For unto the ane pertainis the ecclesiasticall, and to the uther the temporal or secular iurisdiction.

CURIALITAS, curialitie, curtesie, from the French *Curtoise*, civillitie, gentleness, humanitie, for the law of curtesie, is ane gentill and favorable ordinance or constitution, granted and observed in this Realme, and nocht universalie kept, or used in uther cuntries, And therefore it is called *Curialitas Scotie*, the curtesie of *Scotland*. And in the laws of *England* *lex Anglia*, or the curtesie of *England*, within the quhilk twa realmes and nane uther this law is use. That is quhen onie man maries lauchfullie ane wife, and receivis lande and heritage with her: And it happen that he beget with her ane bairne, quha being borne, is heard cryand beuith four walles of ane house: And thairer his wife deceas befor him, he fall bruth and posselt, all the landes quhilkis pertaine to her, in during his lictime, albeit the bairne live or deceas. *Lib. 2. c. cum itaque 58.* The bairne borne, being sonne, or daughter, maill,

Chyre.

or femall de Indic. c. Maritaggiū. 127: Quhilk law hes place in landes and heretage, lyand without burgh, halden of the King or any other superior: An also in landes and tenementis lyand within burgh and halden in free burgage. Leg. Burg. c. fialiquis. 44. This Law is nocht introduced in favours of the wife or bairnes, bot is maid in favours of the husband allanelle. And therefore it is nocht necellar that he have onie failing, infementie, or uther richs, to the landes quhilk pertaine to his wife heritable: Bot onlie the benefice and privileg of the curseilie, quhilk is vailable and sufficient to him induring his life-time, for bruiking and posseling of the landes, and for removing, out-putting and imputing ofmenties, in sik maner as gif he were proprietor, lyte-rentar, tackes-man or rentaller. And as afore-said, the Lawe of the curseilie is extended in favour of the Second husband. And therefore gif one man marries an heretrix, and after his decease, shee marries a Second husband, and beare to him ane sonne, or ane daughter, and thereafter free decease, hir second husband shall and sulde bruik and jois the privileg of the curseilie, in sik maner as gif the first husband might have done, in case his wife had deceasid before him. lib. 2. dic. cap. 58. de Jadic. cap. 127.

As concerning the estate and qualitie of the woman that is married, it is necellar that she be heretablie infest and faised in the landes as aire to hir father or uther hir predecessours. Bot it is nocht necellarie required, that she be ane virginie and maiden. Because the curseilie perteynes to the second husband, quha marries ane widow as faised is. Alwaies quhiddir the wife be widow, the time of hir second marriage: or virginie and maiden, the time of hir first marriage, necellarie shee suld be ane heretrix, aire, or univerfall successour to hir Father, Mother, or to sum uther of hir predecessours. For gif the wife be onlie richt and titill to the landes and heretage, as singular successour, be ventue of onie contract, veluti titulo emptiōis: His husband after hir decease can never claime richt to the landis, induring his life-time, be the curseilie of Scotland. Twenty aucht Januar, an thousand, five hundred, ninie five. Robert Luchie of Balgonny contrair Robert Balgour of Downe. The curseilie hes nocht place quhen na bairne is borne in lauchfull marriage, for it is necellar that ane bairne be borne maid or femall, quick and livend: And for probatiōn theirof, he mone be heard cryand, for the curseilie hes place in puro clamaris, (or as it is writen in sum bukies) brayand, quieland, or loundie cryand. For in Frenche brayer, in the latin vagire, isto crie or greite with ane loud voice. Quhilk word in our language, is als wa attributed to Hofe, Hantes, and uther beastes. And gif contraverse arise anent the life or crying of the bairne, it is lesum to the Father to provide the famin be twa lauchfull men or women, quha heard the bairne clamar suld, plorare, vagire seu brayare. leg. burg. d. cap. 44. The husband of a Father suld bruik the curseilie after the death of his wife, albeit the bairne being borne quick happen to decease immediatlie, or shortly after his nativite. Or albeit the bairne and the Mother both departe this life, for suppose the bairne happen to decease before his Mother and shee decease thereafter, or albeit both the bairne and the Mother decease at ane time, or zit gif the bairne levis, and the Mother before the husband depart forth of this life, the husband survivand after her death fall bruik the privileg of the curseilie of all Landes quhairin his wife was heretablie infest: nynth of Julij, an thousand, five hundredth ninie seaven. Martha and Eupheme Mackalcaners, contrair Maister James Ward-law advocate. Iwa the substantiall heades of the curseilie ceasis first is required ane lauchfull marriage betuix man and wife. Secondlie, the wife suld be ane heretrix haveand jus universale, quhair shee succeeds to her Father, Mother, or some uther her forebear. Thirdlie; She suld be heretablie infest and faised in the Landes. For gif she decease, nocht beand entered and faised, hir husband suld have ane curseilie. Fourthlie; she suld decease before her husband, for sa lang as shee and the husband livis, he bes jus mariti. And after hir decease, he hes jus curialitatis. Fiftlie, Bairnes suld be lauchfullie gotten & borne, at the least ane bairne, maid or femall, quick and livend. Last of all the curseilie is als effectuall to the husband, twiching waides-landes, pertaining to his wife, as the Kings confirmation. For landes halden of the King in chief, and confirmed be him, fallis nocht in waide, induring the life-time of the person to quhome the confirmation is granted. He being theirtie immediat tenant to the King. And like-wis, gif one man marries ane heretrix of waide landes, and after her decease her aire is Minor, and of lesse aige: Nevertheles the landes fallis nocht in the superiours handes, be reason of waide. Bot the husband sulde bruik and posses the famin induring his life-time, be reason of the curseilie of this Realme. Because the richt of the waide Pertaining to the superior, ceasis quhair the curseilie belonged to the husband being place. Perwils. Februar, an thousand, five hundredth, fiftie three: George Gorthie contrair the Lord Methven. And zit the husband beand infest onlie life-rentare may nocht fell or annaillie heretablie the faised Landes, or onie parte theirof, in hurte and prejudice of the tictuous aire. leg. burg. c. 44.

D

Clamare.

Disclamare.

DISCLAMATION is used in the law, and practick of this realme Clamare idem est quod dicere, affirmare: As clamare aliquod tenementum, aut aliquam terram esse suam, to claime, and affirme onie heretage or lands to be his awin. Clamare aliquem dominum to claime, avow, and affirme onie man to be his maister or superior, to quhome he aucht service, & of quhome he holdis his landes in chief. Disclamare isto to disclaime, disavow or denie as to denie ane uther to be his superiour, as when the superior affirms the lands to be halden of him, and the vassall denies the famin. In the quhilk case, if the contrair be fund of veritie, the vassall tines and amittis

all the landes quhilk he holdes of that superior, & the propertie therof returns to the superior, de maritag. c. 18. Stat. Ro. 3. c. primo. ao. Quhair the auld forme and manner of disclamatiō is declared. Mairver, disclamatiō is quhen the persouer claimes landes pertainand to him, and haldin of ane superior: and the defendour affirms the famin to be haldin of ane uther over-lord. lib. 1. c. foler. 26. lib. 3. c. tali, 18. To the decisiōn of the quhilk controvercie, both the fairs alleaged over-lords suld be called. And he quha fallistoe prove him selfe superior, fall never be heard to claime the famin afterward, and the vassall being convict, tynis the land and propertie theirof, quhilk is adjudged to him, quha was wrangoullie denied be the superior, & forsocht to have richt therin, lib. 1. c. foverd 28. Last the vassall tynis & forsochtis his landes, gif he wrangoullie denies his selfe, or the condition theirof, that is the service aucht theirof, conforme to the French proverb quha se lesnie, speri. The reason is because the vassall demays his halding, his maister or vassall, contemis and dishonours his maister. Bot it is necellar that the landes, contemis denie faultfully, that is writtinge, quia vassallus feudum quod sciens abrogavit, amittit: ignorans vero subvenitur. Quod si dubites, dubitanter respondere passit. Cuiuslibet. d. feud titi. 5. c. Tit. 21. c. Tit. 29. de panna negatis feudum.

DISRATATIONARE, from the french word Dissener. In Latin Duellare, Duello contendere, to fecht in singular battell, and commonlie is understand of the appealer, or persouer, quha cum vadit ad duellum provocans dat vadium disratiōnati, & defendens vadium de defendenti. Summe disratiōnari est marit generaliter, lort to tynie onie thing in judgement be forme of proes, concord or aggrievance. lib. 3. c. cum itaque, 14. lib. 2. c. fieri autem, 67. quon. atach. c. 4. Item it signifies to prove one thing conforme to the consideratiōn of the Court be battell, write, or be ane assise of the currie. lib. 1. Cap. foverd 18. Cap. foverd Dominus, 10. iter cademer. Cap. apparet. 24. Or be the airt of the partie, and certaine conjuratiōnes quhairis are called Sacramentales, quha sum-time ma, and sum-time, fewer in number makis faith and swearis onie cause with ane partie haveand entrefle in persure or defence. Cuius, lib. 1. d. feud. And in the Lawes of this Realme, dicitur aliqui jurare cum tercia, septima, Duodena manu. Quhen three, seven, or twelce persons swearis with him. Quhilk in the Cannon Lawe is called Purgatio Canonica.

Sacramentales.

DISSASINA, Saffina is ane French worde, and signifies possession, to the quhilk Dissafina is contrare, and signifies dispossession, quhair ane person beand in possession of onie Landes, as mailler to his maister, or haveand onie uther title theiro in write, is wrangoullie ejected and put fra the famin, without onie warning or ordour of Law. Like-wis Dissafina is called spulzie, quhen onie person is spulzie violentie and wrangoullie of moveable gudes and gearre, pertaining to him, as his awin proper gudes: and being in his possessiōn certaine daies or monethes. For ejectiōn concernis Landes and gudes in moveable: and spulzie is of cartell, and gudes moveable, and both the ane and the uther is comprehended under Dissafina aff. reg. da Cap. Statutum fuit, 31. Quhilk is conforme to the English Lawes. Henric, 3. Stat. de Mercur. c. 3. and to the lawes of France. Molinus in sibi-viv. Part. 1. c. 18. And be the auld law of this realme, Dissaficiō, or committer of spulzie or ejectiōn, being convict theirof suld paye ane unlaw of ten pendis to the King, Stat. Alex. c. Stat. 7. And may be accused criminallie before the Justice and his depuies. Ia. 5. p. 4. c. 33.

Ejectiō spulzie.

DISPARAGIUM, like as passage is called equallie, from the latin word paritas. Sa disparagium is called inequalitie in bloud, honour, dignitie, or utherwaies, from the word disparitas, leg. Forrester. d. de heredi. bus. 64. cum seq.

DISSOLUTION, an latin word, quhilk signifies lowing of that thing quhilk was bound before. And likewise lowing is contrair to binding: Swa dissolution is contrair to annexation, speciallie in the Kings propertie, annexed and united to the Crown. For the famin being dissolved is maid lowse, and free of that nature and qualitie that it may be annaillied and disposed to sik as pleasis his Hienes, with certaine conditions and provisiōns. Dissolutiōn of the propertie is maid to the effect the famin maie be fould and annaillied be the King, and therefore can nocht be lauchfully maid in his minoritie. Ia. 6. p. 14. c. 203. For like as the King being Minor may nocht fel his propertie: evin fa at that time it is nocht lesum to him to doe onie thing that maie be ane preparative to the alienatiōn theirof. And likewise gif one man haveand heritable infementum or uther richt to onie part of the Kings annexed propertie, for the crime of treason, is forfeald: and thereafter be the three Estates in Parliament is restored in the minoritie and lesse aige of ane King. Albeit this restitutiōn may veyahle his person: Zit is na sufficient richt to resone or restore him againe to his richt of the faid annexed propertie. For like as an dissolution maid in the Kings minoritie is null: Evin swa, ane restitutiōn maid in his les aige, concerning his annexed propertie is of ane vane aife: for the dissolution, and restitutiōn ar both of ane nature, and producis ane effect, hurtfull and prejudiciall to the King, in Regillro. 18. Julij. 1597. The Kings advocate contrair Alexander, Lord Hume, and tenentes of Dum. lincion suld be maid.

The King in his minoritie maye nocht dissolve his propertie.

Quhen and so quhome dissolution suld be maid.

And sa it is manifest that ane dissolution of the annexed propertie suld be maid be ane King in his maioritie, in ane Parliament with consent of the three Estates, Ia. 6. p. 15. c. 233. For an annexation may be maid in Parliament in the Kings minoritie, facere. It is lefud to the King, minor conditionem suam potest meliorem facere. It is lefud to the King, after the dissolution, to fet his proper landes annexed, or unannexed in few forme to onie of his lieges, and speciallie to the kindle tenentes and possessours theirof, as he pleasis. Dissolutiōn induris onlie for the lifetime of the King, maker and author theirof, and quhen he decessis, the same ceasis and ends. And theirof the famin beand temporally, and personallie, his aires and successours may out fet onie annexed

To quhome may the King fet his propertie.

ed lands in fewleme, be vertue of onie dissolution, maid be his Father or predecessour. Albeit dissolution be temporal, as said is, zit the Landes set and disposed heritable after the dissolution, remains perpetual with them and their aires, to whom they are disposed, after the forme of the conditions, conueined in their indentments. And swa the alienation and disposicion lauchfull maid, is perpetual, *et transmissio ad heredes*. Albeit the dissolution be Temporal and personall, as said is, the dissolution expyrad and ceaseth, be the decease of the author thereof, as said is: All the landes annexed before, returns againe to the forme & nature of the annexation; Swa that the same may not be let in few-lem, nor annulled be the King, succedant to him, quaha maid the dissolution, or untille a new lauchfull dissolution be maid thereof be himselfe. In respect that all annexations of their awn nature, ar perpetual, and albeit they may be interrupted and stayed, for aue certaine space, be ane dissolution; zit after the ende thereof, the annexation doits quaken, revive, and walken, as it were, out of sleep, and returns to the awn perpetual nature, and swa remains untille a new dissolution be maid.

The King on being excommunicated, the annexed lands being in fewleme alienation.

The King after ane dissolution, may let his landes in fewleme ward & relief, and not in blench, or *venite alio forma*, nor be service of warre & relief, or uterwaies, bot in few-lerme, as said is. Lam 6. cap. 15. ca. 234.

The King may not fet his landes in few-lerme, except the famin bee done with expresse augmentation of his rental: That is, his greffines, customes, burrow-mailles, termes, mares, mutton, pultrie, avarage, carriage, or any other vertues & service. Quhill is full be observed in the alienation of the annexed propertie: Bot likewise full be observed and kept in the disposicion of the un-annexed propertie. For it is ceruine, that the Kings of this realme, the time of their Coronation, makis faithfull solemnitie, that they fall not auaile, transfers, nor dispone the right and rents of the crown: As it is statute be David 2.6. No. 1257. & as the K. may not sell the right of the crowne, no man may hee annulle the rentes thereof, quhairto the un-annexed propertie is ane parte. Mair-over, albeit ane dissolution is not necessar in the alienation of the unannexed propertie (because that quhill is not bound, requiris no lowing) zit in all dissolutions, maid be Kingis of this realme, expresse mention is maid balth of the annexed & unannexed propertie, to be let in fewleme, for augmentation of the K. rental, quhairby it is ceruine, that the an, as well as the utter, being let in fewleme, cannot be disposed in diminution of the rental. And concerning that qualitie & condition, expremed in the form of all dissolutions, the un-annexed, & annexed propertie, ar oflike nature: *Et in hoc casu pari jure censentur*: Sa that neither the ane, nor the uther, may be disposed, with diminution of the rental, uterwise the mention of the un-annexed propertie, in the acts maid annule dissolution, were superfluous. This ar the substantiall conditions, expremed in the dissolutions of the propertie, maid be the Kings of this realme, quhairto, gif any ane be not observed, the alienation & disposicion maid after the dissolution, is null, & of none auaile: 1.6. p. 13. ca. 236. *By* & *attour*, the forme of dissolution above expremed; zit is lesaum to the King, with advyse, deliuerance & decree of the full parliament, and for great, stand and reasonable causes, concerning the well-fare of the realme: first advysed and digested considered be the three estates: To sell, annulle, and dispone the kings annexed propertie. 1a, 2. par. 11. cap. 41. 1a, 5. p. 6. & 84.

The Kings rental of his properties, with unannexed and annexed, full be augmented.

The annexed propertie may be annulled by the three Estates.

Maritagium.

D O S hestwa significatones. First it signifies that quhill is given to the husband, with the wife, be reason and in contemplation of marriage. In the civil law is called *Dos*: in our municipall law, *Maritagium*. Tocher gud. Lib. 2. c. *Dos autem*. 19. Secondly, *Dos* is taken for that gift & disposicion of lands & tenements, quhill ane man givisto his wife, quhen he maries her the Kirk dure, or in the face of the halic kirk: Quhill anecht & fuld be, ane reasonable third part of all and hail, the tenement of land, quhill the man or husband hes the time of the deponation or marriage. Lib. 2. c. *Dos autem*. 19. c. 20. lib. 4. cap. quator. 49. Stat. Alex. c. de iudic. 163.

Antidote.

And is given in recompensation of the tocher, payed be her, or in her name, to her husband: And therefore is called *antidote*: *Coruel*. *Tacit callis dos* that quhill the husband givisto his wife, and not that quhill the wife gives to the husband. *Livius lib. 3. callis in manus nuptiale*. In France it is called *Dotalitium*, or *dotalium*: It is given to the woman, to the effect, that after the decease of her husband, the may susteine & nurish hir selic, induring all the daies of her life-time: Therefore it is called *Vitalitium*. *Morganaticum* for the Dutch word *Morgengab*, morning gift, is ane kinde of dowry, in the second significatone; & signifies the gift of goods moveable or immoveable, quhill the husband givisto his wife, the day or morning after the marriage, and commonly is used in the Dutch lawes, in *speculo Saxonicos* & *Landrecht*, in Greek *hypobolus* in latine *matrimoniale donum*. *Inspeculo Saxonicos* li. 4. de fevd.

Dotalitium, Dotalium, Vitalium, Morganaticum.

D U ELLUM, *duorum bellum vel pluvium*, singular battell, or combat: *vide Campiones*, Noble persones, or landed men, may fight in proper person, or be uthers in their name, quaha called *campiones*, in Latine, *duellatores*, Speciallic, sik as ar their awin bondmen, or tenants, quaha in bodie & guds ar under their maisters protection & maintenance; And therefore fuld hazard and employ the famin in the defense of their maisters honour, and actions. Bot husband-men, ignoble, and unlanded men, full fight personallie, and nocht be *Campiones*. *As. reg. cap Statutum juri per regem*. 32.

Bot all men that are decreeped, lamed, mutilat, or passed the age of threecore yeres, ar excused from singular battell. Lib. 4. c. 4. leg. *Durg*. c. *Si burgensis*. 24.

And siklike, religious persones, clerks, & weemen may not be compelled to fight. Lib. 4. c. 3. stat. Alex. c. 5. *As. reg. Durg. cap. statum dominus* 38. It is in free will and election of the defender, to fight, or to pass into the knowledge of ane Assise. Lib. 4. cap. 2. *Qua de iudicibus debet primo eligere deinde vadare, & postea jurare*. lib. 4. ca. *lex sequens* 46.

The appeller or prower, fuld swear that his quarrell is just, & the de-

fender swear the contrair, avowand the equitie of his cause. *Iter. camer c. Comprocurator* 29. It is not lesaum to any person to provoke ane uther to battell, beith the appeller, & the defender, thins & forefallis at his guidis moveable, & immoveable de *iudic. c. 87* Because na Errone hes powere of singular battell, or of probation be water, or Iron, & c. *proterea* 32. Mair-over, gif any man havand the Kings licence, happens to be convicted be battell, or of breaking of the Kings peace, he fall pay to the King xxij. Kye, & *treu catioris, vel pro quilibet catioris, novem vacas*. *Stat. Alex. cap. 28*. Quhill paine *Scamlaw* appears to be ordered to stay sik ungodlic thrie & debate; for the law of singular combat is ungodlic, & fuld not be used among Christians, albeit the fame was permitted & used be the *Longobardes*, in civil and criminal causes. *Actius de jug. certam. Cluac in lib. Dyonorum*. Quhill is conforme to the Canon law, cap. 1. 2. de *purgat. vulgat.*

D Y O U R, *Dyvoor*, utherwaies Bair-man, quha being involved and drowned in debtes, and not able to pay or satisfie the same, For eschewing of prison and uther paines, makis cession and assignation of all his gudes and gear, in favoures of his creditours: And dois his devour and dewtie to them, proclaimand himselfe Bair-man, and indigent, and becomand debt-bound to them, of all that he bes. *Leg. Burg. ca. Bairman*. 144. In Latine, *debetur bairis* is most commonlie used amongst merchandes, to make *Bauk-vor Bankrupt*, or *Bankrompe*, because the doer thereof, as it were brentis his bank, still, or face, quhair he used his traffique of before. *de Indic. Bairman* 46. Be the civil law, sik fiction of gudes and gear may be maid iudiciallic, or in the judgment, be him quha is present, or absent, be writ or epistle, or beane maid person, called *Nimusli*. *U. de cess. bor.* Bot to the effect that deboures fuld be feared to deceivie their creditours, and full the main willinglie pay their debtes in findric places, diverse framfull formes of dyvoor, ar used and observed: for sum-times the debour naked, sitis upon ane candle flame, in presence of the people. *Actius lib. 3. Durg. c. 47*. Sumtimes his hinder pates, or hippes ar dashed to ane stone. *Guido Papa. decis.* 343.

Or in public place, bair headed, his belt is cutted, quhairby he is proclaimed indigent of gear and eredit: And therefore may pass and repaife quhair he pleas, without any trouble of his Creditours.

Actus illud Horatii, Epistola secunda 28. Ibi ed quod vis, quai zonam perdidit, Zonam perdere, quihes na gold, silver, guds nor gear. For in awd times, like as it is zit used in diverse places, ilk man carried his silver and his gold in his belt, either in ane purse hanging at the end thereof, or sewed and indolced within the famin. *Sueton. in Vitellio*, cap. 16. *Quia zona aurocorum plena se circumdedit. Et Graeculis apud Cellinum*. Lib. 15. ca. 12. *Zonas* (siquid) *quas plenas argenti erant, eas ex provincia inanes venit*. And in the tenth chap. of *Mat.* and ninth yent: Christ commandis his Apostles nocht to possess Gold, Silver, or Money, in their Giracles. Mair-over the forme of the aith, quhair be the Lawes of this Realme, the Dyvoor fuld make, contents that he fall swear, that he hes nocht in free gear, above five shillings, four pennes: Fra the quhill cummis ane common speach dallie used amongst pur and indigent persons, quha hes nocht in guds nor gear, the value of five shillings and ane plack. In the Law of Normande, *Lib. 2. c. 10. lib. 12. c. 21*. Dyvoours ar called *Banquerotiers*. And if they do the famin fraudfullie, they may be punished to the death.

E

E N A C H, Lib. 4. c. *statum dominus* 64. Ane mendis or satisfaction for ane fault, crime, or trespass. As gif the master lijs with the wife of his bondman, or slave: The servand therefore salbe put to libertie, and fall receive na uther *Enach*, mendis, or satisfaction, for the violation or defowling of his wife. *Lib. 2. c. Pluribus* 14. Like as utherwaies, *vs. scissallus*, *Cucurbitaveris dominum* *lanua*, That is gif the vassall makis his master ane Cuckold: That is, gif he hes carnall copulation with his maisters wife, he tinitis and forefallis his landes. *lib. 1. de Feud. Tit. quib. mod. Feudum amittitur*, § 2. *Corbita*, in the Lawes of the Longobardes, is adulterie: And *Cucurbita* signifies ane Cuckold, quahis wife is ane hitre: quha utherwaies is called, *argv. Gl. in. D. Sect. 2*. From the Greek, *argv. de sidia*, *fus, otiosus*, quha littleside, and payis nocht his debts, bot suffers ane uther to work his labor. *Actius in lib. de singulati certam. c. 32. & in lib. problematum*. *Horatium sequitur Cucullum vocat.*

ENCHESONE, the cause, occasion, or reason, quhairfore any thing is done: As quhen we say, that ane is condemned for Enchesone of thiet: That is be occasion or be reason of thies, committed be him. *Mod. tenetur. c. 21*. Or that the vassall is in the keeping of his Over-lorde, be Encheson of ward *quoniam attach. Cap. 51*. And ane action or pley, may be advocate fra the Schreffe Courts, to the Kings Court, for many causes. *Lib. 2. c. Dos autem* 19, Quhill in findric English lawes, is laid for many Enchesones. And *Ed. 1. King of England. Westm. 1. c. 6*. Statutis and ordainis, that na-man salbe ane merchant, without ane reasonable Enchesone.

E N E X A, *Part hereditatis*, ane French worde: for the first, chief, and principall part of the heritage, *Leg. Forest. c. f. Hæreditas* 96. For in the French young, and speciallic in the Law of Normande, the eldest and first begotten sonne, is called *Patris*, & in the Lawes of England *Hen. 3 in sua. Matlebrig. Cap. 9*. It is called *Enitis pars hereditatis*. And likewise in ane uther place of the lawes of the famin King, *Ins. fuitio*, quhill in this Realme is the law of birth right: In Latine, *jus primogenituræ*, de *De jure primogenituræ*. Be the auld civil law of this realme, there is na ieth of succession in the right line ascendend. And therefore the father succeeds not asaire to his sonne: Except speciall provision be maid in the

Cedrebonia.

Corbita, Cucurbita, Argv. Argvi.

De jure primogenituræ.

the contrar. Quia provisio hominis tollit provisionem legis. Et pacta conventa, legem contraveniunt prescribunt. Swa all successione, is either in the right line descendent, or in the line collateral.

De linea recta descendente.

They quha ar of the right line descendent, suld be preferred to all others: As the sonne, the daughter, the nepuoythe neipee, and a defendand in infirmis: obserवाद and keipand alwayes the prerogative of the degree: For the Prior degree, excludis the possessor from all commoditie & title of succession: As the son in the first degree, excludis the nepuoy in the second; and the nepuoy excludis the nepuoy in the third degree.

De filio.

Gif ony man hayand laudes and heretage decass, leavand ane sonne allanerlie behind him, without all distinction, the sonne succedis to all and hailt the heretage; quhilk is in Latine, succedere in astra, vel ex affil. lib. 2. c. cum quis 29.

De filia.

Gif ony man decass, and leavis behinde him maa sonnes nor ane, either he is *communus*, and hailds no his lands be service of warde; and then his heretage is divid amangt all his fonnessor he is *Miles*, and hailds his landes per *servitium militare*, be service of warde & relief. In the quhilk case, the eldest sonne succedis in the hail lands; quhilk heretage bein perteinend to his father. *Lib. 2. c. si quis plures 30.* Bot this distinction is not observend be the practice of this Realme. Beche quhilk the eldest sonne succedis to his father, *ex affil*, that is, to all and hailt his fathers heretage and landes; Albeit, *sindricther* Nations hes diverse Lawes herعان: Like as be the law of God, in the auld testament, amangt the Jewes, the first borne sonne, after the decease of his father, receivis double portion. *Deut. 21. 17.* That is (as some interpret) as meikle as twa of his brother. *Josephus de Antiq. Iud. lib. 4. c. 8.* writis that the eldest sonne, be anie of his birth-right, suld have *duplex facultatem paternarum parvum*, the double parte of his fathers gudes.

De filiis divorciarum uxorum.

Gif ane man had diverse wives, quhairof ane is ane heretrix, hayand landes perteinand to her heretage; and his procreat upon ilk ane of them bairnes, maillor femail; the sonne gotten upon her, succedis to her heretage. *lib. 2. c. si autem 31.* For as generallie the sonne succedis to the father; Swa in this case, the sonne suld succede to his mother. *Leg. Forest. c. si quis habuerit 26 de Indic. c. 24.* Conforme to the common rule of the law. *Paterna paternis, materna maternis.*

De filio & filia vel filia.

Quhen ony man decass, leavand ane son, and daughters ane or maa; The son allanerlie succedis to all his fathers heretage. *Lib. 2. c. Maritus 32.* As gif ane man hes procreat with his first wife, daughter, ane, or maa, and after her decease, begettis ane sonne upon ane ither wife, the sonne onelie succedis to him. *Leg. Forest. c. si quis habuerit 26.* Because the Son borne of the first, second, or lastt wife, succedis as universall aire to his father, and excludis all his sisters. *De judic. c. Item nota 115.* As it is writtein in some bukis, *femina non succedit cum masculo.*

De filia.

Faileing sonnes and bairnes, laudfullie gotten of their bodies, the daughter succedis. For gif the defunct hes ane daughter allanerlie, thee suld succede to all her Fathers heretage, in the forme and manner, as the sonne succedis to his Father. *De judic. Cap. Item nota 115. Lib. 2. cap. Hæredum 28.*

De filiabus.

ITEM, Gif ane man decass, leavand behind him maa daughters nor ane, gotten upon ane mother, his heretage suld be divid equaltie amangt them, in alsomny partes or portions, as there is daughters to succede. Quhilk forme of successione is callid, *successio in capita, cum seipso hereditatis admodum, dividitur in tot partes quot sunt capita, vel personæ succedentes.* Bot the eldest daughter, suld have the principall messuage, without dividon, be reason of her dignitie, and birth-right, and satisfaccion therefore suld be maid to the remanent daughters. *Lib. 2. cap. Si autem 31. De Indic. c. Item. Nota 115.* Together with the superioritie of the portions, perteinand to all her younger sisters, to quhome their husbandes suld make homage, acknowlegging her to be their superiour, and their aires suld give the reliefe of their landes, quhen it fall happen. *Lib. 2. c. Maritus 32.*

De filiabus divorciarum uxorum.

Gif ane man have *sindric* wives, and of ilk wife, ane or maa daughters: All his daughters succedis to him in his heretage equaltie, *Ter capita*, as gif they were all gotten upon ane mother. *Lib. 2. c. porro contingit 33.*

De liberis burgensium ex diversis uxoriis.

ITEM, Gif maa dochters nor ane, ar procreat upon *sindric* wives, of the quhilk wives, ane is ane heretrix: Swa that the heretage cummis be her, and not be her husband: The daughter, or daughters gotten upon her, succedis to her heretage, and excludis all the rest of the daughters theira. *Leg. Forest. c. si quis habuerit 26. De Ind. c. 24.*

Be the Lawes of the Burrowes, gif ane Burgesse have maa wives nor ane, and be aimes procreat of ilk ane of them: All the landes perteinand to him, be reason of heretage, or conquest, in the time of his first wife, suld perteine to the bairne gotten with her, in the first marriage: And all the lands conquest be him, the time of his second wife, fall perteine to the bairne gotten with her, in the second maringe. *Leg. Burg. c. Si Burgensibus 26.*

De secundo gradu nepotum vel nepotium.

Faileing sonnes and daughters, quhilk is are nearest and lauchfull aires, the richt of successione perteinis to the *Nepuoy* or *Neipee*, gotten upon the Sonne, or the daughter. *Quia defunctus proximo inibus hæreditibus, nepuoy vel filio, vocatur hæredes remotiores, in Nepos vel Neptis ex filio, vel filia, vel linea descendens. Lib. 2. c. Hæredum 28.*

De nepote uno vel pluribus ex filia.

Gif ony man decass, leavand behind him ane *Nepuoy* or *Nepuoyes*, ane or maa, procreat be his sonne already decassid. (*Ex filio primogenito*) they suld succede to him in the famin manner, asis ab one side, of the successione of sonnes: That is, gif there be ane *Nepuoy* allanerlie, he is onelie universall successeur: And gif there be maa *Nepuoyes*, the eldest allanerlie succedis to all. *Lib. 2. c. Porro 33.*

De nepote & filia.

Gif ony man decass, leavand behind him ane *Nepuoy*, begotten be

his eldest Sonne, already decassid, And ane second sonne, quha is his first brother to the said *Nepuoy*: The second sonne is excluded from all richt and commoditie of successione to his father. Because the *Nepuoy* lauchfully begotten be the eldest sonne representis the persone of his father, and therefore *Jur representacionis* succedis in his fathers richt, and consequently is onelie aire to his *God-father*: like as his father would have been, gif he had not decassid before him. *Lib. 2. c. Porro 33.*

The like is to be understood of ane *Neipee* or *Neipees*, ane or maa, begotten be the eldest sonne already decassid, quha suld be preferred to their father brother, anent the successione of their *God-fathers* heretage: Except speciall provision of tailzie be maid in favours of the aires maill. *Quo casu hæredes masculi succedant, non dispoitione juris, sed ex provisioue hominis.*

De nepote & filia.

ITEM, Ane *Neipee* or maa, of ane sonne or daughter, succedis to their *God-father* or *Guddame*, in the famin manner as their father or mother suld have done, gif they were zit living. *Lib. 2. c. Porro 33.* And in this case it is to be observed, that quhen maa *Neipes* nor ane, borne of *sindric* mothers succedis, that the heretage suld be divid *ratione stirpis*, in as many partes, as there is stockes, of quobin the saidis *Neipes* descendis and procedis: As for example, gif there be ane *Neipee* begotten upon ane daughter, and twa *Neipes* begotten upon ane ither daughter, they all three suld succede to their *God-father*; bot the heretage suld not be dividid in three partes: *ratione capitum*; bot in twa partes allanerlie, *ratione stirpium*: That is, of the twa sisters quhilk are the twa stockes, of quobin the saidis *Neipes* descendis: And swa the ane *Neipee*, gotten upon the ane sister, suld have the ane halfe; and the ither twa, the ither halfe allanerlie of the heretage: Quhilk forme of successione, is callid *successio in stirpes*, quhen the bairnes being maa in number, succedis to als meikle allanerlie, as would have perteinend to their mother, gif she had been living.

De nepote uno vel pluribus. Successio in stirpes.

De linea obliqua collateralium.

QUHEN the successione faileis in the richt line descendent, then they quha ar of the side line, or collateral suld succede: as quhen the sonnes and daughters, and all persons defendand or them lineallie, faileis: Swa that there is ane of them to succede: Then the brother of him quha is decassid, suld succede to him. *Lib. 2. c. Defunctibus 34.* *Illi enim qui ex linea recta defunctus semper præferuntur illis qui ex transversa linea proveniunt, et illi defunctus, si ad successorem admitti debent. lib. 2. c. Porro 33.*

De fratre suo.

The heretage, and all moveable gudes perteinand to the eldest brother, decassid without lauchfull aires of his bodie, perteinis to the second brother, immediatly nearest to him. *Quia hæredum gradum descendit ad immediatè proximum. lib. 2. c. Si ergo 23. c. Fratres 25. Leg. Burg. c. sciendum 150.*

De fratre suo in maximo.

Gif there be three brother german, borne of ane father, and ane mother; And the second brother decassis without aires, procreat lauchfullie of his bodie: His elder brother succedis to him in his landes, and immoveable gudes. And the younger or third brother is alluerlie excluded thera. *Quia conquestus gradum ascendit lib. 4. cap. Si res 50. lib. 2. Cap. Fratres 25.* Bot be the practice of this Realme the aires schip of the moveable gudes, perteinand to the second brother, the time of his decease, descendis and perteinis to the younger, and third brother, as lauchfull aires: To quhome likewise perteinis the lauchfull tutorie of his said second brother's sonne, quhen it fall happen to fall.

De fratre suo in minori.

Gif there be maa brother nor ane, three, or maa in number, and the youngest of all happen to decasse without lauchfull aires, gotten of his bodie. His immediat elder brother succedis to him as lauchfull aire: Because conquest ascendis frae ane degree to ane ither immediatly to the first degree. *Stat. Rob. 3. Cap. 3: Stat. Wilhelm. Cap. Notandum 24.*

De fratre suo in minoribus.

Faileing the brother, and their aires, gotten of their bodies, the sister, or sisters, gif there be maa nor ane, succedis in *Capita*, to their brother, in the famin manner, as the daughters succedis to their father. *Lib. 2. c. defunctibus 34. de Indic. cap. Si quis 24.*

De sororibus.

Gif the brother decassis without aires gotten of his bodie, his full sister gotten with him be aimes father, and of ane mother (quhilk is callid *soror germana ex eodem utroque parente*) succedis to all his heritage, and excludis all ither sisters, gif ony be gotten be his father, upon ane ither wife; quhilk in Latine is callid *soror consanguinea*. *Lib. quart. Capite Si homo 48.*

De sororibus ex diversis matribus.

After the decease of the sisters, their bairnes succedis in *stirpes*, in the famin manner, as their mothers might have done, keipand alwayes the distinction betuixt the maill and femail, be the quhilk the sister sonne excludis the sister daughter. *Lib. 2. cap. defunctibus 34. de judic. c. Si quis 24. Quia (ut dictum est) mulier nunquam cum masculo partem capit in hereditate aliqua.*

De sororibus liberis.

Faileing the sister bairnes, and the aires gotten of their bodies, The father brother (*Avunculus, hoc est patruus*) And his bairnes defendand of him, succedis. *Lib. 2. Cap. Defunctibus 34. De judic. Cap. Si quis 24.*

De patre & jusque liberis.

Faileing the father brother, and the aires lauchfullie gotten of his bodie: The father sister (*Matertera, hoc est Amicia*) and her bairnes suld succede, conforme to the foresaid distinction, betuixt maill and femail. *Lib. 2. Capite Defunctibus 34. de Indic. Capite. Si quis 24.* Be the quhilk distinction, the father sisters sonne, excludis the fathers sister daughter.

De amita & jusque liberis.

It is to be diligenter observend, quhen maa persons nor ane (sik as monny sisters or neipes) succedis, and it happen ony ane of them to decasse without aires lauchfullie gotten of their awin bodies: the portion and

De nepte & crescenti.

part of the heritage quhilk pertained to the defunct, accerleis to all them that remains on life, and suld be divided amongis them. *Lib. 2. c. Marcius 32. de judic. Cap. Item nota. 115.*

Laif of all, gif ony man gotten and borne in lauchfull marriage, deceais without ane lauchfull aire, and it cannot be knowin, quha sulde succede to him: Or gif it be question or doubt, quahis his richteous aire: Be the auld law of this realm, the King, or ony uther superiour, retained the landes in his awin handes, until the play was ended, in favours of the justt aire: Or until it was knowin, quha was the lauchfull aire. *Lib. 2. cap. ult. 53.* Bot now, gif there be na lauchfull aire, to cuncter to the heritage: the King, as *ultimus heres*, recognofis, and retains the famin as *eschette, ad perpetuam remanentiam*, and may fell and dispone thereon, at his pleasure, as his awin proper landes and heritage. *vide Basterdy.*

ERECTARE *Esfonia ab aliquo facta*, to reckon, esteeme, or judge Esfonzes, or excufations, maid be ony person. *Quoniam attach. Cap. de brevibus 31.*

ESSONIUM, an Esfoinze or excufation. *Lib. 1. Cap. 10. Jam. 2. 13, q. hohor. p. 11. c. 55. Jam. 1. par. 9. c. 114.* From the French word *Exoin*, quahof mention is maid in the *Lawes of Normandie. Lib. 9. Cap. 10.* And be *Molineus in Stil. Suprem. cur. par. 1. cap. 6. de contumacia*, And be *D. Tbot. Smith. lib. 2. cap. 14. of the common well of England.*

ESTOVERIUM, *Iter. Camer. Cap. Si quis capus 25. de Judic. Cap. 136.* Sufstitution, Nurfishment: for the superiour, during the time of the warde, suld sustaine the aire honourabile, conforme to the quantitie of the heritage. *Lib. 2. c. Plenam 42. Jam. 4. p. 3. cap. 25.* Quhilk is conforme to the *Englishe Law in Magna Carta*, quahirit is statute, that the wardeer fill give the aire his reasonable Estoverie, Anno 9. Hen. 3. c. 12. quahirit also it is writen, that the relict of ony man, fall have his reasonable efoverium, of the common gudes of her husbande that is deceasid, untilt her dowrie be payed to het, *Yd. Quarentena viduarum.*

EVE ET TRUCE, *dicitur navio de avo & trivo, quorum majores servitium servierunt*: That is, firk slaves or servandes, quahais father, gudschir, grand-schir, and for-bears, has been servand to ony man, and his predecessours. *Quoniam attach. ca. de brevibus 31. vid. Bondagium.*

EXITUS *Terra*, The rentes, fruites, and profites of the land. *Lib. 2. Cap. Si quis liberum 24. lib. 3: c. cum autem 6. quoniam attach. cap. fecus. 28. leg. Forfeite: Probata 87. Exitus justitiarie*, The profite or commodities of the heres aire. *Iter. justit. c. 3. 4. Exitus curie*, the commodity and profite of the court, fike as unlaues and fumes of money, payed be them quha are amerced, or convict of ony crime, or comes in will therefore, as is manifest be the forme of the precept, direct be the Chalmerslane, to the Schireffe, to take up, and intomet with *exitus camerarie*, or the profites of the Chalmerslane aire. *Exitus hereditatis de aibon. cap. 1.* is called the fruites, rentes, profites, and emoluments of the heretage, quhilk in the *Englishe law* is called the *issues of the heritage. Mag. Car. Anno 51. Hen. 3: cap. 17.* And firklike *Exitus tenementi*, signifies the mailles and dewties thereof. *Quoniam attach. c. Secus 29: Modi ten. cur. c. 30.*

EXTENT of landes, signifies the rentes, profites, and issues of the famin, quahair there is twa kinds. The auld extent, and the new extent: For it apperars, that the rental and valour of landes, has been taxed, and liquidat to ane certaine summe of silver, conforme to the profites and dewties, quhilk the landes payed at that time: Quhilk is called the auld and first extent, *tempore pacis*. Bot because the revenues and dewties of landes be progresse of time, did interresse and grow mair and mair: ane uther taxation and extent was maid in the time of peace, as the former extent, conforme to the profites augmented, as said is; quhilk therefore is called the new, or second extent: And proprie is the verie availle that the land is worth, and givis the daye of serving of the brieve. *Ja. 3. p. 7. cap. 55.* To the quhilk, the worde *Nunc*, contained in the brieve and retour, suld be referred. For *tempore belli*, or in time of weire, there is na ordinar or certain extent of landes, prescribed be ony law: for in firk time, either the landes are wart, and are not labour'd; or the landes-lordes servis in proper persone: And it is na reason, that they suld haik maik personal service, and also pay extent or taxation. The lordes of the Session esteemis ane marke land, an auld extent, to four marke land of new extent. *21. Mart. 1541.* Quhilk commonlie is called, the fourth mail, and suld be generally used in retouring of landes to the Kings Chancellarie, and uthers Chappelles: Albeit the famin is nocht perpetuallie observed. This distiction of the auld extent, and new extent, is necessar; For taxation of landes are raised, conforme to the auld extent, and the relief of landes, is the retoured mail, according to the new extent. And firk-like, quhen landes are fallen in the superiours handes, be reason of none-entres, he suld have allanerlie, the retoured mail thereof, conforme to the new extent. *vide Nonc-entres.*

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FALSING of doomes, Reduction of decreets. *vide Sok.*
FARANDMAN, *De Judic. c. 47.* Ane franger or Pilgrimer, to quhome justice suld be done with all expedition; That his peregrination be not stayed or stopped. *Peregrini mercatores, dicitur Farandman. lib. 4. c. 30. in lib. scenens.*

FELONIA, signifies nocht onelic the falled, or the contumacie of the vassall toward his over-lord, or of the over-lord toward his vassall. Bot also all quahat sumever capital crime in Latine, *felus*, in Dutch, *Schelmheit*, or ony uther fault or trespass. *Iter. Camer. c. Si quis capus 25. Star. Alex. ca. 2. lib. 2. cap. ultim. 54.* As to hurt or assalzie ony man, with sword, either edge or tute. *Ja. 1: par. 6: c. 97.* Or ony leste or private crime, as fuspicion of theft, or quahat sumever fraud, deceate, commonlie used in contraites, pactiones, and uther conventions. *Lib. 3. cap. ex*

causa. 8. in fine. Cuius lib. 1. de feud. Writis that felonie is not onelic rebellion: bot also perfidie, fraud, or ony kinde of fault. *perfidus, fians, culpa, improbitas.*

FEODUM, *Feudum*, signifies nocht (as some affirmis) Jlic-ent, in Latine, *usufuctus*. For he that is failed in the life-rent of landes, is nocht understand to be failed in *feodo*, or in the fee thereof. For the ane is differente from the uther. *7. Mart. 1565.* The Countesse of *Cramford*, contrair the Earle of *Cramford*. And firk-like, *Feodum* signifies nocht the superiorie of landes. For gif ony married man happens to deceate, yett and failed in the superiorie of landes, his wife suld not have ane terce, or third thereof.

Bot *Feodum* commonlie the wife, the heretable fee, and propriete of ony thing, and specialle of landes, as is commonlie contained in brieves and retoures. *Cap. aliquis dicitur usufuctus salsus & usufuctus in terrens, de feodo. lib. 3: cap. Cum vero 28. c. sequens. 3. Star. Rob: cap. 1.* Of the quhilk landes the justt third and reasonabill terce, will pertaine to the wife, fra the time of her husbandes deceate, and during her lifetime. *Yd. Quarentena viduar. Domi feodi or feudi:* Is called the Lord of the ground, or land: *lib. 2. c. Usurarii 53.* *Ruhair feodum & hereditas*, at baith ane, & hereditas damnari propter crimen, dicitur pertinere ad dominum feodi, tanquam officia. Item, si quis condemnatus fuerit de furo, res ejus nobiles, & catalla solent vicecomiti tenentur: Terram autem si quam habuerit, dominus feodi habebit. *Lib. 2. c. Forisfactum 55.* He is called utherwife, *Dominus fundi. Lib. 2. c. Desjunctio. 69. Et feudum idem est quod fundus. lib. 2. cap. Muna. 68.* And *Allo feodi*, is ane action or play of landes or heritage. *Lib. 1: cap. 68.* *Feodum militare*, signifies landes helden be service of warde, and relat: *Lib. 2: cap. Maritimum. 56.* *Feodum laicale*, is landes pertaininge to Laicks and Temporal men. *lib. 2. cap. 59.* As *feodum ecclesiasticum*, signifies landes pertaininge to the Kirk, or Kirk-men. *Lib. 3: cap. sequitur 3.* *Cum feqq.* Swa be the lawes of this Realm, and ar called *feodum hereditae*, and called *Catalla:* Or immoveable, and ar called *feodum, hereditae, terra, fundus, tenementum.* Fee or proprie, in latin, *dominium*, cannot pertaine to ma persons nor ane. *Quia dominum unus rei uno eodem tempore non potest esse in solidum penes plures.* And therefore, gif twa or ma persons happens to be inseit, conjunctive in ony landes, the properte pertainis to him in quahais aires and successours, the inseitment resolvis. As lor example, The husband and the wife inseit in certein landes, the lastest livor of them twa, and the aires gotten, or to be gotten betwix them, quhilk failzieing to his aires. In this case the husband is proprietor, and the wife is conjunct fear, or hilerent. Bot gif it be said (quhilk failzieing to her aires) In that case the wife is proprietor, and the husband is conjunct feare or hilerent.

Feodum, is taken for the fee, wage, or stipend, given to ane fervand for his service, as in the *Laws of K. Mal: Mak: c. 4: de feod: offic: domi: reg: quhilk utherwaies is called liberatio, ane livery. vid. Liberatio.* *Ruhair ane the L. of secret Council*, and checker, maik their ordinances, as follows.

At Edinburgh the third of June, 1597.

For samelike as the Lords of his Majesties secret Council, and checker, according to the special power and commission given to them be his hiense, and his esliaites, quhilkis convened at *Dunair*, in the month of *Majj* last by-past; Hes thocht meete and convenient, to set downe the prices of his Majesties privie and great seales, of all infestments, and uther signatures, quhilkis ordinarie suld passe throw them: And of the chalmers fees, quhilkis fall to be received hereafter, fra his hiense fees, in manner following: That is to say; That the signet, according to the auncient custome, salbe the rule to the privie and greete seales, in all infestments, and uther signatures, quhilkis ordinarie suld passe throw the hall three: And that the privie seale, fall receive na mair, nor the double of the price, set downe hereafter: for the signet, nor the greete seale, mair nor the quadruple of the said signetis price, under the paine of deprivation of the contraveners, fra the offic and seale, quhilk he possidiss.

Prices of the seales.

Prices set downe to the signet, for letters and uthers writtes, quhilkis passis throw na uther seale.

First, for all sorts of summondes of quhat sum-ever qualitie. *vj* shillings, *vij* pennies.
For letters containing, baith inhibition, and attachment. *xj* shilling *vij* d.
For letters of law, borrowes, and uther criminal letters: how many persons soever be inseit. *vj* shilling *vij* pen.
For ministers letters zeidie raised. *vj* shilling *vij* pen.
For all letters of homing of quhat sumever qualitie, except letters of law-borrowes, and criminal letters. *xxj* shilling *vij* d.
For ane relaxation. *vj* shillings *vij* d.
And gif mair nor ane be inseit, the like price of everie persone to be relaxed, or composition for them, at the discretion of the keeper of the signet.

Prices set downe to the signet, for signatoures passing the privie and greete seales.

For ane Legitimation. *vj* shillings *vij* pen.
For signatoures of infestments of landes, within five marke lande of auld extent. *vj* shilling, *vij* pen.
For ane remission to ane person onelic. *vj* shilling, *vij* pen.
And gif it be to ma nor ane, als many fallle markes, as they ar persons, or composition therefore, at the discretion of the keeper of the signet.
For ane infestment of ane, five marke land of auld extent. *xij* shil. *iiij* d.
And for fa many naa marke landes, as the signatoure contains proportionalle: Providing, that quhat ever be the extent of the landes,

laudes, the saidin not being stiled ane baronnie, in the inferment the heichelf price for the signet, fall not exceed

For ane or maa baronies of land, contained in the signatur, quibills are nocht unite in ane Earle-dome, nor Lord-schip, for the haile signatur
 For halfe ane baronnie, swa stiled in the signatur
 For ane Earle-dome, or ane Lord-schip of dignitie, having vote in parliament, including never fa monie baronies.

For ane comprising, quhilk exceeds nocht ane thousand marks.
 And if the same exceed that sum, to paye proportionally, providing that the heichelf price exceed nocht

For ane bishopricke, abbacie, or priorie, exceeding an thousand pounds of zeirly rent to the possessor
 Being within an thousand poundes
 Nothing to be tane for reservations of life-rentes, contained in the signatours.

Reservations.

In respect the reservation is na newe benefice to the receiver, except quhair the resigner is a barstard. In the quhilk case, respecting his Majesties prejudice be the resignation: quha utherwise nicht succeede to the landes resigned, be the present possessours deceafe, without lauchfull aires: sik reservations fall pay according to the price before set downe for the landes resigned, comprand alwayes, the man and wife to be ane person.

Tailzie.

Nothing to be tane hereafter for onietailzies, except the foresaid price, according to the quantite of the lande resigned, in respect the Fear may alter his tailzie at his pleasure, except quhair the Fear that resigns the lands is barstard. In quhilk case, the like price may be tane for every person contained in the tailzie, as it is set downe for the quantite of the lande resigned.

Infeftment.

For infeftmentes containing patronages of benefices never before disposed, nor annexed to thay landes or newe infeftmentes of heritable offices: The land is to paye according to the quantite and rate, before set down, and the patronage gift be of ane onelic benefice, the ane halfe of the dueite of the landes. Gift their be maa, to pay the said hail price of the landes for the saides patronages. Quhilk price, the keeper of the signet fall not exceed. Sik-like for new and heritable offices.

Officer.

Prices set downe to his Hiensys Privie seale, to be tane hereafter, of sik gites and other signatours, quhilk passis the said seale allanerly.

- For escheits of zeemen men, and uther mean persons xx shillings
- For escheits of landel gentlemen and substantiall burgesses xxx shil.
- For escheits of Baronnes xl. shillings
- For escheits of Earles and Lordes xij poundes
- For their life-rentes, respectivly, and dowle price
- For presentations to Vicarages xx shillings
- For presentations to Parsonages l. shillings
- For respetes to zeemen men, and uther meane persones xxx shillings
- For respetes to landel gentlemen, and substantiall burgesses xl shil.
- For respetes to Baronnes xij poundes
- For respetes to Earles and Lordes v. poundes

And gif there be maa persons contained in the signature, to pay per capita, according to their ranks.

- For the wardes and marriages, non-entrefses and relieves of landed men, under Baronnes, included in ane signatur xij poundes
- For the wardes, marriages, non-entrefses, and relieves of Barons vij pun.
- For the like of Earles and Lordes x. poundes
- For the ward allane of gentlemen xxx shillings
- Of Baronnes xij poundes
- Of Earles and Lordes v. poundes
- For the non-entrefses allane of meane landed men v. poundes
- Of Baronnes xx shillings
- Of Earles and Lordes xl shillings
- Of Baronnes xij shillings
- For giftes of prebendaries or chaplanaries xxx shillings
- For tutories xxx shillings

For the multitude of denuntiations included in ane signatur of escheite, or life-rent, na payment, but for the gif only. In respect they can import but ane gift of escheit allanerly.

For presentations to prelates, legitimations, signatours of infeftmentes of Baronnes, and uther landes, remissions, and sik uther writes as passis first the signet: The keeper of the privie seale, fall take for them allanerie, the double of the price, quhilk lik ane of them payed to the signet.

In tailzies, reservations, patronages, heritable offices, creations in free Burrowes and fisklike, to take payment, according to the order and proportion of the signet.

Acout the Chalmer-fee.

It is ordained, That na signatours hereafter, fall pay Chalmer-fee, except resignations, and confirmations, irredemable allanerly: and of sik landes as are neither of his Majesties property, nor temporality annexed, quhills are declared to be free of all sik fees, in time cumming.

Prices set downe to the great seale.

That the keeper of the great seale, exceede not the quadruple of the signet, or double of the privie seale, under the foresaid paine.

That to this effect the keeper of the signet, fall upon the back-side of the prent of the signet, let downe the price quhilk he receives for every precept, and for all uthers letters after his name. Likewise the keeper of the privie seale, his price for precepts, and uthers letters after per signaturam: that thereby the keeper of the great seale, pretend na occasion of ignorance. Sik-like that the said keeper of the great seale, set down his price in the fore-face of everiegate, quhairunto the said seale fall be appended. And that thereafter their be na drink silver exacted fra the partie, uther nor he will be contente to give in at his pleasure and discretion. And ordains an herald, mailer, or uther officiar of armes, to passe to the mercat Croce of the said burgh of Edinburgh, and there be open proclamation mak publication, and intimation of the premisses to all and findrie his Hiens lieges, quhairthrow nane pretend ignorance therof. As allwa, to command and charge the keepers of the signet, privie, and great seales, ischers of his Hiens chalmer, and all uthers quhome it effertis, to conforme themselves to the will and direction of the saides commissiouners, signified to them in manner foresaid: and on fawdes tak upon hand to alter or contravene the same in onie point hereafter, as they and like ane of them will answer to his majestie, upon their obedience at their uttermost charge and perrel, and under the paine of deprivation of them fra their offices, certifying them and they falsifie, that they have depreded fra their saides offices, and utherwise punished in their persons as escheiters.

April Edinburgh quarto Junij, Anno 1597.

The Lords of secret Council and Checker, following the commission given to them be his Hiens and his Estates, laitle convened at Dundie, anent the ordour taking with the exorbitant prices of all sorts of writes and letters, usuall among the lieges, and likewise of the seales, registres and chalmer fee, quhilk a greate number of the same monie pass, procuring daylie baith private guidges and publick exclamations against the tolerance and with gang, given to sik shamefull extortion & abuse, hieght to his Majesties dishonour and offence, and to the manifest undoing of the pure anis of this Realme, constrained to have adoe with the saides writes: Have for remeid of that abuse, decreed and ordained in time comming, and quhilk a main particular and felid ordour may be taken therein. That all and quhaesover Clerkes of session, Justice, secret Council and checker, Clerkes to quhaesover Commisair, Admiralles, Schireffs, Stewartes, Bailies of regalitie, and royaltie, Provestes and Bailies of quah-sum-ever his Hiens burrowes, and of all uther courtes or Judgements within this Realme, all writers to the signet, privie & great seales, all keepers of quhaesover rollis. Registres and records, all publick notaves, and quhaeswriters quhaesover, quha fall hereafter registre and inroll, lorme, extract, writ, or give out for payment, to ony of his Hiens lieges, ony signatur, contract, obligation, decreet, act or ordinance of ane court or judgement, chartour, falsing, or uther evident, bills, letters, or uther writes quhaesover of any importance to the receiver: Fall subscribe with their landes the said writ, and subscribe to their names, the just and ordinar price; quhilk they receive fra the partie for their paines. To be a estimon of their discretion, in valuing of their travels taken in the saidis writes, and to give further lichte to the saids Lords, quhat constant prices they may set upon the like in time to come, under the paine of deprivation from their offices, and punishment of their persones at his Hiens further pleasure, in case of falsite. And ordainis letters to be directe, To make publication of the premisses to all and findrie his Hiens lieges, quhairthrow nane pretende ignorance therof.

FERCOSTA, an Italian word: Ane kinde of schippe or litle Boate. In ane priviledge granted to the Burgh of Dundie, for reparatioun and bigging of their Forie and Haven-be King James the second, in the zeir of God, an thousand four hundred, fifty aucht zeires, and of his reignt, the twine twa zeire: Mention is maid of ane Fercost, quhilk is inferiorer in birth and quantiteiro an schip, because the impost and taxation laid upon ilke schip is ten shillings, and upon the Fercost, twelve pennies, and of everie Crear, bulch, barge, and balluiger, five schilling, and ilke great boat six pennies.

FERDINGMANNUS, ane Dutch word, ane pennil-maister, or The-saurar. *Stat. gild. c. 5.*

FIDELITIE, maid to superiours, and over-lords. *vid. Homagium.*
 FINIS, finance, or composition maid with theives. *Statut. 2. Roberti Brunyfe. Item 9.* In the quhilk placet is called ractum, or thit boar. *Finis curie*, ane composition quhilk onie man givies ane court. Gk as the justice aire, to the King, *In regilla 28. December*, ane thousand five hundred forty ane zeire, the The-saurar contrar the burgh of Perth. *Finem facere cum rege*: to fine with the King: Or to make ane finance, and satisfie him for any trespass committed against him or his lawes. *Asf. reg. Da. cap. 2. lib. 4. cap. 3. c. 5. v. r. c. 6. or finem reddere regito* pay a fine or composition to the King for ane crime, sik as thit boar. *St. 2. Ro. Pr. c. item ordina. 9. Finem facere cum valensiano de multura*, To agree and comone with the millar for the multer. *Statut. Wilh. cap. item statuit quod de-ventor. 11.*

FIRMARIUS, ane mail-payer, ane mailer, or mail-nand. *leg. bure. c. 5. firmarius 56. quo. attach. c. nullus 26.* Firma signifies the dueite quhilk the tenant payes to the land-lord, quhiddir it be silver, mail, victuall, or uther dueite. *In statutu gild. c. 48.* In the quhilk significacion, it is commonly used in the French lawes.

FORENSIS, from the French word *Foraine*. In the burrow-lawes of this realme, signifies ane un-free-man, quha dwells not within burgh, or out-dwelland man. And therefore is called *un-free mannes*, quha dwelland aland-ward, hes na priviledge, or immunitie within burgh. Commonlie all strangers are called *Forinseci*, or *foreines*; uther-wies *advens*.

*quae ma-
nere ma-
nere ma-
advens*

advena. Quahir-amen it is statur, that na burges dwelland in burgh, full
barbouric onie strange man in his house, langer nor a necht, without
borrowes, & caution. leg. burg. Cap. nullus in burgo 88. quoniam atach
Cap. nulli 47. servitium fornicum significat sic service as the vasall, or
tenant, sild doo to his over-lordand master, tra hame, or in time of
weir-faire. In England they quila are nocht borne English-men, are called
alienes: Quaha injoyes nocht libertie within the realme, except they be De-
nized, quihk word appears to be driven a *Danis*, quasi *Danifatus*, that is
maid lauchfull and free: as onie *Danef-man*, was quah the *Danes* did occu-
pied and possesse ane greate parte of that Realme. And in France they are
called *ambani*, or *albin*, quasi *albi nati*, stranges, nocht borne within the
Realme of France, quha therefore deceafant in the testament. For their
libertece of their bodies, hes na power to make testament. For their
gudes and geare, are nocht given to their aires, or successours, bot are
confiscat to the Kings use, be the law quihk is nam'd, *Albinage*, ius
albinagij. *Chellau*, in consuetud. Burgund. Rubric. 21. §. verb. de confiscationi.
Nu. 37. in the actes of Parliament Marie-p. 8. Cap. 66. it is called *droit d'*
Aubeyne.

Servitium
fornicum.

Denizet,
Ambani,
Albin, ius
Albinagij.

FORESTARIUS, ane forester, or keeper of woodes, to quhom
be reason of his office, penceis the bark and the hewen branches. And
quhen he rides thro the forest, he make take ane trees which as his
awin head, leg. forest. ca. 10. Foresti, is called ane large wood, without dike
or defence, quihk hes na water. *Sylvia* is ane wood near adjacent to ane
flude of water: bot quhen the famin is inclosed with dike or hedgings,
is called ane park, *Chessa*, in consuetud. Burgund. Tit. des forestz. 13. in
prin. per gl. in eum dilecti. de amonitioni. Felu in e. Rodolph. extr. de rescript. Nu.
21. Quahir foresta, is called a place quhairin are included wylde beastes
and quhair some hes libertie of hunting. Bot quhair their is ane flude of
water, it is *Sylvia*. And beand circled about and environed with waters
Tusula. And inclosed with dikes or hedgings, *partus* 14. *Antrin*. d. Cap.
dilecti. *Inscodatus in liberum forestam*, inicit in free Forest, he power to
burn, haik, and cutte trees, quihk we call *possestatem vendandi*, *accipendi*,
& *secandi*. quihk libertie na person maie use bor be special licence
granted to him. v. d. *Taverna* vid. *Tenon*, vid. *Verd*.

Foresta.

Sylvia.

Parcu.

Insula.

Liberum fore-
sta.

FORISFACTUM, ane unlaw, quihk utherwaies is called *americi-*
mentum lib. v. dos anet 19 *Stat. Alex. c. si quis conquefuit. 9. l. b. 4. c. 3. leg.*
burg. c. forisfactum 42. vid. *Americiamentum*: it is taken for fornication
committed be ane woman being ane aire femall within void, *in eum*
famina dicitur forisfacta de corpore suo, to fornicat, or abuse hir bodie. *vi.*
Tuagium. Item it significs quhairin ever fault, trespass, and crime, and
is called iorefall in the Actes of parliament. Jan. 22. August. c. 6. And
quhair it is written *pro vno forisfacto non debet esse nisi unum americiamentum*.
leg. burg. c. de uno. 3. In ane other place it is said, *pro vno delicto*,
non debet esse nisi una misericordia. *As. reg. Da. c. ad hoc 28.* That is for
ane fault their sild be bot ane vnlaw. And in the English Lawes, *Hen. 3. in*
carta de foresta. c. 15 all him fore pledges, that they fall nocht do onie fore-
fault, or wrang in his foresets. *Forisfactum plenarium* may be exten-
ded to the deeth, as *plenaria justitia*, quihk sild be execute upon him quha
stops the sleuthbold, in perswering of theves and thief, *lib. 4. c. §. si*
quis. 35. And it is statur that name fall stop the Kings burgeslets to bye
and sell freethrow-our all the partes of the Realme. *super plenium foris-*
factum regis, leg. burg. c. si burgenes. 1. v. l. vel super pcuratorem forisfactura.
lib. 4. c. Statutum. 38. Stat. Wilh. c. Item statuti. 19. conforme to the quihk
constitution, he quha troubles or molests his merchandes dwelling within
burgh, to use their freedom and priviledges, may be accused as ane oppres-
sour of the Kings heges. *la. 5. p. 4. c. 26.*

Forisfactum
plenarium
Regu.

FORISFAMILIARI, forisfamiliar, put furth of his fathers
house, or maid free, and delivered furth of the fatherlie power, the
sonnes is called to be forisfamiliar be the father, quhen he with his awin
consent and gud will, receivis from his father onie landes and is put in
possession thereof, before his fathers deace. *lib. 2. c. porro. 3. 3.* and is con-
tent and satisfied theirwith. Swa that he nor his aires maie nocht claime or
crave onie maie of his fathers heritage. *de iudicibus. capit. Item nota. 115.*

FORESTALLERS, vid. Regvaters.
FORTALITIUM *la. 2. p. 3. c. 63. Stat. 2. Rob. 2. c. 1. Item ordinatum*
3. Ane fortalice, ane Castell, and properlie ane house or Towre quihk
hes ane battelment ane barnekin, or ane lowlic about it. *7. Feb. 1166.* Lord
Fleming contrair *James Rosse*.
FORTHOCHT fillony, *præcogitata malitia*, quihk is done & commit-
ted wittinglie and willinglie, after deliberation and beir purpose, and is dis-
ferent from *chadumelle*. *quia ut scribit Cicero l. offic. in omni iniusticia. per*
multum interitvorum perturbatio aliqua animi. que plerumque brevis est.
& *ad tempus. an consilium & cogitatio that injuria.* *Leviota cum sunt ea,*
que reputio aliquo motu accidunt, quam ea que mediata & preparata in-
feruntur.

Forisfamul.

Merum Im-
perium.

FOSSA, ane pit or fowflic. *Fovea*, an gallous, in Latine *cahalum*, quihk
was first institute and granted be King *Malcolm*, quha gave power to the
Barronesse have ane pit, quhairin women condemned for thief sild be
drowned, and ane gallous quhairin men thieves, and trespassours sild
be hanged, conforme to the doome given in the Barron Courte therean-
ter *hibo Boetus. l. 1. v. 2. et sic forcatum est meri imperij et alie justicie. et*
significat dominium aeris, quia suspensio pendet in aere, & merum imperium
constitit in quatuor, sicut sunt quatuor elementa. In aere, ut qui suspensum
videntur. In igne, quando quis colubitur propter maliciam. In aqua, quando
quis ponitur in calido & in mare proicitur, ut periclitata: vel in amnem im-
mergitur, ut seminae furti domate. In terra, cum quis decipitur, & in ter-
ram proferitur. Chessa in consuetud Burgund. Rubric. 1. §. 1. verb. au
tertio. Nu. 14 & rubric. 1. §. 8. Nu. 2. poro iurisdictioni dicitur
notio, que iuri magistratus competit. Mistum imperium, est possessus que
iurisdictioni inest. Merum autem imperium est ius gladij, vel alius gravi-

Jurisdictioni
mistum im-
perium.

oris coercitivum nominatum lege concessum. *Cuia. l. 4. de feud. tit. 19.*
FRIEBORGH, liber plegius, vel fideiufor, quem Galli francum pleg-
ium vocant. In the auld Briton lawes, *Bophy vel Botes*, is that quihk we
call borrows borgh, or cautioner. And *Aluredus* King of England, dividid
England in *stratages, centurias, & decurias*, as fall be declared in the worde
Schiref: and ordained that *decuria*, sild comprehend ten persones, and
centuria sild contin: ion 100 persones, quhairof ilk ane was cautioner and
soverie furthert: in ilk for that the shall amoner, and ilk ane of them,
was answerable for the fault and dede of onie ane of them, & swa was
called *free borgh, free pledge*, or cautioner. *vide antiquas leges Britonum.*

FURCHE, ane word, quhairof I find na mention in the written
lawes of this Realme, nor of onie other countrie: And zit is used in the
forme and ordour of the Chancellarie, from *furca*, ane loike. For quhen
onie person is served and retoured nareft, and lauchfull airt to onie of
his predecessors, of any lands holden in chiefe, of any other superior then
the King: The directour of the Chancellarie, causis his Clerkes direct
to the said superior three precepts, commanding him to give satisfying
to the person retoured, of all and findrie the laades, contained in the re-
tour, he doinge there to his superior, all quihk hee maie take to do of the
Law. Of the quihk precepts the second is called *Mementum a forma*
verborum que præceptum concipiunt. For the precept beatis that the King
remembers, that he directed his first precept and command, quihk was
nocht obeyed, quhairof he mervails: And therefore zit as of before
commands the superior to give satisfying. The 3. precept is called *furche*, for
quhat cause I know nocht certainte: Bot like as ane took hes two grains,
this precept hes ane alternative command of two parts, for the King com-
mands the superior to give satisfying, or else he certifies him, he wil com-
mand the Schiref to give the famin. *Itaque hoc præceptum est furcatum,*
vel bifurcatum, in eadem significatione, quia barba bifurcata, quihk is di-
vidid in two twa or parts: And in French furche, is called cloven fluted, or
forked.

Mementum.

G

GALENS, *lib. 4. c. si quis. 37. c. statuti. 66.* Ane kind of mendis, afflic-
tion, or satisfaction for slaughter. Of the quihk word I finde na
mention in onie other place, or law of uther countries.

GANGIATORES, *iter, camer. c. gangiatiore. 14.* significs them quha
suld mark the chath, breed, or barrells before they be sauld, with the
mark of their office: or tryth or examinats all measures, & weights, both
dry and wet, for the French Leye, is that quihk we call jug, met or mea-
sure.

GARBA sagittarum, ane sheaf of arrowes, containing 24. utherwaies
called *sheffa sagittarum. Stat. 2. Rob. 2. c. ordinatum est. 27.*

GARGIEFER ane French word Anse *Garfion*, an fervand quha servis
in the wyln, ane myln-knave. *leg. burg. c. quincunq. 64.*
GILDA, ane societie and companie of merchandes. For in the auld
Briton lawes, *gildes* significs the ordour or societie of religious men, or
of craftemen. *vide antiquas leges Britonum, verbo Contubernales.*

GIRTHOLL, *girth, gantuarie*, in latin, *asylum*, *as. reg. Da. c. si quis*
in aliquo. 27. §. asylum is driven from the grecke, *a. particula privativa, et*
Silabo. c. vrbagij. in l. si quis. 17. §. de editi. editi, because it is not leaful
to draw furth onie person furth of the girth. Quhairin ender the Actes of
Parliament are maid, conforme to the law of God. *Exod. 21. 13. Iohana. 22.*
1. c. 2.

GLEBA, ane gleibe, given and granted to Kirk-men and Ministers of
the Evangel. *vid. Manjus.*

GVEIRA, *lib. 2. c. feni quidam. 72. Stat. 1. Rob. 2. c. 17. Stat. 2. Ro.*
Bre. c. ordinatum est. 27. Utherwaies called *Terra*, battel, weir, and signi-
fies nocht onie publick weire and hostilitie, quihk is proclaimed and de-
nounced be the lauchfull authoritie of the Prince: Bot also private dead-
lye teede. quhen onie particular person wauld revenge onie privat injurie
teede, nocht to him. For it is statur be *K. David* the second, *quod nullus de*
caetero moveat guerram contra vicinos suos quoscunque, sed plena plenaria
forisfactura. 6. Novemb. 15 57. Mention is maid of courtes of *Guerra*, *la.*
3. p. 8. c. 69. quihkles were holden be schireffes, Stewards, Baillies, &
uther Officiars. Bot quhat was the speciall jurisdiction belangand thereo,
I know nocht: and findis na mention thereof in onie other part of the law
of this Realme, always as it appears that they wer holden be the ordinar
judges forsaides, anent sursite, debates, crimes and vrespasses committed
betuix familiar and domestik persons, subject to ane maister, within the
jurisdiction of the sildes judges conforme to the lawes of the sewis in
§. de place tenend. h. 2. de feud. §. ministeriali alicujus domin. inter fe-
Guerram habentur: comes sive iudex, in cuius regimine com fecerint, per
leges & iudicia, ex ratione prosequatur. Quihk forme of courtes being
particular justice coures, was prejudicial to the jurisdiction of the justice
and his deputies, and grievous to the lieges of this Realme, and therefore
are discharged be King James the third, in the place forsaide.

Terra.

GYRARUM, ane hand axe *leg. forest. Cap. sciendum est. 67.* quhair
it is statur ender ordained, that all men of the age, betuix sextie, and sex-
teene, fall have armour, conforme to the quantitie, and the valour of
their landes, and moveable gudes, that is, he quha hes fiftene pounde
lande, or fourtie markes in moveables, fall have ane horse, ane haberge-
on, ane bonnet of iron, ane sword and ane dagger. And he quha hes
fourtie shilling land, or abone, within ane hundreth shilling land, fall
have ane bow, arrowes, dagger and knife. And he quha hes lesse then
fourtie shilling land, fall have *Gysarum*, quihk is called ane hand axe,
ane bow, and arrowes. And all uthers quha sild, or may have armour,
fall have ane bow and arrowes.

HAIMSUKEN, lib. 4. c. raptus, 9. in fine, quo. atach. c. de cetero: 48. Stat. Will. c. Item. stat. 9. Ane Dutch word. For *Haim* signifies an house or habitation, quhairne dwells, and quhair he has his winning, rytting and lying. As we say, ane man is at haim, or nocht at haim. In the quhilk signification *Cumingham*, is called the Kingis house or hame, speciallie quhen the Kinges of this Realme, quia of before did dwell in the Isles; came to the maine land to dwell, and remaine in *Doumdonald*, and other places. *Suchen* in the Germane toung, signifies to seike, or searck, perforce, et *Tehwol* quhen ane gives up kindness to ane uther, he sayes, *Harr, harr*, *Tehwol* auch *suchen*, iwa hame-fischen, or hame-ficken, is quhen one person violentlie, without licence, and contrair the Kinges peace, enters within in an mans house, or seiks him at the same, or affalizes his hous (as is written in the belt bukis) quhilk crime is punished, as ravishing of women: quo. atach. c. si quis aliquem. 50. Stat. Will. c. Item. stat. 10. quhilk is esteemed an greave crime contrair the common welliunkes, and peace of the cuntre, quia *unicuique dominus suis est iustissimum regnum*: Ideoque de domo sua nemo debet extrahi. l. sed §. fi. 21. ff. si quis in jus vocat, quod verum esse in causa civilis, non autem in criminali, notatur in gl. ibidem, quod sit dominus. vid. l. 1. ff. de agrosolendi. liber.

HAWBERT, T. there are four maners of halding of landes ourwith Burgh, Sun landes are halden by the Kirk *non pre elemosina*, & paies nothing but *devota animarum suffragia*, as was used in the time of blindness and papistrie: uther are halden in feue, or few-ferme of the King, Kirk, Barroens, or uthers, quhilkis payes ane certaine dewtie called *fendfirma*, few-ferme: uther are halden blenche, be payement of ane penne, an rose, ane paire of gullt spures, or fuln uther dewtie quhen it is asked, in name of blenche, or *nomine albasirme*: uther landes are halden be service of warde a nd reliefe. and the aire hirself beand *minor*, is in the gaarde, that is waerde, custodie, and keeping of his superior, with all his faldes landes, untill he be major of perf age. And siklike his marriage beand *Major* or *minor*, and nocht married before the decease of his predecessour, pertains to his superior, *vid. Farla*. Landes halden in this last forme and maner, are called *feodum de Haberk*, or *Haubert*, or *feodum militare*, de *maritag*, c. *diversa*. 7. aff. reg. Da c. *statutum* suit. 32. Or *feodum Habericum*, or *feodum loricanum*. Because it is given upon condition, that the vassall possessor thereof, fall cum to the hoilt and armie, with *Tak*, and armes: for *lorica a lora*, signifies ane abzultement maid of cordes, and *Haubert*, signifies ane kind of armour, maid of maillezes, or circles like ringes, called an *Haubergion*, conform to the common prover, manie maillezes makis an *Haubergion*, in one litle makis an meckle. Of the maner of tenures in the English law read *Litton*, and in the Normand lawe. lib. 5. c. 3. cum segg.

HAIMHALDARE, *vindicare. actione realiter repetere*, to repeat & secke restitution of proper gudes and gear, and bring the samin hame againe, quo. atach. c. 4. aslauchfull and *haimhald* cattell. mek. ten. car. c. 13. and *haimhald sint*, or *haimhald* hemp is that quhilk growis at haim, within this realme, & is opposed to linc, and hemp quhilk is inbrocht furth of uther cuntre. *hambaldatio catallorum*, is quhen one man seikis restitution to be maid to him of his awin guds and gear, wraungoully taken fra him, quhair of frequent mention is maid in the auld lawes of this Realme. And he quha seikis the said restitution, suld fweare in this maner, ane buike be, and he put within the hornes, or upon the fore-head of the beast, that is claind before twa lauchfull witness, that the said cattell acclaimed be him did wander away from him, and that the samin was nocht given, fault, or onie maner of way annald be to onie kind of person. *vid. Catalia*.

HARA *porcorum. vid. Crestera*.
HERREZELDA, is the best aucht, ox, kow, or uther best quhilk ane husband man possessor of the aucht pair of ane duach of land: (soure oxen gang) dwelland and decaand theiroun, he in his possession, the time of his deceafe, quhilk aucht and suld be given to his Landis lord, or maister of the said land. lib. 4. c. si quis. 22. aff. reg. Da. c. si quis. 41. for *Herr* in ducht, in latine *herus, dominus* signifies ane lord, or maister, and *zeild* is called ane gift, tribute, or taxation, as in the auld actes of parliament maid be King James the first, it is written, that ane *zeilde* was gathered, for the reliefe of him out of England. And ane uther *zeilde*, was collected, for resisting the rebelles in the North. *Swa Herrezelda*, is ane gift given be onie man to his maister and Lord, quhilk suld be his best aucht 17. October. 1470. Quhilk is conforme to the auld lawes. li. 2. c. *reventur* 35. quhair ilk person makand his testament, suld recognize, and acknowledge his maister with the best thing he swa: It is manifest that the *Herrezelde* is given, be reason of the tenents decies to his maister, as ane gift, for acknowledgeing, and honouring of him, and therefore in the civil law is called, *laudemium, a laudando domino*. Item in the auld Saxon, and Dutch language, *Herr*, is ane hoiff, a armie, or wraier. *Swa* (as sum thinkis) *Herrezelda*, signifies that quhilk is given to the Lord, or maister passing to the hoiff, or be reason of weisfaire. For ilk small husbandmen having onely foure Oxen-gang of land, and thereby, be reason of their povertie, nocht able to passe to weisfaire in proper person, suld help their maister, passand forward theiroun: like as *Herrschulda*, is the paine of him quha obeys not the proclamation maid for weisfaire, for *schulda* is debitum or debts, and *heribanum* is ane charge or proclamation maid for weisfaire. *Civitat. li. 1. de fend*.

HILDA. terra, Hida terra, ane pleuch of land. *vid. Carricata*.
HOMAGIUM, *dicuntur quando aliquis promittit se esse hominem alicuius domini, & hanc & habitare, ubi voluerit esse. Et super hoc facit homagium, id est promissionem, in suis suis homo. Vel homagium dicitur si hoc hominis, pro rebus temporalibus facta datione. Chistian. in consuetud. Burgund. rubric. 2. §. 1. verb. des fiefs. c. in §. 3. m. 2.* It is a band of man-tenet, quhen one person promittis to serve ane uther, in sik sort,

that he fall be friend to all his friends, and foe to all his foes, against all deadlie. *lib. 2. c. predictis. 60. le. Forest. c. quando 60.* It is therefore called *hominium*, and suld be maid be the vassall being *minor*, or *major*, to his over-lorde. *lib. 2. d. Cap. 60.* And the samin being maid generally, with-out exception of any man, is called *homagium cum ligetania factum. vid. Ligetania*, homagie differs from fidelitie, first be reason of the persones makers thereof, for weicne makis *ma* homagie, but onelie fidelitie. *lib. 2. c. predictis 60.* Because homagie concernis forvicepialie in weisfaire, to the quhilk weicne are nocht subject. And likewise concernis bishops, makis onelie fidelitie for their landes, and baronies. *lib. 2. c. fieri. 61.* In this forme, I fall be kill and treaw, to our my liege Lord, and schar *N. King of Scotland*, and fall nocht leare, zour skath, nor sic, but I fall let it at my power, and warne zow thereof, zour Council conzell, and heill, that se zehaw me: The best counzell that I can to give you, when ze charge me in *verbo Dei*, and as help me God, and the halie Evangelie.

The second difference is be reason of the forme and maner, for that that makes (salie, knellis nocht on his kneis), Bot he that makes homagie knellis down: utherwaies the forme of homagie maid be barroens to the King, and the forme of fidelitie maid be them to the King, are nocht far different, for the forme of homagie maid be them is this: I become zour man my liege King in land, lib, life and law, with allie honour, homagie, fealtie and lawtie, against all that live and die. Zour counsell, conzell and that ze fall see: The best counsell chawand, gif ze charge me: zour skath and dishonour now to hear or see, bot I fall let it at all my gudlie power, and warne zow thereof, Swa help me God. The forme of fidelitie maid be the baronet to the King is this, I fall be kill and treaw, to our my liege lord, *Sir N. King of Scotland*, I fall never see zour skath, nor hear it, but I fall let it at my power, and warne zow thereof, Zour counsell chawin to me, I fall conzell: the best counsell I can, I fall give you, zuben ze charge me therwith, fa help me God. *Fium autem Homagium de terra tenentis si liberis tantummodo & servitibus de villis assignatis in donatio, & alio rebus. pro solo vero domino, non solet fieri homagium excepto domino principi. lib. 2. c. funa. 66. Haec licet corruptus & diffidit legi debet.* Concerning the expolition of the quhilk it is to wit, that all homagie is maid to the over-lord and maister, quairsof sum are maist clute and principall, ilk as the King, to quon whom without onie exception *suprema fides, qua nullum exceptum non pariter pure optimo debetur*. Uther over-lords are inferior and subsaltene, to quonm their vassalles are bound and oblied, and suld make their homagie. And swa their is twa kinds of homagie, *an entia est legium, aut non legium. vid. Legetania*. Both the one and the uther may be maid pro terra, tenentibus, *nam red ditibus*: Because ane free halder of landes, tenements, and annualltenes, maie make homagie to his immediat superior for his landes or tenements, exceptand the King and his over-lord, quhilk is *Homagium non legium. lib. 2. c. fieri. 61. leg. felder. c. quando 60.* Or he may make homagie to his over-lord *simpliciter*, without exception of ony person or uther over-lord, quhilk is *homagium legium. pro solo domino*, an homagie can be maid, but onelie *domino Principi*, quhilk is *Homagium legium*: Because it is upon condition, and covenant that he to quon he is maid, shall maister, Lorde and maistener all nerlie to the maker thereof. And he quha makis the samin, fall acknowledge him and name uther, to be his Lord and maister for his maintenance, protection and defence, quhairanet he makis exception of a person, and swa this kinde of homagie, is maid to the King allnerlie, *pro solo ipsius domino, quon fulm & nullum alium omnes debent agnoscere pro solo domino. Sic licet ad modum diffidit sine diu nullumque liberis & judicium*.

HUESIUM, *Hoesium*, ane French word. *Oyez*, in latine audite, ane hoyes, or crié used in proclamations, quhairy ane officiar of armes, or messenger does convene the people, and forwarms them to hear him, *de magistrat. c. festum. 17. de iudic. c. 57.* It is called *alouy*, an out-hoy, or *crie. leg. forest. c. si quis 91.* And ane thierie suld be taken with the blast of ane horn with clamour, or hues, and preferred to the Kingis Baillie. And gif thereafter he flies away, he maie be slaine leifurly, & banged up in the next gallous. *lib. 4. c. si quis latrone. 23.* And in the lawes of England, the Act of Parliament. Ja. 6. l. c. 21. And in the lawes of England, *ann. 4. Edward. 1.* he quha follows nor the hue, raised for apprehending of malefactours, shall be forfeit.

HUSBANDLAND, contenes commonlie 6. akers of sik and sith land: That is of sik land as may be tilled with ane plench, or may be mawed with ane fyris. For as maid writers testifies, the Earle of *March* for the time, caused his forsaud *Simon*, or *sim Salmond*, to divide the hiall land in the *Mers* into husband landes. Ilk husband land contening 6. akers, quhair plench and sith may gang. *Quhat Earle of March this was, I am not certain, bot I find that ane called Simon Salmond, is foretold with nocht certain, bot I find that ane called Simon Mar, and Carrioch, Lord of Alexander Duke of Albanie, Earle of March, Mar, and Carrioch, Lord of Amundale, and of Man, brother to King James the third, 8. July. 1483.* Bot the Lords of Council either the *zeilde* mailes, fermes, and dewties. And ane husband land, to five markes, in *Registra. 11. Decem. 1545.* And ane uther husband land lyand beside *Dumbar*, they esteem it to 14. bolles bear, and 3. bolles quhite. in *Registra. 14. Feb. 1544.* And ane uther husband land to 3. pounde. Swa I finde ane certaine rule preserved anent the quantie and valour of ane husband land.

INFANGTHEFFE, *lib. 1. c. 3.* ane Dutch word, quhair of I finde divers Interpretations, for in the auld lawes of the *Prisones* maid be King *Ed. 1.* *Infangtheffe* is ane liberty or powe pertaining to him quha is insett therein, to cognosce upon thier, committed be his awin man, taken therein with his awin dominion, *Scandis*, like as in findry auld bukis, conteland the lawis of this realme. *Infangtheffe dicitur latro capus de homicidio facti*

Be quator modis tenetur terra.

Loric. Humbergion.

Herr. Zeida.

Laudemium.

Herrschulda.

Herrbanum.

Forme of fidelitie.

Forme of Homagie.

For quhat things he maye make.

Homagium legium & non legium.

For quhat Earle of Alexander Earle of March, & King James, & King James.

De verborum significacione.

suus proprijs, factus de latrocinijs. & outsi' ghebie is an for t'hib quia cum...
fuis proprijs, factus de latrocinijs. & outsi' ghebie is an for t'hib quia cum...

Exulum man- nifestum.

The forme of the justice aires, or court.

Justice aires sould be holden twice in the a.ire.

For what causes justice courts sould be holden.

Dittay, and for crimes it may be taken up.

Dittay may be taken up private, or publickly.

laire or officiar within ilk village or town Stat. Alex. c. 2. And mai'r over, all Lords and heademen of all partes of this realme, sould give up dittay...

The breves of Dittay.

Wilhelms & Justitarius Domini nostri regis generaliter constitutus, Riccofimus & Vallusius de E. saltem. Quia iudicamenta Regia, Deo dante, decimo die mensis. N. proximo futuri, cum continuatione dic- torum. apud F. infra octiduum vestrum levare intendimus, vobis pre- cipimus & mandamus, quatenus summoneatis, seu summonei faciatis, le- gitime coram testibus legalibus, de qualibet baronia, & duodecim vel quindecim homines, ad hoc opus magis sufficientes. Et de qualibet vicaria, seu villa quatuor vel sex homines. Et de quolibet burgo, duodecim, vel sex, decem burgenses, ad hoc opus magis sufficientes, secundum quantitates locorum, & numerum personarum, in istisem existens, una cum feriendo, sacro, molendinario, brachario, & scilicet, cuiusque baronia, villa, seu vicaria, & loco, cum continuatione dierum, ad festum reddendum iudicamen- tia regia. Et faciendum ac subeundum, id quod in hac parte, juri ordi- do requirit. Et siis vociticos, & ballivos vestros, ibidem, coram cle- ricis nostris, dictis die & loco, cum continuatione dierum. Habent vobis cum summoneis vestris testimonias, & hoc breve. Proinde etiam pro expensis ditorum clericorum, quas vobis in primis computis, de exitibus iustitiarum reddendis, faciemus plenius allocari. Et hoc nullatenus emittatis sub omni poena, que competere poterit in hac parte. Datum sub sigillo officii nostri iustitiarie. Quilibet breve, the Schreffre sould reporte at the day appointed, in the place, & quair the dittay sould be taken up, to the justice Clerke, and two wites at the least with him, for to verifie the execution of the breve, to be lauchfullie done, conform to the command of the justice. Coform to the precept & command above written; the justice Clerke aine, or ma, convenis the day, and in the place appointed, and there remains suffeined upon the Schreffre's ex- penses (quhilk is allowed to him in his comptes, of the issues & profits of the justice airc) and takis up dittay be the relation, and deposition of the persons summoned, for the giving up thereof. Quhilk dittay they sould keep quiet, and sould na waies reveale the famin to any person, nor trans- late it otherwise than it was given to them, nor change names, after for ane uthir: Nor put out any uthir of the rolles, bot lauchfullie and law- licly sould report and deliver the famin to the justice, and his deputies. Ia. 2. par. 6. cap. 28. Dittay sould be given up be verue of the Kings Com- mission; direct to Earles, Lordes, Barrones, Knights, and special Lan- ded Gentlemen: And be four of the Council of everie Burgh, quha fall mak & give up dittay, be their awin knowledge, or be ane in sworn in- quest, or sworn particular men: Upon all persones suspect capable of the crimes and fautes, pertaining to the iustidiction of the justice and his deputies. Jam. 6. parlia. 11. cap. 11. Quhilk sould be like- wise kept quiet, and reported, as said is, to the justice. And dittay be- ing taken up, upon any crime agaisnt any persones: Neither judge, bot the justice and his deputies, may mell therewith. Likes as the War- daine on the Bordours, in his wardaile court, may nocht intermet with ony thing that perteinis to the dittay of the justice airc. Jam. 2. par. 11. cap. 42.

The portuous,

Traister,

Attache- ments, arre- estments, and forma therof.

Arresting of fugitives.

The dittay taken up, in maner foresaid, The justice Clerke, at com- mand of the justice, makis an catalogue, containand the names of the persones indited: And upon quhom dittay is given up, quhilk is called ane portuous. Togidder with ane uthir Catalogue, quhilk containis the particular dittay, given and taken up, upon transgressours and ma- lefactours, called the traistes: Both the ane, and the uthir, is delivered be the justice Clerke, to the crowner: To the effect, that all the persones quhaus names ar containid in it, may be attached, and arreited be him to comper in the justice airc, to answer to sik crimes as salbe im- put unto them. Ia. 1. p. 13. c. 139. Ia. 3. p. 14. c. 99.

The crowner, in making his arrestments sould passe to the habitation and dwelling place of the persones, given to him in portuous, and thereafter make proclamation at their Paroch Kirkes, upon festuall daies, and take foverie of them, sik as he will stand for to the King. And gif the persones fwa areited, be nocht streinzieable; The Crow- ner fall areit their gudes, and put them in fire keeping, to the Kings use: quhilk the said foverie be founde: Or else take their persons, and put them in the Kings Castell, gif any bee within the Schire. And gif there be na Castell, hee sould deliver them to the Schireffe to be kept. Ia. 3. p. 3. c. 5.

And mai'r over, because sındrie persones indited, usis to fle and ab- sent themselves; fwa that the Crowner can nocht apprehend them per- sonallie, to areit them. In that case, it is sufficient that the Crowner cum to the dwelling place of the saids persones, and make them warning, and charge to comper in the justice airc nixt following, to answer to sik accusations of crimes, as salbe im- put unto them. And thereafter upon the nixt Sabbath day following the said charge, the Crowner fall make open and publick intimation of his warning, charge, and promo- nition, maid to the saids persones, be their names, in their Paroch Kirkes. Quhilk charges, promonitions, and intimations, fall stand to them for sufficient arrestments, the famin being lauchfullie proven, as effectis of the Law. Jam. 5. p. 4. c. 33.

And mai'r over, gif the handreitt attaché any man personallie, be reason of his absence; hee sould areit all his gudes moveable, and un- moveable,

moveable, to remaine under sure pledges, and to be forth command to the King: In case he be nocht answerable to the law before the justice, Leg. Malc. Mak. cap. 1.

The Crowner shall arrest at all times, alwey before the crye of the aire, as after the famin, all them quha are given to him in porous, be the justice Clerke, and name others. James I. Parliament 13. cap. 139. Bot all arrestments, suld be maid before the time of the beginning of the justice aire and feare of justice, and na waies after the famin. Ja. 3. par. 7. ca. 58. All perones charged to compeir, in the justice aire, suld be attached and summoned to be the auld law of this Realme, upon the space of fourtie daies at the least. Ass. Reg. Da. c. ad summouitones. 19. And albeit na man suld be attached or arrested, except dmay be given upon him. Stat. Alex. c. 2. Nevertheless, in attachments, or arrestments of any person indited, na mention suld be maid of the cause or crime, for the quhilk he suld be indired; bot the same suld be concealed be the clerke, and na waies revealed be him. Stat. Wilh. c. statuti etiam c. Leg. Forest. c. Si aliquis 52. quoniam attach. c. Si aliquis 49. Ass. Reg. Da. c. 6.

All the indwellers within the towne or village, suld concur and assist the crowner, in attachment or arresting any malefactor to compeir in the justice aire, to underly the law. Stat. Alex. c. 2. And like-like, quhen the crowner receivis his porous, containand the name of any person indited, quha will not obey him, or quhom he dare not, nor is it of power to arrest; he shall passe to the Lord of the Baronnie, quhairin that person dwells: Otherwaies gif the dwellis not within ane Baronnie, he shall passe to the Schireffe of the Schire, and require them to be borgh and forvicke, to enter the said person to the justice aire; quhilk gif the Barone or Schireffe refusis; the Crowner fall require them to send their officers, and sufficient number with them, to forricke and supplic him, in making of his arrestment, taking and keeping of the said disobedient person, quhilk he brocht to the Schireffe, to be kept be him, untill the time of the Justice aire. Jan. 3. p. 14. c. 99. Maid-over the crowner fall bring all perones arrested be him, quha hes not, or may not find borrowes to the Schireffe of the Schire, quha fall receive him in suretie, and firmance, upon the Kingis expenses; and quhair it failzes, on their awin gudes, quhilk the next justice aire, and there present them to the justice. Ja. 3. p. 14. c. 102.

Arresting of delictors persons.

The crowner's expenses.

Probation of arrestments.

The crowner's fee.

Of persons quha suld compeir in the justice aire.

Præceptum iurium iustitiarum.

Assessors and consellers.

sell of landes and heritage: To certifie and informe the justice and his deputies, in his question and doubtis, quhilk incidently aris, as emergent, and of before could nocht be fore-seene, nor known. Ass. reg. Da. c. stat. 18. quoniam attach. c. stat. 77. Sik as Bishops, Abbots, Priors, Earls, Barones, and other free tenentes, being summoned and warned to that effect, quoniam attach. c. ad summouitones 78. l. 4. c. Stat. 19: and they being lawfullly warned and not compeiring, incurris, the paine of the unlaw of the court. Li. 4. c. statutum. c. 19. And may be punished as favourers of the traitors, schireffes, and air and par with them. Ja. 2. p. 3. c. 29. And they and all wher the Kingis likes, suld cum to the justice aire, and to all other courtes, in sober and quiet maner; and suld not bring with them, man perones, then ar dailie in their household and families. And being cum to their lynes and ludging, suld laye their armour and weapons from them, and usen weapons, bot their knife. Ja. 2. p. 12. c. 83. Maid-over, all Lodes, Spiritual and Temporal, Barones and others, cummand to the justice aire, suld na waies mainteine, fortifie, supplie, defend, nor be Advocates, nor stand at the Bar, with maner traitouris, men-layers, thieves, rievors, nor at her trespassours, nor perones pertaining to themselves, or others: Suttand, it false kassum to them in sober waies, to stande with their kin, and frendes in defense of them, in their honest adions. Ja. 3. p. 14. c. 98. Quhen the justice aire is to be halden upon the Bordoures, The Wardairnes, within their Wardairnies, and their deputies, with the free-halders of the Schireffidome, being warned thereto be the Schireffe, be open proclamation, suld convey the justice and his deputies, to the place appointed for halding of the Court: And accompanie them, in doing their residence, and unwill they be out of the bondes of their Schireffidome, and received be the next Schireffe. Ja. 6. p. 11. c. 81.

In the justice aire, suld compeir all perones attached, and arrested, conform to the dittay given & taken up upon them; quhairof, some were arrested of before, to have compeired in the justice Court preceding, alreadie ended, and expired, and compeired none in the fauin: quha's names ar given to the Crowner, to be of new attach, and arrested, to the aire following, as of before: Others are of new indited, upon quhom na poyn of dittay was taken up, in any time by-gane, quha's names ar comprehended in an Cataloge, called porous. All the fore-said perones indited, bairn of auld and of new, suld be attached and arrested be the Crowner, to compeir and underly the law, the time of the justice aire, as in manifest be the precept foresaid, direct be the justice general, to the Schireffe.

Perones as indicted.

Inhabitantes of annexed landes.

Stewardries & Bailiories.

The judge.

The justices expenses.

The Schireffe, The crowner.

The forme of the court.

The suite of courtis.

Commissioners.

All perones arrested, that may be apprehended, the time of the aire, in the Tolburh, or in the town, quhair the justice is, false taken and delivered to the justice, to be justis for their crimes and trespasses. Swa that the arrestment be maid before the time of the beginning of the justice aire, and feare of justice. Jan. 3. par. 7. cap. 57. And quhair landes lyand in findre Schireffidomes, ar annexed and united in ane Baronnie: The inhabitantes thereof, fall answer in the justice Court, quhair the landes lyes, and the Lorde, or proprietor of the landes annexed, givis presence or service, in the court of the Schireffidome, within the quhilk the baronnie lyes, to the quhilk the landes ar annexed. Ja. 4. par. 6. c. 99. For in this case, respect and consideration is had to the natural situation of the landes, and to the jurisdiction, within the quhilk they lye: rather nor to the imagin, and civil forme of lying, of the landes be annexation.

Head, all inhabitantes of stewardries and bailiories, fall cum to the auld burgh of the Schireffidomes, quhairin they lye: And within the quhilk head burgh, the Kings justice aires ar halden. Ja. 6. par. 11. c. 81.

The judge in the Kings justice aire, is the Kings justice general, or the Kings bailie, in his regales, havand lawfull power and commissioun granted to them. Ja. 2. p. 3. c. 9. For the King, or the justice general, may make ancht deputies, quha withane depute of the Thesaurer, and ane other of the justice Clerke, suld pass severallie throw the aucht quarters of the realme, and hald justice Courtes. l. 6. p. 11. c. 81.

The justice general, suld have for his sustentation, like day of theaie, five pound. Like as the justice Clerke suld receive for ilk man clogged, beane assise, and drawn furth of the rolles, four pennies. And for ilk man amerciar, or componand, ij. s. Leg. Mal. Mak. c. 2. For ilk Attorney and commissioun, twa shillings. For ilk man quha produces ane remission, twa shillings. For ilk man that cummis in the justice wile, twa shillings. For ilk man convict and sled, twa shillings. For ilk letter of wainefce, sex shillings, aucht pennies.

The Schireffe suld be present, as he quha is warned be the justice precept, to answer to all the poyntes thereof: And touching the execution of his office, togidder with the Crowner, quha suld answer for his attachments and arrestments, and verification thereof: And the Schireffe, with the Crowner, suld tholl ane assise, the last day of the aire, anent the using and execution of their offices, to quhome justice suld be ministrat, as they fall be founde innocent, or culpable. Jan. 3. par. 14. cap. 103.

The day of compeirance being cum, to the quhilk the justice aire is cryed and proclaimed: The justice and his deputies, suld compeir with all other perones, charged and commanded to concur and assist with them. At the quhilk time, the fures suld be first called, with their Lodes. For albeir the Suters compeir, nevertheless, their Lodes and maisters ar obliged likewise to compeir, and give presence to the justice in his aire: They being lawfullly summoned, and charged to that effect, be open proclamation, and be the justice precept abone writen.

2. The Commissioun and power given to the justice, suld be produced and red: And gif the Commissioun be given and granted to man perones nor ane conjunctie: They suld be all present; otherwaies it is na lawfull court. Bot gif they be conjunctie conjunctie and severall

lic: It is sufficient that any one of them be present. And moreover, the justice may nocht make and constitute deputies and substitutes under him, except he have special power in his commission, to do the same. Lib. 4. c. 1. s. 1. 27. Thirdly the judge full begin and senſe the court, conforme to the common ordour and custome used and observed. La. 6. par. 11. c. 81. Quhilk fuld be done at eleven houres before noone. Ja. 6. p. 11. c. 86. Fourthlie, the court beand affirmed, the dampſter fuld be called and caufed to be ſworne, that he fall leallie and trowle, use and exere his office. Fiftlie, the futes fuld be called. La. 6. p. 11. c. 81. zit againe as of before ilk man, twife with their lords and maisters, and the abents deemed to have failzied, and therefore fuld be unlawd, and gif bairn the suiter and his Maister be absent, ilk one of them be themselves fuld be amerciar.

The senſing of court.

The dampſter. The futes.

The affis.

Sextlie, the affisours being summoned beane precept direct be the justice to that effect, fuld be called, ilk persone under the paine of fourtie pounds, and the justice may cheife affisre one or moe, as he pleaseth, of the best and maist worthie of the countie, before whom the hail accusation, reſponſing, writings, witness, and utter probation, and infruction quhat-foever of the crime, false reasoned and deduced in their presence, and also in the presence of the partie accused in face of judgement. La. 6. p. 11. c. 90. 91. And it is to wit, that he quha givis up ditray upon ane uthere, fuld not pass upon his affisre. La. 1. p. 3. c. 50.

The persons attached.

7. The justice fuld procede in the court, and put the offenders gif any be already in prison, to the knowledge of the affisre; and minister justice upon them, as they fallse found innocent or culpable. Lam. 6. p. 11. cap. 81.

8. He fall call thereafter the pledges, and cautioners of persones attached, quha laund fo vertie before the justice any time preceeding, at any particular die, or court, to compeir the third day of the aire, or fooner upon siccne daies warning. La. 6. p. 11. c. 81.

9. This being done, the clerke fall visit and consider the hail rolles, and journall, and call all them quha ar writen from the aires preceeding. Upon quhais heades and names is abſent. *prima dies, secunda dies, tertia dies*: Be the quhilk he underſtands, fra quhat aire or court they were absent. And that they may be therefore amerced, ilk one of them be themselves, be reason of their absence. And gif the saidis persones, nocht compeir and be before, now compeiris & ar present: The clerke fall laik the said ditraies and rolles, and accuse them, conforme thereto, in the best maner he may gudlie. And gif there be na particular poynt of ditray, or accusatioun; he fall lay common ditray to their charge.

Pledges for court of the thers.

10. Thereafter the justice full call the persones newe in-ditred and arrested; And gif they or onie uthere of the arrested persones foreſaids, compeir; they fuld be presented to the court, and to the Schireffe, quha fuld answer for them, until justice be done upon them.

Excuse for non-compeir.

11. The quha ar attached, and compeiris not, may na waies be accused for their nocht compeirance, bot be the Kings service; quhilk fuld be verified be the Kings letter, produced in court, Or be reason of sickness. Quhilk be the auld law, was tryed be ane affisre, quhiddie it was trow, or feinzid: Albeit the partie was absent. *Stat. 2. Rob. 2. c. 5.* Bot now it fuld be proven and verified be the Minister of the Paroch, within the quhilk the person excused dwells: And be twa witness personallie compeirand in judgement. I. 1. p. 9. c. 14. And concerning persones absent, it is generally ordained, that every barrene and free-holder, fall answer in the justice aire, for his awin men-dwelland upon his awin proper landes, tacks, steadinges, howmes, and baronies, and false halde to cure them; or els answer to the King, for their unlawes. I. 5. p. 3. c. 6. Quhat is the unlaw in the justice aire. *vid. Amerciamention.* Bot lor the better understanding of the lawes, concerning fugitives and abſenters: It is to wit, that be the auld lawes of this realm, gif the partie defender being lauchfullie warned, compeired not, bot send ane excuſe, or excuse; the same being reasonable, was received and admitted to the judge, three siccne daies or courtis: And gif he compeired afterwarde, and verified his absention to be lauchfull, he was disfrinzid, and poynded therfore. Bot gif he neither came, nor send ane excuse: The partie persewer compared at halffull day and time of court, and offered him reddie to persew, quhilk he did be the space of three daies. And the third court beand by-past, the defender was summoned to compeir the fourth day: The quhilk fourth court was peremptour; because *sententia definitiva* was given a fourth court him, conform to the claim and petition, gif he compeired nocht. *Tab. 1. c. summationis.* 9. The like forme and ordour of processe was observed in justice courtis. For mentionis maid of the first aire. La. 3. p. 3. c. 94. And of the second aire. I. 5. p. c. 32. And of the fourth court. I. 3. p. 14. c. 101. And gif ony person indicted, and lauchfullie attached, compeired not, the said three courtis, his pledge or law borch was called and amerced, for the first, second, and third court, and at ilk time after ilk one of the saidis courtis, the said pledge was poynded and disfrinzid. and the disservice or poynd was letten to borch, and maid free under caution; that the said person indicted, fuld compeir in the next aire following, to underlie the law. And gif he was absent at the fourth court, the peremptour doome was given against him, That ilk one man was in ane amerciament, and at the Kings horn, and his landes and all his gudes escheit to the King, except he come within fourtie daies, and did abide the law: And thereafter the court being ended, the said person was deemed rebell, and put to the home openlie at the mercat croce of the head burgh of the Schire. Quhilk forme of processe was sa lang and prolix, that in many zeites, parties hurt and grieved, gar na justice: And trespassours and crines passed unpunished: quhilk was the occasion to many persones to commit crimes, trusting na halfe punition nor correction to follow. Therefore King James the Fifth, stauted and ordained, that the proces of justice aire, and justice courtis, fuld be peremptour at the second aire or court, swa that fugitives not compeirand at the second aire

The fourth court.

The second court.

or court, fuld be denounced the Kings rebelles, and put to his home, and all their gudes his escheit. *Im. 5. Parl. 4. Cap. 32.*

12. Hereafter the Lordes of regalitie may desire their men to be remitted to their awin justice courtis, and replege them, schawand their commissions, power, and payane, and therefore, and leivand ane caution behind them, called *caubræ*, quha false acted and obliſhed, in the justice Court, that justice false done and ministrat, in the court of the regalitie, to the partie complainand upon the person replegd.

Repletion, be reason of regalitie.

13. The justice or his Clerkes, fall demand and speare at the Baillies of Burrowes, gif they be ready to present ilk Burgh within their Burgh, inditred to the Kings justice aire: Quhilkis persones fuld all emer personalie before the justice, under the paine of ane un-law and amerciament of court: quhais names the said baillies fall put in writ, and deliver the farmen to the justice, or his clerkes. And gif they will borrow or replege their saidis nichtbouris; they fall schaw their Commission, & pay therefor, & thereafter gif they fall draw or oblige themselves, their Comition, & burgh in pledge: That they persones whom they replege, and quhais names they give in writ, fuld be forth-cummand, and answerable to the law, and challenge of the justice. At the quhilk time, he and his deputies fall attune to them ane certain day, to underlie the law, either in that aire, or thereafter quhen he fall think speedfull. And at the same time, it is leasum to the Kings justice, sitund in the principall burgh of the royaltie, to give ane affisre to all the saidis burghes, replegd of their awin nichtbouris; that beik knowis the veritie, dwelland in the same burgh with them. And gif there be nocht ane sufficient number of the said court-burghes: It is full leiffull to chosse ane affisre of the burghes of the said head burgh, quhair the justice and his deputies suttis, as he fall think expedient. *La. 4. p. 1. c. 1.*

Repletion of burrowes.

14. Gif the partie accused compeirand, alleigis to his remission or reſpect; he fall produce the same in court, and fall finde ticker borowes to affisre and content the partie complainand, within fourtie daies following: Quhair-upon ane act is maid in court, quhairby he and his cautioner, ar obliged to affisre and satisfie the partie, within the space fore-said; Quhilk is called the act of Adjournall. And gif he refuſis to finde caution, he fall remain in the Kings prison, quhill the said fourtie daies be runne, and then his remission false expiate, and of na value. *La. 2. pa. 14. c. 75.* And in this case, quhen ony man takis him to his remission, reſpect, or composition, in the justice aire, or justice court, and findis forverie to affisre the partie: It is leasum to the partie to call the said forverie before the Lordes of Council, conforme to the act of Adjournall, maid ther-arent. *La. 5. p. 3. c. 7.* As gif ony man becomis forverie for ane uthere, anent spuilzie committed be him; and for restitution or satisf. tion to be maid be him therfore. He as forverie may be called and convened for the guides spuilzied. For the violent prices thereof, for the damage, skath, and interer sustained be the persewer, throw the committing of the said spuilzie. *30. Martij. 1500. William Keith,* contrair the Earle of Caithness. And the said forverie being condemned, hes gud action against the principall partie, for his reliefe, be ane simple charge, upon sicc daies warning, without percempour simmonds, or ordour of table, *11. Julij. 1543.*

Remission or respect.

Act of adjournall.

15. Gif the person attached compeiris in the Courte; and beand accused, hes na relevant exception, or reasonable delense; of necessitie he fuld pass to the knowledge of ane affisre, conforme to the Lawes of the Realm. At the quhilk time, the hail affisours fuld be called, and the absentis amerced. *La. 6. p. 11. c. 76.* And the partie accused, fuld be heard to propone all and findis, his lauchfull defenses, against the hail affisours or ony of them, to repell them, as he may beitt of the law, and fall thair to pass upon his affisre. At this time the person compeirand and accused, cummis in the will of the justice, or he is clogged be ane affisre; or he is fled and comvit. Gif he submitis himselfe, and cummis in will; It is leasum to the justice, to draw him lurch of the rolles, and to declare his will, and to charge him to pay ane composition, or sik ane summe of silver, as he pleaseth to modifie, alter the qualitie of the crime and person, for up-taking and in-bringing quharof, the justice aire being ended, the justice directis his precept, called, *Preceptum exarctatis iuribus iustitiarie*, in this forme.

Persones command in will.

Wilhelmus iustitiarius generalis, Vicecomiti & Ballivo suis de E. salutem. Quia in iuribus iustitiarie Domini nostri regis, per nos nro modo tenet. apud E. decimo die mensis. N. Anno Domini & c. Diversi fuerunt amercedati, & pro suis delictis convicti, & in nostra voluntate positi. Quare vobis precipimus & mandamus, quatenus de infra scriptis personis sub- scriptis summas levare faciatis, & pro eisdem summandi formam juris distringatis. Et primo de N. summam & c. De quibusdam summis solvatis pro expensis nostris in dictis iuribus communi. N. Restitum auti dictarum summarum solvatis offeraribus Domini nostri Regis: Vcl nri vobis assignabunt infra tempus legitimum, hoc est infra quadraginta dies primo dicti dicti iuribus proxime & immediatis sequens. Et hoc nullo modo omittatis.

The precept of exarctatis.

Quhen ony person is clogged be ane affisre, the justice directis his Teltimoniall, called *Littera testimonialis de homine mundaato per affisam*, in manner following.

Persones charged.

Wilhelmus iustitiarius generalis, universis & singulis ad quorum notitiam presentes littere pervenerint, salu. Noverris quod comparere coram nobis iurere iustitiarie Domini nostri Regis, tenet. apud E. decimo die mensis. N. Anno Domini & c. I. de B. indicatus. & per rotulos Regis calumniantis, de arte & parte talis furis, vel talis rapine, vel incendij & c. Quamquidem calumniam dictis, I. in facie iudicij penitus denegavit. Et si per hoc ad recognitionem assise usque se submisit. Quare quidem assisa hinc inde diligerent consultata. Et plenius aperita, dictum. I. a dictis calumniis sibi impositis, quitum declaravit, penitus & immunitum. Et hoc omnibus quorum intererit, vel interesse poterit, notum facimus per

per presentes. In cuius rei testimonium sigillum officij nostri appendi curavimus.

All they persons quia cummis in will, and drawn furth of the rolles, and also they quia ar elenged be ane assise, can na wraen in any ome there after be called or accused for that crime, for the quhilk they cum in will, for anis quit and elenged, ay quit and elenged. Zu nevertheless, gif any person be accensed criminallie of life & lim, at the instance of ane uther private man allanerlie, and is elenged and maid quite: the Kingis Justice & his deputies, be reason of their office, may therat call inquisition anent the said crime; & in the Kingis name accuse the committor thereof, conforme to the Law. Notwithstanding that of before, he was elenged thereof be ane assise. Lib. 4. c. si querela. 58. Because the action or porsure of ane privy partie, prejudis not the King in his richt or rentes, competent to him, be reason of his royal power. And theroir the Thesaurar, and the Kings Advocate, may porsue all malefactours: Albeit the parties deselit, or private agree amangt themselves. Ia. 6. par. 14. c. 76.

Persones filed and convitit.

Quhen trespassours and malefactours ar convitit, as breakers of the statuts, and acts conteinand durtay; they aucht and suld be punished according to justice, and conforme to the tenour and paines conteinend in the acts broken and contravened be them. Ia. 4. p. 4. c. 45. And si gif the paine conteinend in the act be pecuniar, they suld pay the same. And gif it be capital, they suld underly and suffer the same, except the King give them remission, and speciall grace there-ant. As for example, landed men, lauchfullie and ordourlie convict of common thieft, receipt of thieft, roth, or riele, incris the paine of treason, and therefore suld be punished be the tinsell of life, and confiscation of landes and gudes. Ia. 6. p. 11. c. 50. Alwaies the Crowner may not intromet with any gudes or gears pertaining to any trespassour, convitit and condemned to the death, as his awin hand, until the Scheriffe or his deputies, crowne, or fend with him, and vicall all the hail gudes; and deliver to the Prowser fa-merkle, as he suld have be reason, and as pertainis to his office, and bring the remanent to our Sovereine Lord, and his Thesaurar. Ia. 3. par. 14. c. 102.

The ende of the assise.

The justice aye beand ended, the justice fall deliver the extract thereof, subscribed be him to the Thesaurar: quia fall cause take up the foumes conteinend thereinall, and make compt thereof in the next Checker, in the quhilk compt fall allowed the expens and charges of the iustice, & his deputies and Clerkes, as the same fall be modified be the Lordes, Auditors of the Checker. Ia. 6. p. 11. c. 81.

L

LAST Ofgudes, how meikle it tennis. Vid. Serplach.

LET Landis to borgh, dimittir terras ad pleg. vid. Serplach. vide Reog. LEX Apparens lib. 4. cap. 4. de iudic. c. 24. Leg. Forest. cap. Item in placito. 16. signifies the law concerning singular battell. And lib. 3. cap. 1. it signifies ane inquisition, maid, or taken be ane inquest or assise. And in the Law of Normandie. li. 9. c. to. It is called Lex apparans. And lib. 8. c. 3. All quarrelles of possessiōnes or moveables, quhilkis are called Chastell, or of landes and immovable gudes, suld be decided be common and simple quarrelles, conforme to ordour of lawe, or be lawes Apparantes; quhilk ar determinat, ather be singular battell, or be ane inquest of the cuntry, urtherwaies called, Lex recognoscant. It is likewise called, Lex paribilib, a parium pugna, vel concertatione, from the com bat of pecces and Campiōnis, or Lex duellum, quhilk law is ungodlic, and not to be used among Chrillians. Cuius lib. 4. de feud.

Loy apparant.

Lex paribilib.

LIBERATIO, an fee given to ane servand, or officiar, quhilk is called ane liverie. Leg. Malcoln. Mackenneth. c. 4. Feodum, or fee, is commonlie of silver and money, and ane liverie is of meate or cleirbes. Bot this distinction or difference, is nocht perpetual.

LIBERUM Tenementum, is commonlie, and proprie called, frank tenement, or life-rent: In Latine, usus fructus, conform to the dailie practique of this Realme. And neverthele, Liberum tenementum, signifies the proprie, fee or heritage. Donatio liberi tenementi, or concessio hereditatis, is baith ane. Lib. 2. c. potest. 21. Tenementum Regium, is called the Kingis heritage. Lib. 2. c. Dicitur. 74. In the quhilk significatiō, Minor dicitur esse in tenemento. lib. 3. c. Generalia. 24. c. Remanere 26. Et placitum de reitō Liberi tenementi per breve domini Regis de reitō debet terminari. Lib. 1. c. 6. And King Alexander gave and disposed to Duncan Forbeys, tenementum de Forbeys. That is, the landes and heritage of Forbeys: quhilk Charter is zit extant, vid. Tenementum.

Alodium.

LIGEANTIA, Lib. 2. c. Fieri. 61. From the Italian word Lige, ane league, band or obligatiō: as homo ligens, ane man, quia obliged and bound fra the quhilk cummis. Alodium, in libris feudorum, quia possessio sine Leode: Cuius possessio per unum filium leodes sine ligens. And ligenantia, is the mutual band or obligatiō, betwix the maister and the servand. Lib. 2. c. pluribus. 14. lib. 4. c. Si quis super. 36. Vid. Affidatio. Item, the mutual band and obligatiō, betwix the King and his subjects, quhairy wee ar called his lieges, because we are bound and obliged to obey and serve him. And he is called our liege King, because he suld maintaine and defend us. And the doctours of the law writis: Quod inperator dicitur dominus totius mundi, eodem modo quo rex regit bene a reone. C. de qua. prescript. Quhilk suld be understand, concerning the defence and maintenance, and not a gent the proprie. Quia rex non sui domini privatari possessionem. C. lof. in. l. Barbaricus de offic. prator. Homagium ligum, vel cum ligenantia factum, is quhen the vassall, absolutlie makis homage to his superiour, agunt all, and quhat-sum-ever persons, without exceptiō of some man. quhilk suld be done to na uther, bot to the King allanerlie. Homagium non ligum, vel sine ligenantia, is that quhilk the vassall makis to his Over-Lord, excepting and reserving the fidelitie, quhilk he aucht to the King, or his elder Over-lord, or maister. Lib. 2. c. fieri. 61. Cheflanus, in Consuetud. Burgund. lib. 2. c. 3. Verb. & homage. Nū. 10. cum seq. Quhilk vassall is called vassallus non homologus. Likas the uther is vassallus homologus, in quibus aith un person is excepted. Cuius lib. 2. de feud.

Homagium ligum.

Non ligum.

MACHAMIOU, Mechanium, from the auld Saxen word Mechaige, quhilk wee call, Manzie, kick, mutilatiō, denubement, or the losse or finell of any member of ane mannis bodie: Of the breaking of ane banes or quhen ane mannis harn-pan, or any part thereof, is cutted away, or dung in. Li. 4. c. 4. Res cum machamio dicitur res mannis sana. Lib. 3. c. ex causa. 8. Be the auld Law of this realme, he quia is manzied, hes ane iust cause to excuse himselfe fra singular battell, and zit he will be compelled to purge, elenge, and defend himselfe. Per regem & equum. 4. c. 1. cap. Si quis pro latrocinio 15. Quoniam: attach. c. dequis 58. Lib. 4. c. affisa 20. Stat. Alex. c. quincage 31. Quhair of the power pertainis not to any Barronne; For na subject may compell ane uther to purge himselfe be fire or water. Stat. Alex. c. preteses 32. This kinde of purgatiō was ane maist sbarp and extreme kinde of purgatiō and tryall: Like as we doe lye use in common proverbs, quhen we say be way of imbecak, & boasting, that we fall gar any person pas per regem & equum; That is, to suffer and underly that kinde of tryall that is maist severe and extreme. It is called, iudicium Dei, the judgement of God, as knowin to him allanerly. Iter. Camer. c. cum hoc. 25. And was in great use amangt the Longobardes, as is expoced be Hottomanus de feud. c. 44. In the auld Saxen cōung, and zit in durtch, it is called Ordell, Ordellum, from, or, quhilk they use as fructiva particula, and Del, quhilk signifies ane part or portion: quhilk word we use in the same significatiō, and swa Ordell signifies innocēt, quia hes na part, or is not participant of the crime, quhair of he is accused. Purgatiō be the fire, is not quhen any man with baif feete, passis thro the fire, without any harme or hurt, or quhen any man doos carry and bear in his bare hand hot burnin iron, without any hurt of his hand, quhilk is called ferru candentis iudicium. In the quhilk case, he was decreed to be ordell, or na waies participant of the crime. urtherwaies, gif his sute or hand suld be the fire, or hotte iron: he was condemned, as participant and fowle of the crime. And siklike Purgatio per aquam, is quhen any man suspect or accused of ane crime, was casten in hoate or cold water. And gif he passid to the bottoome, without any hurt of his bodie, he was decreed ordell beinocēt. Bor gif he did not fall to the ground, bot did swimme abone, he was condemned as fowle of the crime; as is written in the auld laws of the Britones. Ferru Ordellum. And be Cuius. li. 2. de feud. Purgatio vulgariis, is discharged be the Canon Law. c. dilecti. c. xv. de purgatiōe vulg. orie. ex in xan. 8. de purga. canonica. And likewise be the laws of this realme it is forbidden ane assise. off. Reg. De a. Stat. evam. 30. In fine ubi pro possion. Reg. aquan. Stat. Alex. c. Statuti Dominus 6. And be the law of God it is commandand, that nae sulde suffer their forene or daughter to go thro the fire. Deut. 18. 10.

Judicium Dei.

Ordellum.

Purgatio per ignem.

Purgatio per aquam.

Purgatio vulgariis.

MANELETA, Ane kinde of evil and Pestilēt herbe, quhilk growes amangt the comes, called Guld. de iudic. c. 7. The law of maneleia, or of the Guld, was first institut be King Kenneth, quia ordained that be quha throw his fault or negligence, suffris fawne lands to be filed with noyism herbes: For the first fall, fall pay ane Ox; for the second fall, ten Oxen; and for the third fall, he suld be removed fra the possession and laboring of the land. He & Bor Boetius. Lib. 10. And gif the same, or tenent, flis the land with guld, & will not cense the same, he may be punished as ane seducer, quia bringis, or convovs ane armie within his maisters land, to wrack and destruyt. Leg. Forest. c. Si natus 28. de iudic. c. 6. And gif they ayn native man, or bondman, nativus ius jus, guld within the land; For ilk stock or plant thereof, he suld pay ane Mutton, as ane unlaw. Leg. Forest. c. 28. de iudic. c. 27. The quhilk lawe, and constitutiōnis kept and observed, within certane partes of this Realme; quhere the tenent suffering the guld to grow amangt his corns, pays ane wedder or sheepe, to his maister.

MANERIUM, landes labourd with hand wark, quass manurium, à manu. Ane manines, or domaine landes, Or terra dominicales: Because they are labourd and inhabited be the Lord, and proprietor of the same, gif there bet wa mannes, pertaining to any man that is deceased, the principal mannes suld not be divided; bot suld remaine with his heir and successour, without dividit; togidher with the principal meliore. And full satisfactiō suld be maid to his wife, or relict; therfore, furth of the second mannes, or urtherwaie. Lib. 2. cap. Dos autem, 19. de iudic. cap. 112.

Terra dominicalis.

MANUSUS, Manando, ane habitatiō or dwelling place, speciallie quhair husband-men, labourours of the ground dwellis a-lanward; to the effect they may labour their land maire commodiously. L. Si plures, Nu. 9. C. de condit. inobis. Molinus in Still. c. xv. part. 3. c. 8. Bot Bartol. in l. Si natus. Nu. 10. de Jur. & argen. legal. affirmis, ane Maiste to be a meikle lande, as may be gudlie tilled be twa oxen in the zeir. Cuius lib. 1. de feud. writtis, that manusus, is a meikle lande, quhairy ane man may suffice ane honestie himselfe, and his familie, and pay the dewtie to his Maister, quhilkis called Hæredium. Bot in the practique of this realme, it is rather called Gled; That is, ane certaine portion of arable land. In Latine Terra calla. Or terra veluti navari venditi cum leba hie terra, Quia navari ascriptus vocatur. Lib. 2. c. Pluribus. 14. And the four ackers of the land, quhik is graunted to the Ministers of the Evangell, within this Lande, is called ane glebe, the quhilk suld be free fra payement of any tennies. 1. 6. p. c. 62. And Carolus Magnus, to the effect, that the Ministers of the word of God, suld not pench be hunger or povierie, gave to ilk Kirk ane manse. For the quhilk they suld paye a dewtie or service. Cuius. Lib. 1. de feud.

Hæredium. Gleda.

MANUS Mortuus, dimittir terras ad manus mortuanas, hoc est, ad multum inueni fore muerstentem, que moxquam moritur. Quhair urtherwaies is called Mortificare terras: That is, to give and dispone landes,

to the hand or power of the Kirk, College, Communite, or ony Universitie, capable to possede, brink, or joy in goods or landes; The quhill is faide per Antiphrasin, seu à couraige sensu. Be cause sike Kirks, Colleges, Communities, or universities, dois nocht die; albeit the particular members thereof ar mortall, alters, and deceasis. In *Norwand. Lib. 5. c. 7.* Quhill is conformed to. I. Proprobatur. 76. ff. de iudicis. Siva Manus may signific power, as in the Latine tongue. Or Manus mortua, may be conformed to the Scottish word, borrow'd fra the Dutch word *Meinze*, quhill significs ane manlitude; and specialle of tolke and people. And swa *admittere neres ad manum moriam*, it is to give landes to ony Universitie, and multitude of people. Alwaies it is not leasum to ony man to mortifie ony part of his landes to the Kirk, without consent of the King. *Lib. 2. c. Notandum.* 26. Because the King may be thereby prejudicd in his temporall dewtie & service fra the quhill the Kirk-men in anid time were exceded.

MARK, in *tractatu de ponderibus & mensuris*, significs ane ounce weicht, or halfane pound, quhairof the dram is the anid part. Like as the ounce is the anid parte of ane unke. *Classie in Censu. Burgund. Rubric.* l. § 7. *Verb. 63. fol. 7.* Turney: *solidus*. (signifi) in *recepto capituli auctor. quorum. 72.* *factum librorum auri.* Et *duodecim unctis. factum Librum.* & *olvo unctis mercant. Gl. 1. a. Fabr. in §. nos autem. verb. solidus. ff. ff. de auit. tutor.*

MARCHETA, King Eowens did wikkellid ordaine, that the Lord or maister of the ground, or Land, suld have the first night of ilk married woman within the famin. The quhill ordinance, was after abrogat be King *Malcolme the Third*; quha ordained, that the Bride-grome suld have the use of his awin wife. And therefore suld pay ane peccie of money, called *Marca*. *Boetius. lib. 3. c. 12.* For the quhill, certaine Kye, was used to be pay'd. *Lib. de cap. Secundum. 63.* But afterwards in my opinion, Mark, or March, significs ane horse: In the uherwalch, Irish, and Dutch tongues. For in the French tongue, *Marcher*, is to ride, or gae; as *Marcher devant*, to ride or gae before. And *Paulus diaconus. ff. ff. Longobard.* writis that *Mar* is called in Latine, *Egna*, quhill we call ane Meare. *Carolus Rex*, in his constitution: writen be *Lotharius Imperator*, & *Carolus Rex*, in his laws: *Et missi vestri, in illos non missisti. s. e. committarij nostri in his locis ad quas mittimus. curam habent. ne homines nalli. vi. aut alij quilibet, vicarius suos maiores, vel minores, tempore estatis, quando ad heredes suos caballos mittunt: vel tempore Hyemis. quando Marefalli illos ad fodrum dirigunt. expredantur. aut opprimunt.* Be the quhill it is manifest, that *fodrum*, is a Dutch word, for a pasturable equor, quhill we call fodder, & *marechalus* or *marfallus* is a name of stable, or a fervand that has cure of the horse for *March* significs ane horse, and *Schalk* in Dutch, is ane fervand, as *Goshalk*, the fervand of God. And *Alcinus. d. c. 2.* Affirms that the troups of horse-men, in the armie of *Bronus*, was called *Trimarcbis*, because ilk man had three horse. And in the famin significacion, we use the word, *Horf-marchal*: Quhair *horf* is a word, for interpretation of the word *Marche*. As likewise in *Silvordenyn hill*: This word hill, is the interpretation of the uther word *Downe*, quhair of the ane, and the uther significs ane thing. In Latine, *Mons*. Siva horse-marchal, is ane fervand that kepis or curis horse, as is commonlie used within this Realme; Quhill opinion findre Germane writers conformes, and specialle the *Scholastices of Gumberts. lib. 8.* *Anfridos*, swa leavand to ilk man his awin opinion and judgement. free to himselfe: I think that *Marcheina muliers*, is the raide of the woman, or the first carnall copulation and conjunction with her; quhill in respect of her virginite, is maist esteemed be men. Quhill interpretation is confirmd alswa be *Cnicus. Lib. 1. de feudi.*

MARITAGIUM Heredis, The marriage of ane aire mail or femail, quhill is modified and liquidat be the Lords of the Session, to ane certaine summe of money, after consideration of the rentals, and value of the landes pertaining to the aire; quhill is either legall, or conventionall. The marriage Legall, is that quhill be disposition of the Law, pertains to the superiour, and Over-lord. For the marriage of ane aire mail, or femail of landes holden be service of ward and relieve, being within lesse age, or being of perfire age, and not maried the time of the decease of his father, or uther predecessor, to whom he is aire, pertains to his immediat superiour; be the common disposition of the law of this realme. And gif there be maia superiores, the marriage pertains to the first, and eldest superiour, to quhom the predecessours of the said aire, maid first lealigance and honaige: Or of quhom they have the first inherment of their landes. *Leg. Forest. ff. iudicij. 75.* N. over, gif an air holdis certain landes be service of ward of the Kir. N. mediatic: And certaine uther landes be the like manner of holding immediatic of ane uther superiour, Spiritual or Temporal: The marriage of the aire, suld pertaine to the King allanerlie, or without ony respect of the quantitie of the landes, or of the priorite, or posteriorite of the hadings: Because the King hes not ane peere or companion, far les ane superiour within his realme. *Lib. 2. c. Restituer. 44. c. 45.* *Maritajum conventionalle*, is that quhill communit be disposition of the law, be the convention and consent of parties: As quhen ony man holdis his landes in bench, or in fee-firme: His awin, or hisaires marriage, na-waies thereby pertains to his superiour: Bot zit gif he payis ony dewtie for his landes nomine albe firme, or nomine feudi-firme, vna cum maritajum heredis cum contigerit: Gif he happens to decease, the marriage of his aire, nocht being maried, pertains to his superiour, not be the nature of the holding of his landes, bot be the convention and provision contained in his inherment. The avale of ane aires marriage, is either single or double: For gif the superiour requires not ane aire, to marie, and the aire marie with

out his consent: The superiour suld obtaine allanerlie for his marriage, be the estimation of the ordinar judge, fa-meikas may be ane competent summe, or tocher to the said aire, conforme to his zeirle rente: Or gif the aire refuse to marie, he cannot be compelled to doe the same, *Quia matrimonia debent esse libera*. Bot quhen be communit to perfire age, he fall give to his superiour, as meikle as he might have fra ony uther person for the famin marriage, before he receive his landes out of the hands of his superiour quha maritajum eius qui infra etatem est, de mero jure pertinet ad dominum feudi. *Leg. Forest. c. Siquis. 66.* The double avale of the marriage of ane aire, pertains to the superiour, quha makis ane lauchfull offer of ane partie, to the aire in marriage: Providing that the partie offered, be of equal parage. For gif the superiour dois marie the aire, with ony person in dispage, as with ane burgesse man, or with ane villaine. Gif the aire, be of the age of fourteen zeires, or mair, and givis his consent to the said marriage, the famin is gude and valuable of the law. Bot gif the aire be within the age of fourteen zeires, quhair-throw he may nocht give ane lauchfull consent to his marriage. In that case, gif his kinsman complenis, the Over-lord fall fine and omit the ward; and all communitie that he may have thereby, untill the aire be of lauchfull age of twentie ane zeires; quhill salbe converted and employed, be the sight of his friends, to his use and commoditie. be reason of the shame and dishonour dono to him. *Leg. Forest. Si qui dominus 65.* Quhill is conformed to the Lawes of England. *Hen. 3. stat. Merion. c. 6. c. 7.* Swa gif the Marriage of ony aire, or heretic, be fallen in the superiours handes; and the aire beand lauchfullie required be the superiour, or his donator, or be ony cled with his rights, to marie ony agreeable partie without dispage offered to him, refuse to do the same, and maries ony uther person, without the licence and consent of the superiour, or his donator, He aucth, and suld be reason of his contempt and disobedience, pay not only the single avale of his marriage; bot also the double thereof: That is, as meikle againe, as the single, be the modification of the judge, after the zeirle rental, avale, and quantitie of the landes and living, pertaining to the aire. And mair-over, in this case, be the auld law of this Realme, it is leasum to the superiour, to hold and retaine the landes, until the aire be of twentie ane zeires of age, untill he be completlie attified of the said double avale. *Leg. Forest. de hereditibus. 64.* And it is to wit, that the said requisition, suld be maid in this manner. The superiour, his donator, or the assigny maid and constitute be the Donator, or ony uther person, having right thereto; aucth, and suld be himself, or be his lauchfull procurator, havand special power in writ, to that effect; offer to the aire, perfonallie apprehended, then being of lauchfull age, for marriage, ane agreeable partie, expreack the said persons name, and sur-name, without dispage to him: Sike-like beand of lauchfull age, and convenient for marriage, and require the said aire to solemnizate, & complet the band of matrimonie, in face of allie Kirks with the person that is offered; And for compleying thereof, assigne and affixe ane lauchfull daye; To wit, the space of threitie daies at the least to him to complet the famin, within ony Kirk, appointed be the maker of the offer to that effect: And in the meane time of the said requisition, or before, or after the famin, the donator, or ony uther assigny, havand right and title of him, or of the superiour (for the superiour himselfe, needis nocht to mak ony intimation of his right & title, he band notoutlike knawin to be superiour) suld make be himselfe, or be his procurator, intimation of the right, and disposition maid to him; and shew the same, and mak the famin patent, in presence of the said aires; and cause the famin to be read before him, or give or offer him ane copie thereof; To the effect, that he thereafter may not pretend nor allege ignorance thereof. And thereafter the said person, viz. The superiour, or ony uther cled with his right, bece quhom, or in quhaills name the said requisition and intimation was maid, aucth and suld perswade, or be his procurator, compeir at the day, and Kirk appointed or before: Bringand with him the said partie offered, in proper person, redde and willing to marie, quha was offered in marriage. And there in lauchfull time, before twelve houres of the day, offer him redde to accomplish and fulfill that quhill he offered, and required to be done of before. And to that effect, there remaine quhill the Sermon, or divine service be done, or quhill ane houre alter noone. And gif the aire compeiris nocht, or compeiris and refusis to marie; he suld take the instruments thereupon, in the handes of ane sufficient Notar, of the refuse maid be the aire, or of his none-compearance; and the offer of the agreeable partie, togidder with the intimation for said; quhill cannot be proven be witnes, bot be writ. *Pen. Feb. 1567.* The Laird of Drumlangrig, contrair *Marion Carrutheris. 21. Junij. 1575.* The Laird of Glenberrie, contrair the Laird of *Vdry.*

MARITAGIUM Tocher gude. *Lib. 2. c. dor autem 19. in fine. potest: 21. cum seqq. Vid. Dos.*

MARUS, ane officiar, or executor of summondies. *L. 1. p. c. 111. p. 13. c. 140. Vide Recordum.* He is utherwaies called, *Proco regis*, *Lib. 1. cap. 10. autem. 8.* Quhair it is said, *Quod die dominico vox pro conis cessare debet* because in summondies suld be execute upon ane Sunday. The Kings Maire is of ane greater power and authoritie, nor the messengers or officiares of armes, and specialle in justice aires, and punishing of: *repassores*. Bot now the said office is given in fee and heritage to Maires of fee, quha knawis nocht their office: Bot are idle persons, and onely dois diligence in taking up of their fees, from them, to quhome they doe na gude, nor service to the King.

MATER TER A, proprie is the Mother sister, *Quasi Mater altera*. Bot sum-times improprie it is taken for the Father sister, in Latine *Amia*. *For Lib. 2. Deficientibus 24. Post Avunculum. h. c. patrum eiusque liberis, Matertera eiusque liberi habent jus successiois. And*

Meinze.

Dram.

Solidus.

Libra.

Mar.

Fodrum.

Marechalus.

Marche.

Schalk.

Trimarcbis.

Horf-marchal.

Downe.

Maritajum legale.

The marriage pertaine to the King.

Maritajum conventionalle.

Single and double avale of marriage.

The forme howe ane aire suld be requisited to marie.

Praco Regis.

De verborum significatione,

And be the Law of this Realme, the baimes descended of the mother first, he is next of succession: Quhillk in the awin place and degree. is competent to the bairnes borne of the Father first; quhillk is manifest. De iudicib. c. heredum. 113. c. Item Nota. 15. Vbi exprisse, Matertera dicitur esse Amia. vid. Avenculus.

MELLETTUM, Melletum. lib. 1. c. 2. Anc French word, Melle, differon, strife, debate, as we saye, that ane he melled or tuiized with ane other. And in debate of Parliament. and practice of this realme, Chaud-mella is ane faulte or trespass. quhillk is committed be ane hoare suddaine, and nocht of fer purpose, or preconcitata malitia. Jam. 1. 11. Mar. c. 51. And in Libro M. Willielmi Skeue fratris mei, Commissarii Sancti Andree. Fol. 121. It is written, that Flycht-vry is libertie to hold courts, and take up the un-lawe pro melleis. Because Flycht, is called flyting; In French, melle, quhillk fume times is conjoynd with hand-fraikes. And in summe buikes Placitum de melleis, is called the Mure, or play of beating or striking. Lib. 1. c. 2.

MENETUM, Leg. Forest. c. 2. Ane flock borne. In the quhillk place, it is wrangefulle written Cornare minimum, pro Cornare mecum; to blaw ane flocke horn, quhillk commonly is made of Timmer, wood, or tree, with circles and girde of the same, quhillk is set up in the Hie-landes and les of this realme: quhairfo I have seene the like in the Cautric of Helvetia, in the zeir of God, ane thousand, fyve hundred, sextie auct, amongst the Zuytzer.

MEREMUM, meremium, the timmer of ane houfe. Lib. 4. c. Si quis 55. In the English Lawes, Carta de Forestis. It is called meremium. And ane charter given be Jacobus Senescalli Scotiae (King James the first, before his Father's decease) To Thomas Broyster, of the landes of Sacerland, beside Passley, now pertaining heretabie to Mathew Stewart of Barfche, continis potestatem incidendi meremium; That is, licence and power to cutte fa meikle greene woude in the Kingis Forest of Raife, as fild be necessar to the said Thomas, to big houses to his awne use.

MESE OF Herring, continis fyve hundred, for the common use of numeration, and telling of Herring, be reason of their greate multitude, is used be thousandes; And therefore ane Mese, comprehendis fyve hundred, quhillk is the halfe of ane thousand. From the Greek word Meson, In Latine medium.

MESSUAGIUM, Lib. 2. c. Dos antem. 19. c. Si quis plures 30. cum leg. Anc principall dwelling place, or house within ane Barrenie, quhillk in the laws of England, is called Manour, ane hall, park, or court, ludge, or Manour houfe. Albeit Valentinus Leijh, in his buik of surveying of landes affirmis messuagium to be the tenement or lands arable, And the dwelling houfe or place, or Courtehall thereof, to be called Sit, from the Latin Sitas; quhillk wec call the feate, or on-fette. And it is nocht leafum to give the principall messuage, to the wife within burgh, in his rent. Leg. Burg. 6. Nullus, 107.

MILITES, Leg. Malc. Mak. c. 2. And generallie in the auld lawes of this realme, ar called fee-holders, haldand their landes of barons in chief, quha hes na power to hold courts of life and lim: bot onely of injuries, wrang, and unlaw. Bot militare servitium, K niches fervice, is that manner of holding of landes, quhillk is called, fervice of ward and relieve. Et miles opponitur Socannano, and he quha halds his landes, Per militare servitium, lib. 2. c. Si quis 30.

MISERICORDIA, Anc mercement, amerciamet or unlaw. Leg. Forest. c. 5. de iudic. c. 40. Misericordia domini regis, or the Kingis mercement in purperture. Lib. 2. c. p. dicitur. 75. vide Forisfactum. vide Amerciamentum.

MOTE, Mute, pley, action, quarrell. Quhen King Malcolm the Second, gave all his landes to the Barrones of this realme; he retained to himselfe montem placidii de Scoona. The mute hill of Scoon: quhair he might hald his courtes, and do justice to his subjects, in deciding their pleyes, and controversies. Leg. Malc. Mak. in prin. Mute in the Lawes of this realme is called placitum. And like as in the civil law, actions ar divided in civil and criminall: Swa placitum, aliud est civile, aliud criminale. Pleyes ar civil or criminall: Civil ar called actions of injuries, wrang, and unlaw. Leg. Malc. Mak. c. 2. And concernis pecuniail paines, or lands and heretage. Criminall pleyes, touchis life or lim, or capitall paines, called poena sanguinis. Lib. 1. c. 2. 3.

MORT-GAGE, mortuum vadum, dicitur pignus, cuius fructus, vel reditus percipit, in nullo se acquiritur. It is ane French word, signifies ane dedee wed, sike as ane certane summe of silver, given upon landes in wed-fet, and under reversion; quhillk is called ane dedee wed; Because be the auld law of this realme, the profit thereof: that is, the annual of the silver, is reckoned as aw part of the flock and principall summe. And therefore the said flock is dead, without any profit, as ane barren and dead tree, quhillk produces na fruit. Lib. 3. c. 4. c. 6. Contrair the common forme of alienation of landes under reversion, dailie used within this realme, called paction de retro-vendendo, quhair be the annuell, is zeirlye payed, until the redemption of the landes. At the quhillk time, the principall summe fild be likewise complicate payed. And swa bath the annuell, and the flock being payed, the profits are not reckoned in the flock, bot ilk ane of them ar severalle reckoned, and severally payed, fa-meikle for the profit, and fa-meikle for the principall summe. vide Vadum.

MULIERATUS FIDUS, is ane lauchfull sonne, gotten with ane lauchfull wife. Lib. 2. c. Si autem 22. Ex legitima muliere seu uxore, quia mulieris appellacione uxorem continetur. L. Mulieris 13. c. ubi gl. de verb. signif. MURTHURUM, Lib. 1. c. 2. lib. 4. c. 7. Quhairfo fum is called, pivat, that is mannis lauchter, quhairfo the author is unknowin: Quhairfo the inquisition pertains to the crown; As quhen ane person is found slaine, or drowned, in any place or water. Utheris publick committed be forchouch-fellonie, Quia non debet murthrum ad iudicari nisi informatum interventi: sed locum habeat murthrum, in interfecit per

feloniam: And swa murthir is committed be forchouch-fellonie, and not be suddaine, Chaud-mella, or informacion: That is, be chance or fortune. Leg. Malc. Mak. cap. 2. And in the lawes of England, Anno 13. Edward. 2. cap. 1. Murder is quhen any man be propounded felonie, lysis in waite to slay ane other man. And according to his malicious intent, slays him. Molivens in fil. Cur. Parl. part. 1. cap. 13. Conforme to the law of Normande Lib. 2. cap. 1. Affirms, that murthir is differenc from simple lauchter. Because murthir is committed wittinglie, and wilinglie, be ane quia of fet purpose lysis quierly in waite for that effect, And slaughter is committed with lysis in forchouch-fellonie, upon ane haillie suddaine, quhillk in Latine is Rixa; and in French, Chaud-mella. In the quhillk place he writtis, that three crimes pertainis to the hie justice; willful fire, ravishing of weemen, & murthir. Bot be the law of this Realme, foure crimes ar called the foure pointes of the crown; willful fire, ravishing of weemen, murthir, and robbery or rick: Because the jurisdiction, or cogation thereof, pertainis allenerlie to the King, and to nasubiect Spirituall, nor Temporal, except the famin be speciallie granted to him be the King. Lib. 1. c. 2. leg. Malc. Mak. c. 4. lib. 4. cap. Die lune. 13. aff. rest. Da. c. 1.

Rixa. Pley of the crown.

N

NAMARE, Namus capere, to take ane poynd, or ane distrefie. It is ane auld Saxon word: For Namus, in Latine Pignori fieri pignus auferre. And Namatio, signifies the taking of ane poynd. Leg. Britonum, verb. Pignoriati. In the law of Normande, Namus commonly signifies any gudes or gear movable, or un-moveable, taken for execution of ane decreet. Pignora capta, et bona capta pignori, ut in L. Divio Titio. 1. ff. de re iudic. Be the laws of this realme, na poynd fild be taken, bot for ane confessed or proven debt. And the famin fild be publick shawin, and maid manin to all passengers be the way, and to all parties following the famin. Lib. 4. cap. Si quis namos 30. cum seq. Na man poynde within ane urber mannis boundes or jurisdiction, bot for debt aucthand to him, except the Kingis Baillie be present. The poynd or distrefie, fild be conforme to the quantitie and value of the debt. Na poyne may be poynded, bot the debtour, or his foverne or pledge. The poynd fild remaine within the famin Barrenie, quhair it is taken, in ane place pertaining to him, quha takis the famin, or at the least, in the next adjacent barrenie, within the famin Schireff-dome, and not in Fortresses or Castellles. Stat. 2. Rob. Br. cap. Item ordinatum. 8. Curia de namos viciis; that is, of desforcement, be the auld Law, pertainis to the King allenerlie. De Mariage, cap. Secundum 17.

Nami.

NATIVE, borne flaves or servandes. vide Bondage cum. NONE-ENTRES, Is quhen ane vassall, well laided in the fee and propertie of the landes deceasid, leavand behind him ane aire, quha bene of lauchfull age, may enter to the landes, be taking of saifing thereof, and sitz enricht nocht. In the quhillk case, the landes ar in the bandes and power of the immediate superior, be reason of none-entrefie, Proprietate negligentiā heredis, jus suum non profecturus. Stat. Rob. 3. Cap. 10. na. 21. Mair-over, there is twa kinds of None-entres: The first, is none-entrefie, nocht followin after ane waerde, in the quhillk, the superior of the Landes, untill they be declared be decreete of ane ordinar jodge, to be in None-entrefie, fild have allenerlie the retoured maill thereof, conforme to the new extent. And after the declarator, the superior may remove the tenentes, or occupie the landes, as he pleasis, induring the time of the None-entrefie. The other kinde of None-entrefie, is that quhillk followis after ane waerde: As quhen landes ar halden be fervice of waerde and relieve; and the aire is Minor, and may nocht enter: The famin landes pertainis to the superior, be reason of waerde, and nocht of None-entrefie. For quhair there is waerde, there is na None-entrefie, be reason the waerde, fa long as it indures, stops the none-entrefie. Bot quhen the waerde expires, togidder with the twa termes of the relieve; The None-entrefie begins, gif the aire beand of perfit age, enters nocht to the landes, and obtreinis saifing thereof. The quhillk None-entrefie, requiris na declarator, bot is of the like nature, with the waerde precedand. And induring the time thereof, the zeirly mailles and duties of the landes, as they give be tack and affidation, pertainis to the superior; or he may remove the tenentes and possellours thereof, and occupie the famin as he please, like as he might do, in the time of the waerde. Mair-over, this kinde of None-entrefie, beand given and disposed be the King, or other superior, to the appeare and aire himselfe, or to any other person, is sufficient and valable to the donator, for all zeires and termes preceding the gift and disposition, and three termes after the perfit age of the aire allenerlie. And endisid ceasid after the ischue & out-running of the said three termes. And gif the aire enters nocht within the said space: It is leafum to the King, or other superior, to dispose of new, the said none-entrefie, to quhom he pleasis, to be used be him, unto the entrie of the lauchfull aire; as was decreed and ordained, be the Lordes, and Auditors of the Checker, in the Month of Julij. 1596. And conforme thereto decided be the Lordes of the Session 9. Julij. 1597. The Laird of Caprington, contrair the Laird of Hesthead, quhillk is not difconforme to the Lawes of the feweis, quhair be the aire of the vassall, not desirand in vestiture, or possession fra his superior, within zeir and daye, after the decease of the vassall his predecessor, times and forefals his few, and the famin pertainis to his superior, §. 1. Et ibi. Gl. quo temp. miles in vestitur, petere debent. lib. 1. de jend.

Twa kinde of none-entrefie.

NOVA Diffinina, recent spuizic or ejection. vid. Diffinina.

O

OCHIERN, Ogetharius, Is ane name of dignitie, and of ane freeholder. Stat. Alex. c. recordatio. 26. and apperis to be of equal honor, and

Manour.

Servitium militare.

and preheminence with the son or daughter of one *Thane*, quha bath the like *Marebera*, viz. rwa Kids, or twelve pennies. *lib.4.c. sciendum* 63. And likewise the *Cro* of an *Oye* of one *Thane*, & of an *Oberhens* four *Kye*. *lib.4.c. statut.* 64. And the *in-law* quhilk the King may take fra one *Thane*, is *fx Kye*, and from an *Oberhens*, *fifteen* sheep, or *fx* shillings. *Ass. reg. Da. c. recordatio.* 17.

ORA, ane auld saxon word, and signifies metall, *fx* asbrasse or gold: And *milver*, in auld times it was a piece of cunized silver or gold. For *irres ore aurea*, are the price of ane *Cowe*. *lib.4.c. sciendum* 63. From this comes the word *zitt* commonly usd, *17e*, as led *Ure*: and in the *Garwich* within the *Schireff-dome* of *Aberdene*, there is ane hill call'd *Dounyndore*, *monticulus metalli*: and the *sheep* there captured, has their teeth coloured with yellow colour, quhilk is ane taken of abundance of metall.

ORIGELLUM, *quasi aurigellum*, ane *Haberung*, maid of maillices quhair of the edges are of maillices of yellow colour, resembling the colour of golde or brass. *Stat. 2. Rob. B. c. ordinatum* 27. quhair it is call'd *Habergellum*. *vid. Hanbert.*

OUT-FANG-THIEF, *vid. Infang-thief.*

P

PANNAGIUM *Porcorum*, ane French word, signifies the deutie quhilk is given to the King, for the pastorage of Swine in his Forresteries. *Leg. forest. c. s. 6. 8.* As it is manifest in the lawes of England, and in the charter of Forresteries, quhair *Pannage*, is call'd ane certainne summe of silver, quhilk the awner of ane *Parke*, or of some great wood, quhair-in there is great flore and abundance of *Maste*, *Aike*, *Beche*, or other trees, useth to take of his tenants or others, for their swine, that fall feed there, betuixt *Michael-mes* and *Maritime-mes*. Item *Pannagium*, signifies ane part of the Kingis demaine, or propriety, given to his second, or other younger sonne, or couzing, quhair *Chopinus* wities, *de domano regis Francia* But hereof no mention is maid in the lawes of this Realme.

PARTICATA, *vel pericuta terra*. From the French word *perche*, meikle used in the English lawes, ane ruid of land. *leg. burg. c. v. c. particata* 140. *stat. Wilh. c. particata* 13. *quon. attach. c. de brevis* 31. It is of verity, that three beare cornes without talles, fed togidder in length, makis ane inch: Of the quhilk cornes, ane fald be taken off the mid rig an off the side of the rig, and an off the furrow. Twelvehines makis ane aune of measure: Three fute and ane inch, makis ane Elne: Six elnes lang, makis ane Fall: quhilk is the common lineall measure and mette. And *sex* elnes lang, and *sex* elnes broad, makis ane square & superficial fall, of measured land. And it is to be understand, that ane rod, ane raip, ane lineall fall of measure, are all ane, and signifies ane thing, for like ane of them contains *fix* elnes in length, abeit ane rod is ane staffe, or gaid of ymmer, quhairwith land is measured, in latine *perica*. Ane raip is maid of tow, *fx* as hempt, or uther stufte, and faimeik lande, as in measuring fallies under the rod, or raip, in length is call'd ane fall of measure, or ane lineall fall, because it is the measure of the line, and length allanerly. Likas the superficial fall is the measure, bath of the length, & the breadth *quia linea est mensura solius longitudinis, superficies vero est mensura longitudinis, & latitudinis*. Item, ten fallies in length, and foure in breadth, makis ane ruid: four ruid makis ane aiker. And *siwa* ane discrete and true man, may measure ilk aker of land, lang or short, with rod or raip, be the measure of the fall. *Swa* that he keep just counts and gaid remembrance, that the endes of the rod, or raip, be richly and even laide, without fraude or guyle. But it is necessary, that the measurers of land, call'd landmiers, in latin, *agrimensores*, observe and keep, ane just relation, betuixt the length & the breadth of the measures, quhik they use in measuring of lands, quhairinert I finden mention in the lawes & register of this realme, albeit ane ordinance thereabout be maid be King *Edward* the first, King of England, the 32. zeir of his reigne: and because the knowledge of this mater is very necessary, in measuring of lands, dayly used in this realme. I thought gud to propone certainne questions, to *Iohn Naper*, fear of *Merchilowen*, ane gentleman of singular judgement and learning, specially in Mathematicke sciences, The tenour quhairof, and his answers maid thereo followis.

First, be quhat rule fall we understand the length and breadth of the fall? It is answered: There is twa foutes of fall, the ane lineally the uther superficial: the lineall fall, is ane met-wand, rod, or raip, of *sex* elnes lang, quhairbe, length and breadth, are feverally met. Ane superficial fall of lande, is fa meikle boundis of landes, as quairly continis ane lineall fall of breadth, and ane lineall fall of length, quhairto followis, that be the lineall fall, lande is measured, and be the superficial fall, lande is recknd. Nowe quhairinert I inquired be quhat rule the length and breadth of ane fall fall be understand. I answer, That quhen-soever the elnes of breadth being multiplied be the elnes of length do produce 36. elnes: the number product, is ane superficial fall: and the faide breadth and length, are the just breadth and length that makis ane fall. *Swa* 36. elnes lang, of ane elne broad, are ane fall of land. Item, *acht* elnes elns lang, *and* *three* elnes broad, are the like: *alfwa*, *twelve* elnes lang, of *three* elnes broad. Or *nine* elnes elns of *four* elnes broad, are ane fall. Lastly, *fix* elnes alwis, that is to say, *fix* elnes lang, and *sex* elnes broad, makis ane fall. To this fall the lirtle ruid, or mid of warke, or of buirdes, or of malfon, or sklait warke, is equal, quhilk is maist properly the ruid, as after followis.

Secondly, how many kinds of ruid are in use? Answer, Twa, quhair-of the ane is proper, the uther improper. The ruid properly is ane superficial fall, and continis threite *sex* squair elnes: Ane squair elne, being the boundes of ane elne in breadth, and ane elne in length, squarely included. The uther vulgar and improper ruid of land, continis fouteir of their former ruides, or superficial fallis, and is the quarter of

ane aiker of lande, because foute of this ruides makis ane aiker, as faide is.

Thirdly, be quhat rule may the just measure of ane aiker in length and breadth be understand? It is answered, Multiply be Arithmetickal multiplication, the number of the fallies that are in the length of the land, be the number of fallis that are in the breadth thereof: Everie aucht-foure fallis of the number produced, and refuiling of the faid multiplication, is ane aiker: and therefore aucht-foure fallis of length, and ane fall of breadth, makis ane aiker: and foure-foure fallis of length, and twa fallis of breadth, makis ane aiker. Item, fouteir fallis of length, and foure fallis in breadth, makis ane aiker. *Alfwa* twentie fallis in length, and aucht fallis in breadth, makis ane aiker. Lastly, ten fallis in breadth, and sextene fallis in length, makis ane aiker.

Fourthly, being there is ane kinde, of measuring of land be Rod, and raip: quhat is the forme thereof? And gift there be any mra forms, how are they call'd? and quhat is the forme and manner of the samin? It is answered, There be knawin to expert Mathematicians, mony and divers wayes to mette land, all agreed togidder in ane, bot of the vulgar people there is bot ane forme of metting used and understand, to wit, be rod and raip, that is to say, be ane rod or gaid of *sex* elnes lang: Or be ane string or cord, of *fix* elnes lang, stented betuixt rwa staves. The coarde being ane schalt length above the pykes, is call'd ane fall: to wit, the lineall fall forefaid. With these fallis, like quare piece of lande, is met over the middis, quhar fallies and elnes it lies of length, and thereafter is met over the middis, quhar fallies and elnes it lies of breadth. Thereafter the fallis and elnes of the length on the ane pairt, and the fallies and elnes of the breadth, on the uther pairt, are multiplied togidder, and the producte schawis the number of the aikers, ruides, elnes, quhilk the faid piece of lande continis. As for example, gift the piece of land be 51. fall, three elnis of length, and 10. fallis 2. elnis of breadth: multiply 51. fallis 3. elnis, or 51 1/2 fallis to be 10. fallis 2. elnis: Or be 10 1/2 fallis: The product will amount to 532 1/2 fallis: Or 53 2. fallis, 6. elnis: quhairof every aucht-score fallis, ar ane aiker. *Swa* 53 2. fallis 6. elnis, are three aikers and ane quarter, 12. fallis, & 6. elnis of met land.

PATRIA, *Assisa*, *vel recognitio per assisam*, Ane Assise or inquest of cuntree men, quhilk is call'd *recognitio patrie*. *lib. 3. c. cum assisam* 6. *vid Bona patria*.

PEDELLIUS, *Leg. burg. c. citatio* 109. The serjang or beddle of the burgh, quha falld execute fummondes: make attachments, or take poindes, *quon. attach. nullus* 57. quhairof they have na power, without their awin jurisdiction. *Ass. reg. Da. c. nullus* 13. *Dicitur assis pedellus a pedo hoc est baculo*, because all *fix* serjantes fuld use an wand, staff, halbert. *la. 1. p. c. 99.*

PEDE-*puldreus*, ane French word: *ped puldreus*, dustie-stuff, or ane vagabond, specialie ane merchand, or cremar, quha hes na certaine dwelling place, quhair the dust may be dich fita his feet, or schone, *de Mariage*, *c. si quis 9. leg. burg. c. si burgensis*, 141. *de judic. c. 47*. To quom Justice fuld be summarie ministred, within three flowings, and ebings of the sea. Ane pedder, is call'd ane merchand, or cremar, quha beirs ane pack, or cremar upon his bak, quha are call'd beirars of the puddill be the *Scotiefmen* in the realme of *Polouia*, quhairof I saw ane great multitude in the town of *Custovia* anno Dom. 1569.

PENSION, ane dewtie, *fx* as ane annuel-rent, for that quhilk in the act of Parliament. *la. 2. p. c. 41*. Is call'd the penson of *Cadrop*: In the Checker rolles is maid the annuel-rent of *Cadrop*. And *fix*lik in the samin place mention is maid of the penson of the ferme meit of *Kirk patrik*, quhilk continis five chaldar of aill-meit, quhilk the Abbot, and convent of *Pajlay* payis zeirly furth of the *Kirk* of *Kirk-patrik* to the *K.* as ane part of his annexed propriety, as is manifest in the Schireff rolles of the Checker of *K.* *la. 3. 1489*. In *libris feudorum*, Soldata is ane zeiry fye gift & donation, induring the lifetime of the giver, & is *siwa* call'd a *solida*, *quia plerumque in folidorum donacione consistit*. *§. 1. quic dicitur marchio*. *lib. 1. de feud.*

PLACITUM, From the French word, *Plaider*, *pley*, contention, strife, or debate. *Placitare* significat *litigare & causas agere*. *Molinus in fil. s. prorem. cur. par. Part. 1. c. 6. part. 2. c. 3. Et D. Smith. lib. 2. c. 10*. Of the common wyl of England. *17d. Note. Placita coronae*, pleyes, or criminall actions pertaining to the Kingis Crowne and jurisdiction allanerly, or to his justice generally, quhilkis ar foure in number, robbenie, or rife: *twyvinging* justice, or defouing of weemen murder, and willful fye, *fx* as burning of houfes or willfullic, and maliocillie, *vid. Murrhram*. Quhairof, or of any one of them, gif any happenis to be convict, all his gudes pertains to the King allanerly, in the samin manner, as is stature of the gudes of traitours. *Leg. Mal. Mak. cap. 3.*

PLEGIUS, ane pledge, borgh, or cautioner, *dimittere terras ad plegium*, To let landes to borgh, is quhen any controvercie, being for the possession of landes: the samin after inquisition, and tryall taken there anent given and committed to the last lauchfull possessor of the samin landes, under borgh and caution, that he fall restore the samin to him, quha fall be found to have rich thereto. *la. 2. p. 14. c. 62*. Or quhen twa persones contendis be way of deede and armes, for the possession of any landes, The superiour thereof, may recognize, or take to him selfe, the possession of the landes, until it be tryed, quha was last lauchfull possessor thereof: And then let the lands to him to borgh, and under caution, as faid is. *Stat. Ro. 3. c. 1. Nota 21. Item*, the 12. No. 1500. Certaine crows grow upon debarable lands, betuixt the *L. Rubwen*, and the Laird of *Copemalindie*, by decree of the lordes, are lettin to borgh to the faid laird, he findand caution that the samin fall be furth cummand to them, quha recoveris the samin be law, without prejudice of the ruid of onie of the parties therainent in time cumming. And likas the over-lord, or judge for the causes forefaid,

Length and breadth of one aiker.

The manner of measuring of lands, be rod or raip.

Penion of Cadrop, Penion of Kirk-patrik.

Soldata.

Pley of the Crown.

Inche, Fute, Elne, Fall.

Rod, Raip, Fall lineall and superficial.

Ruid, Aiker.

Eandmerru, Agrimensurores.

Length and bread of one fall.

Twa kinds of ruid.

Interdictionem ad plerumque.

forefind, letis landes to borgh, to the posselour thecoof, the tennent or posselour, *petit terras demitti ad plerumque*, desces the lands to be letten to him to borgh, or under caution. *Stat. Rob. 3. c. 4.*

PORTEOUS, portuis. Ja. 1. p. 13. c. 139. la. 3. p. 14. c. 99. la. 5. p. 3. c. 5. *aporando*, quihik signifies to carie, or beire: in French *portes voius*, and signifies an catalogue, containend the names of the persons indited to the justice aye, quihik is given and delivered to the justice Cledk, to the Crowner to be attached, and arrested he him, to compiere, and answer, to sik accusafiones and crimes, as falshe impure unto them, and the porteous containes the names of them quia ar of new indited, and the names of them quia wreinded of auld and of before, and conspired not: And quhen one justice aires ciced, or proclaimed, command is given to the justice to warne all perones, allswell indited of auld, as of new, to compiere in the said aye, to underlie the law. The Crowner receivis the porteous as saidis, and caries the famin with him, untill the attachements and areitments be maid, conforme thereto, and reportes the famin againe to the Justice court: That theidie he may be controlled in execution of his office, fa far as concernes the making of attachements and areitments or probation therof.

POST-NATUS filius, ane second sonne, narrest to the first begotten, conforme to the French word, *lepus ainsé lib. 2. c. sergo. 23. c. preterea. 25. c. marius 32. d. ainsé*, is the first borne sonne, and therefore *le pús ainsé* is *post primo-genium*, the second sonne.

PRISÆ, ane French word *prifes*, in latine *captiones*, sik as ane poynd, distres, or moveable gudes, taken for execution of ane decreit: for be the lawes of France, *prise sum rerum mobilium: salsua vero immobilium, quia bona immobilia non capiuntur, sed saisuntur*. *Rebus in confitui. Reg. in tra. de liter. ar. 5. gl. 2. & de praecanon. licitacionibus. ar. 1. gl. 2.* Quhairant I find ane ordinance maid de modo capiendi *prisas*, be King David 2. 18. Februar 1369. the 40. zeire of his reigne. *Prise seu captiones domini regis, perfolventur & capiuntur, secundum consuetudines antiquitus approbatas, & de terris illis de quibus prise regis, & servitia debent sumi, & quod in iis faciendum non fit taxatio iuxta numerum devotacionum, sed secundum verum valorem honorum.*

PROPORCITAS, *proporatio affise*, the proport, report, declaracion, or deliverance of ane affise. *Stat. Alexand. c. statui dominus, 5. quon. attach. c. fiqui appelles. 53. affisa. reg. D. c. 9. c. statui 30. c. statui dominus 38.* Utherwhile, it is called, *vereditum affise*, the vedict or swith-faying of ane affise. Because the affisours are sworne to declare the truth and veritie, and therefore are called *Juratores*. Like as the affise is called *Jurata*, or *Jurata patrie, sive vicinitie*, *lib. 2. c. dicitur 74.* And in the English lawes, ane *Jurie*.

Vereditum.

Juratores, Jurata, Juria.

PURPRESURE, *Purprisio*, ane French word, for ane wrongous usurpacion, taking, or occupation of ane others mans landes, quhaof there is three kindes, *Lib. 2. c. dicitur 74. de iudic. c. purpresura, c. 138.* The firstis, quhen any man occupis unjustly any pairt of the Kingis domaine, and proper landes. Or quhen ony stoppis, or cloisus up the Kingis common way, passage or strettee: Or returnis or diversis rinnand waters fra thir thrit course: Or within the Kingis towne and burgh, occupies the Kingis calsay, or common gait, biggand upon one pairt thereof: Or removand onie thing there fra: Or converting one pairt thereof to his awin use. And generally, quhen onie wrongous occupation is maid to the hurt and skand of the Kingis tenement, the Kingis freite, or common way: Or of the Kingis Burgh. The quihik kinde of *purpresure* shall be decided before the Kingis justice and his deputies, be ane condigne affise. And he quha is convict therof, false in the Kingis mercie, and punished conform to his will in his bodie, and in all his landis quihik he holds of him: and maid-over shall restore that quihik he unjustly bigged and occupied. The second kinde is, quhen onie vassall occupis, and usups any lands against his over-lord, wher then the King Quihik contravertie may be decided be the over-lord in his awin court, and gif the vassall is convict to have done wrang, he tynis perpetuallie all the landes quihik he holds of that superior. The quihik jurisdiction and power of halding of courtes of *purprisio*, perteinis to ane Barcon. and to others, quha are above him in power and dignity, sik as Earls and Lords. For na vassall, subject, nor uther tennent under ane Barcon, his power to hold sik courtes. *Ja. 3. p. to. c. 79.* The third kind of *purpresure*, is against ony uther except the King and the superior: As betuixt nichtbor and nichtbor, subject and subject: quhen ane wrongoultie occupis the lande perteinand to ane uther, or troubles him in his meichis, and marches: quihik molestacion perteinis to the Schieff, to be tried before him, be ane brieve, *de nova disseisina, or de rationabilibus divisis*. Be the law of England. *an. 4. Edward. 1. de bigamis c. 4. gil onie usurpis*, and occupis within the Kingis liberty, or ony uther place, contrair the King: Incontinent without proces or ordour of law, the King tuk the land in his awin hand, and thereafter it was lesfom to ony person, havand entresse to compleine thereanent. The like tormis permitted be the lawes of this realme, anent the Kingis customes. *Ja. 1. p. c. 8.* And his annexed propretie. *Ja. 2. p. 1. c. 4.*

Three kinds of purpresure.

PUTAGIUM, ane French word, hureidome or fornicacion, *lib. 2. c. in custodia. 50. c. ult. 53.* Quhair it is manifest, that ane air femall, being within ward, and of les aige, and committing fornicacion, tynis and forfealts her pairt of the heritage, and the famin accessis, and perteinis to the rest of the co-heirs, or comporcioners, gif onie be. And gif ther be an heretrix allanery, quha committis the said fault, all and hail her heritage, perteinis to the superior: But gif an heretrix of landes, hes barines lauchfully gotten in marriage: and after the decease of her husband, in the time of her viduitie, committis fornicacion: neither she nor her barines, tynis the heritage. *Quia putagium matris non admitt hereditatem.* The hureidome committed be the mother, dois nocht differith the lauchfull barines.

QUARENTENA viduarum, in the statutes *Rob. 3. c. de viduis. 22.* From the French *la quareme des veufes*, signifies the priviledge of fornicacion daies, gramed to widowes, after the decease of their husbands, conforme to the Lawes of England, *anno. 20. Henr. 3. c. 1.* Quhair it is statute anent widowes, quha after the death of their husbands may nocht have the dowrie, untill they pley: That quha forever desceis their of their said dowries, of the landes quhairin their husbands died yem and faised, and it fall happen the said widowes to recover the famin theriafter be pley or proces: They quha troublid and molested them, being convict of sik wrongous dolevement, shall zeld, and pay the damages and stah, to the famin widowes. That is to say, the valour of the hail dowrie belanging to them, from the time of the death of their husbands, unto the day that the saides widowes, obtieinis decreit in judgment. And the said desceires never theles false americal, as the Kingis pleasure. In the quihik place it is plaine, that *Quarentena viduarum*, containes the space of fourtie daies: during the quihik space, ane widowe may tary and remaine in the chief dwelling place of her husband, untill her dowrie be assigned to her, and in the meane time suld be suiteind upon the profittes of the heritage. As it is likewise writen in *magna carta, anno. 9. Henr. 3. c. 7.* quihik is conform to the laws of France, so writis *Ioan. Papon* in his *arricles. lib. 15. tit. de dotis c. 7. & lib. 10. tit. subfultionis. c. 30.* per *authenticam preterea, c. ude vir & uxar*, and in the Burrow lawes of this Realme, the second, or third wife of ony Burges, after the decease of hir husband, may nocht remaine in the hous pertaining to his aye gotten of ane uther wife, bot onelie fourtie daies. *leg. burg. c. si burgensis dot. 25.*

QUHATECUS, ane kinde or forme of bread, quihik wee call ane page, or phage, from the grecke word *phago, comedo* to eat.

RACHETUM ane French word, *Rachapi*, ane ranfon; in sum buikes it is called *Rechatum, tranplacium livois*. *Stat. 1. Rob. Br. c. 1. Stat. 2. Rob. Br. c. 7.* quhair it is called thiet-bote, and in sum auld buikes *Rachatum* is called thiet-bote or redemption taken for thievis, robbers, or uther malefactours.

RAPTUS, rape, ravishing or dolevoring of weemen, quihik is ane of the four poyms or pleyes pertaining to the Kings Crown, & to nane uthers. *vid. placium, vid. murtham.* Ravishing is ane crime, quhair ane woman accusis ane man allgedand she is oppressed, or defiled he him, against the Kinges peace. *lib. 4. c. raptus 9.* The quihik complaint suld be maid the same day, and night, in the quihik the crime is committed, *quia lapsa diei hoc crimen preestitur.* *Quo. attach. Cap. De cetero. 48. Statu. Wilb. c. Item. Statuis. 9.* In the lawes of England *Westm. 11. c. 34.* Rape is quhair ane man ravishis, or takis ane uther mans wife, widdow, or maiden, violenlie, and hes a doe with her against her will. And albei the alierward consent, zit it is felonie, quihik is confirmed be *Chieff. in consuetud. Burgund. Rubric. 1. verb. Es droitz & icellis. Nu. 43.*

REIF, or robberie, is likewise ane of the four poyntes of the Crown. *lib. 4. c. dit lunc. 13. leg. Mal. Mack. c. 4. aff. rez. Da. c. 1.* Robberie is quhen ane man lysis by the Kingis hie way, palling to mercat Townes, in woodes, ditches, or onie uther secrett place, quhair people cummis furth by, and robbis, & spulizes them, albei he take away bot the valour of ane pennie, or lesse, it is felonie: for the mala-peanes of the deed, breaking of the Kingis peace, and the dangen in the quihik ane man is of his life, causis the offence to be the greater, then gif the gear swar robbed or spulizid had bin thiet-conflic stollen, as it is writen in the lawes of England, *an. 23. Henr. 3. c. 1.* In the law of *Normandie. lib. 3. c. 1.* Robbery is the taking of uther mens gear be force and violence: And the committers therof in latine are called *raptiores*, in French *voleurs*, or *Robeurs*, & is different from thiet quihik is committed quietlie, and privily, without violence. Maid-over reufe is ane greater crime then thiet, because reufe is committed bairh in the guides, and in the person of the posselour thereof, and thievis is of the gudes and gear allanerlie. *Chieff. in consuetud. Burgund. rub. 1. l. 5. c. 5.* Be the law of this Realme, the complaint of reufe or robberie suld be maid be him quha is robbed, and dammed within the like time, as is fore said, of the ravishing of weemen. *quo. attach. c. de cetero. 48. lib. 4. c. raptus. 9.*

Difference betwixt reufe and thiet.

RECOGNITION of landes is commonly used in the law, and practique of this realme. *Sicut fundum dicitur aperiri domino: sic terra dicitur cadere in communi sum: sicut si in hoc caso ob culpam vassalli, & in Emphyteusio, or fewe landes, ob non solutum canonem seu pensacionem. lib. 3. c. ex locatio. 1.* For the vassall tynes landes holden be him be service of warde, be ceason of his awin fault, as false hereafter exponed: and the proprietor of fewe landes, may tynis and fore-fault the famin for non-payment of the zeilty duty. *Cognoscere* is to know and understand, *recognoscere* is to know again, or at the 2. time to understand. For generally, all superiours, of quhom landes ar holden in chief, first hes bin proprietors of the famin lands: quihik landes being annexed, and sold be them heritably, to be holden of themselves and their aires, ceasis to be propertie to them: and becomes tenendrie: immediately halding of them and their aires. And gif it happens the vassall, or posselour, to quhom the landes are sold, to commit ane fault or crime, quhairby he tynis and fore-faultis the landes: the superior hes enwreite and conveyelle to the propertie of the landes, and may recognosce the famin: and as it were the second time vindicate to himselfe the propertie thereof. Swa the famin landes, quihik were first propertie to him, and thereafter tenendrie, be reason of the alienacion, nowe becomes againe propertie, and returns to their first nature and condition, *tunc accrescunt, seu potius consolidacione proprietatis cum superioritate, ob culpam vassalli.* Recognition properly in the

practique of this realme, is quhen any vassall, or free tennent, hold- and his landes be service of warde and reliefe, flicc and annales all, and haill his landes with their pertinents, or the maist part thereof, without licence, consent, or confirmation of his over-lorde, in the quibill cause, all and haill his landes, aswell nocht annalled, as annalled, and halden as said is, may be recognofced and possession thereof pertein to him to be braken, or displosed be him, at his pleasure; quhairof divers and sundrie practiques are extant in the Register in the dates of King James the Fourth, of godd memorie. As said is: incontinent thereafter the landes to be wrangonfully annalled, & without proces, or ordour of law, may take faising of the famin, conforme to the auld praedik of this realme: Because the famin alienation is done to his dishonour and contempt: be his vassall, quha suld do reverence, and service to him, & there- fore with his consent suld nocht doe one thing to dissolve the league and band, quhilk is betwixt them. Maitover the vassall, may nocht make the said alienation, because thereby, he will doo of the law. *Cuic lib. 1. De feud.* And nocht widdrawing that the lordis na waies the propertie of the faides landes, untill zeire and date be our-run: Swa that he doo diligence within fourde dates after the said recognofition, and taking of the faising, to crave and aske fra his superior the faides landes to him to borge, that he to repledge them, findand pledge and caution, that he fall be reddie to do to his superior anent the faides landes, all that equitie and lawe requir. *Stat. Rob. 3. c. 2.* This kinde of recognofition is conforme to the laws of the fewes, *quia feudum amittitur, si fidelis libellario nomine, amplius medietate in feudum delitit, aut pro pigore plus medietate obligaverit. In §. 1. quib. mod. feudum amittitur, et §. 1. de alienatione feud. Et in jur. Canonico. c. 2. et ibi. gl. extr. de feud. Forro libellarius contractus dicitur, venditio, quae fit scriptura interveniente, certo pretio, et certa pensioe constituata, in annos singulos, ut post sententiam scribitur cuic in d. §. 1.* Recognofition of landes is sum times generallie taken the superior may be recognofced, and retaine all the landes halden of him untill they be recovered fra him be the entrefie of the righteous aire, and that be reason of none-entres.

2 After that the aire has recovered the landes, furth of the handes of his superior: Nevertheless the superior may recognofce, and retaine the famin, untill securitie be maid to him for payment of the reliefe.

3 Gif the vassall is fugitive for slaughter, or himselfe, as lang as the felon or mannyfar happens to live. Conforme to the lawe, as lang as the felon or mannyfar, the liferent of the vassal, being zeir & date at the horn pertein to the immediat superior, except he be rebell for treason, in the quibill cause; his life-rent, & all his landes, gudes and geare moveable, & immoveable, pertein to the King allanerlie, *quia pema delicti eidem applicari ad- versus quem committitur culpa.* A Girth valla annalles his landes, or the maist part thereof, without licence, consente, or confirmation of his Over-lord: The Overlord may recognofce the same, as said is. Bot in this case he is obliged to let the landes to borge, to his vassall, askand, and cravand the famin within the lauchfull space of fourde dates, after the recognofition; and faising taken untill it be tryed be the judge. Ordinar, quhiddir the cause of recognofition be lauchfull or nocht, quhilk being founde lauchfull, the judge suld counsell the King, and decern one uth- er superior, to hald his handes fra the landes, and let them to borge to his vassall. And gif the cause be found just and reasonable; The judge suld decerne the propertie, and possession of all and haill the landes, to perteine and remain with the superior. s. Luhen twa or mair parties contendis be way of dede and armes, for the possession of landes, the superior thereof may recognofce and retaine the famin, untill it be tryed, quhilk of them is lauchfull possessor; and thereafter let the landes to borge to him, quha is found to have best richt of the possession.

6 The superior may recognofce and retaine landes halden of him in chief, for service aucht to him, furth of the famin landes. Bot be the practique of this realme: The service aucht to be provenand liquidat, and thereafter the landes may be lauchfullly comprifed.

7 Landes halden in few-ferm, payand ane certain zeirlic dewtie, *Nomine feudi ferme*, may be recognofced be the superior, for none payment of the few-ferm, & that rwa manner of waies. The first, *ex provisione legis, et natura contractus.* For the few-fermer not payand his few-ferm, for his ingratitude and un-thankfulness, unis and fore-falshis his few-ferm, be the disposition of the Law, quhilk as zit was not in practique and use within this Realme.

The secondeis, *ex provisione homini, et conditionibus contractus infer- tis*, quhilk is called ane clause irritant, as quhen ane clause and provision is contained in the instrument, that if twa or maat terms un in ane of non payment of the few-ferm dutie: then and in that case, the instrument of few-ferme to be irritant, null and of none avall, quhilk, is conforme to the daily practique of this realme, *quia pacta convensa legem contrahentibus prescribitur.* vid. l. 1. et Tit. c. de jure employen. Always, be the act of Parliament maid be la. 6. p. 1. c. 246. Alienations of lands maid in few-ferm, are null for not payment of the few-ferm, be the space of twa zeires, albeit na paction or provision be maid thereanent in the instrument.

RECORDUM, *Recordatio lib. 1. c. contingit. 31.* quhair- anent I finde difficultie. Always *recordi summationis*, signifies the rehear, report, or rectification of the execution of the fummondes, briefe, or uth-er precept. la. 1. p. 9. c. 112. quhilk execution is now called *Indorsation*. Because commonly it is written in *doirse*, and upon the backe of the fummondes,

leg. Foreff. c. 25 and be the practick and daylie consuetude of this Realme zit observed, the execution of all briefes before inferior judges, and of all criminal fummondes before the three Estates in Parliament, are verified in judgement, be the record of the executor thereof, and rwa verities at the least. And in auld times the serjantes, or maire, maid the record of the fummondes, be word, or be writ, as they pleased: and verifed the famin as said is. And untill the famin were done, the defender could nocht be compelled to make ane answer. *lib. 1. c. cum autem. 8. de indic. 50.* And King David the second. 18. Febr. 1369, and of his reigue the fourtie zeire, statute and ordained anent the record of serjantes, or maire, that the fummondes and record thereof, fall put in writ gif it please the serjant or maire, and he fall read the famin gif he can, in plaine court. Otherwisie, he may make the record be word: in the best form he may, and gif the faillies, he may be helped and supplied in interrogatories of the judge, concerning all and sundrie clauses or articles, necessarie used in the record of ane fummondes, quhilk records the serjant or maire fall prieve sufficientlie be lauchfull witnesses. And the said record being swa maid, the famin salbe received as lauchfull, and the contrair partie fall nocht be heard, to object against the same, or to propound any exception against the lauchfulness thereof: And it fall be laifum to the schireffe, his depute, serjant, maire of sic, or one uth-er depute serving in the office of ane serjant or maire, be the authoritie of the King, or of one uth-er having power to make rehearfall of the fummondes of the record or indorsation thereof, swa that they be qualified, and abill to doe the famin. la. 1. p. 9. c. 112.

ITEM, *recordum curie*, signifies the report, rehearfall, or minute of that quhilk is done in court or the interloquator of the courte. *lib. 1. c. contingit. 31. Quo. attenc. c. nullus fclator. 20.* In the Normand law. *li. 9. c. 31. vid. Seditur vid. Yarda* quhilk in auld times was nocht written in buiks, bot inrolled togidder in paper. Like as the Kinges rolles are zit written in parchment in the Checker. Therefore they are called the rolment of court. As the Kinges rolles or *roullis*, and the Clarke of Registar *clericus rotularum*, in latine propertie *voluminis, quia involvuntur, et in se quasi rotenturum*. And it is wit that actions and pleyes, are either directlie and from the beginning perfew in ape court: or they cum fra an inferior court, to ane superior *per translatiorem. lib. 3. c. praterea. 16.* as quhen ane pley or cause, is advocat from ane inferior judge, to ane superior: quhik advocations ar permitted and laifum to be maid to the Kinges court allanerlie, be the auld law of this Realme, sik as the justice courte, or schire court: and now be the praedik used, and observed, to Lords of Session, and Colledge of Justice. And swa because he quha alleged that wrang was done to him in the inferior court, raised the record, or interloquator pronounced against him, and fummonded the judge to compare before the Kingis Justice, or schireff, to heare and see him decerned to have done wrang. Therefore *sola curia domini regis, dicitur habere recordum.* h. c. *Potestatem cognoscendi de recordis et interloquatoribus, quae transferuntur ab inferiori curia ad superiorem.* Albeit ilk lauchfull court, sik as ane baronre court, hes their awin recordes, in all sik actions as are intended and decided before and nocht Advocate to ane superior judge.

REGRATERIS. *leg. burg. c. regatarij. 70.* Quha byis one merchan- dice or uth-er thing, and takis unlesumlie greater price for the famin *Dardanarij*, is exponed be la. 2. p. 6. c. 23. 24, la. 6. p. 2. c. 148. In the civil law, regrateris are called *dardanarij qui emunt, et postquam postea plaris vendere.* l. *annorum. 6. de var. et extrador. crim. A quodam Dardano, qui annorum flagellabat. Aciat. lib. 4. de verborum significacione.* And swa regrateris are so called be reason of the augmentation and hiching of the prices. Fore- stallars are propertie they quha pre-occupies and byes merchandes before it come to the mercat, or to the stall, or place quhair it suld be fauld, or the time of day statute and ordained theiro. la. 5. p. 4. c. 20. And mair- over it stant that na man dwelland within burgh, or without the famin, fall upon the Faire date, bye one thing outwith the portes of the burgh. *leg. burg. c. nullus 75.* And likewise ane person suld bye fish, flesh, victual, or one uth-er thing before mercat day, or the ringing of the bell in the heipell. *Stat. gild. c. 20.* And mair- over foistallars are challenged, and accused because they sell their gudes, and payis nocht the Kinges custome: that they sell their gudes privatly upon their awin fluire, that they are fore-byars of quheir, beare, aires, cattel, & are copiers and sellers thereof, tumand the famin in merchanddie. *leg. burg. c. de modo calumnia- andi foistallatorum. 154.*

RELEVIUM ane French word, from the latine *religare*, quhilk is to relieve, or to take up that quhilk is fallen, for it is given be the thenent or vassall being of perfit age, after the expiring of the warde to his over- lord, of quhome he haldes his landes be knight service, that is be warde and reliefe, and be payment thereof he relievis, and as it were raises up againe his landes, after that they were fallen downe in his superiours handes, be reason of waire. *lib. 2. c. dicitur autem. 72. leg. Foreff. c. quis Comes 73. de judic. 65.* And the profittes of the landes of the waire forefald, after the end of the waire, quhilk suld be given in name of reliefe, are understande to be the retoured maill of the faides landes, conforme to the new exten thereof. And therefore gif there be bot ondie waire, and the aire enter before ane terme run thereafter, the King or uth-er superior suld have na reliefe, quia *hared ad etat peremptioe, est actio de hereditaria restitutiore, quibus evit a relemis ratiore custodiis.* lib. 2. c. landem 70. Be the auld law and consuetude of this Realme, the superior might nocht be compelled after the waire, to restore the landes to his vassall, untill he had been first satisfied for the reliefe: because he had lib- ertie to retaine the landes, untill the said satisfactioun were maid. *Stat. Rob. 3. c. nota quod ille 21.* Or else it was laifum to him as he pleased, to poynd the ground therefore *quia dominus potest distringere tenentis pro suo*

The cause of recognofition.

Libellarius contractus.

Sindrie formes of recognofition.

Rollment of Courte.

Dardanarij.

Forestallars.

Clause irritant.

Indorsation.

pro suo

De verborum significacione.

pro suo relievo, & servitio de fundo suo, sibi debita. li. 2. c. Sunt quidam. 73. But now be the common practice, the non-payment of the relieve, is a lauchful execution to the superiour, anent the receiving of his vassall. But he will be compelled be precepts of the Chancellerie, to receive his tenente, or else he tynis the superiourity, induring his life-time. And it is leasum to him to paynde the good for payment of the relieve. Quia relievo est debium reale, & adheret fundo. The beginning, and the first insituation of the warde and relieve, was in the time of Malcolm the seconde, called Malcolm-Mac-Kenneth, quia gave all and hall the landes of this realme to the inhabitants therof, and reserved nothing to him selfe in proprie; but onlhis his royal power and the Mute hild of Scone, quhairhe fuld hald Court, and receive homage, and fealtie of his vassalles: In recompensation quhairof, all the Barrones gave unto him, the warde, and relieve of the aire of ilk baronne, for his pinnelle sifustentation. In the English Lawes, read in Magna Carta. Anno. 9. Hen. 3. cap. 2. And the statute of wardes and relieves, maid be King Edward the first. 18. zeir of his reigne.

REPLEGARE, To replege, that is, quhen any man, be vertue of his awin jurisdiction, bringis back againe, or reduecis to his awin court his awin man, fra any other mannis court, and leavis ane plege, or cautioner behinde him, for administration of justice. vid. Chirch. It is not leasum to any man to replege fra any other court any person, but his awin liege man, or halding land of his, or remaining in his service, as ane of his familie or confanguinitie. Stat. Alex. c. Anno 4. Statu. 2. Rob. Br. cap. 11. s. reg. Da. c. Statu. 37.

RESENTISA, Lib. 1. c. Esforium. 10. Ane seikneffand infimitie, quhairby onie man is heallie vexed. Efforium de Resentisa, idem valet quod excusatio, de malo lecti, Bedde evill. Cum quis morbo ita affigitur, ut sit letho affixus. In French, Mal de Lit. Stat. 1. Rob. Br. c. 5. In the Law of Normandie. Lib. 9. c. 10. Esloirrie, or execution of Mal repleant, is quhen any person lyand bed-falt in his awin house, or any other place, is heallie vexed with seikneffe, that he may not travell without danger of his life. In jure civili morbus Sonticum dicitur, qui cuiusque rei agenda, impedimen-o est, veluti febris: Et legitimum excusationem ac dilationem prebet. L. Questum 60. ff. de re Indic. Aulus Gellius. Lib. 20. cap. 1. Appellat Morbum Sonticum, quonlibet morbum vehementiorem, vim graeviter nocendi habentem.

RESPONDE, Or the buike of Responde. Ia. 6. par. 11. c. 73. It is maid and written be the directour of the Chancellerie. For quhen he directis precepte to the Schirrefe, to give saisung of any landes redouire before him to the Chancellerie: He makis ane memoriall of the dait of ilk precept, and dewtie of the landis; and commandis the Schirrefe, to take securitie for the famin, during the time of the warde, and non-entres, and of the reliefe aucthand to the King, gif the landes be halden be service of ward and relieve. Or of the doubling of the few-ferme, or of the blench ferme, according to the halding of the landes. Quhilik buike zeirlike is presented to the Checker: And ilke Schirrefe, and other judges, givers of saisunges upon precepts, direct furth of the Kingis Chancellerie, are charged there-wit in their comptes, compelled to make aunfwer thereto, and payment of all summes contained therein: for the quhilik cause, it is called Responde. quhilike is the first worde of ilke article of the said buik. Further in the end of the saidis precepts, it is said, presentibus post proximum terminum minime valluris. And therefore, gif the obtainer of the precept furth of the Chancellerie, lye our and take nocht faisung upon the famin, quhill ane terme and ma be by-run after the dait therof, he sulde come againe to the Chancellerie and raise ane new precept, quhairin is augmented the by-run mailles of the landis, sen the dait of the first precept, and ane newe memoriall or Responde, is maid therof.

RETOUR, quhom be it is maid, and quhy it is sa called. vid. breve de morte anecessoria.

REGRES, from Regrediendo, like as
REVERSION, reverendo: For ilike as the buyer of landes, letis them returne to the seller therof, be the reversion given unto him. Even swa be the regresse of the superiour of landes wed-fet, be his vassall, after the redemption therof, suffers the first fellir of the famin to come back againe to his awin place, anent the halding of them as he did before the said alienation. Swa reversion and regresse are different, for reversion is given be him quha buyis the lande, Cum patto de retro-vendendo, to the annaler therof. In French it is called, Jus rechetus or recheptis. And ane regresse is given be the superiour of landes, to the annaler therof, quhairby he promisist to receive againe him, or his aires to be his vassalles, as they were before: quhen it fall happen any of them to redeem the saids landes. 27. November 1567. George Halyburton, contrene the Laird of Hinton. And gif any man annales landes under reversion, to be halden of him and his aires, ane regresse is not necessar: For they being afterward redeemed, he quha first annalled them, recovers the proprie therof, without any new saisung and the same returns to him, & is consolidaed, with the superiourity quhilik he reserved to him and his aires, the time of the alienation. But gif any man annales landes to ane uth-er, under reversion to be halden of the superiour, and the byar therof obtaine infestments, and saisung halden of him: The annaler therof is denuded of the proprie, and alwa is na langer vassall to his former superiour, and can na wayes recover his former estate, but be redemption of the landes, conforme to the reversion granted be him quha bought them. And alwa be ane regresse, givento him be the superiour: In the quhilik case it is necessar to him, quha firste annalled the landes, and there-after redeemed them to take newe saisung. To the effecte, the proprie quhilike was firste annalled, may retruneto the seller. And that he may halde the famin landes in chief of his superiour, and his aires, as he did before the alienation. And

it is generally to be observed, that quhair ane regresse is required, ane newe saisung is necessarie. In auld times, the reversion was contained in the chartour, as is manifest be divers chartours, zit extant in the register, given in the time of King David the second: containing the tenour of the reversion after the claute. Tenent, & habent. and uthers auld chartours in the forme after following.

OMNIBUS hoc scriptum visuris vel audituris. I. dominus de A. Salutem in domino. Novimus nos concessisse, impignorasse, & ad immobile vadium dimississe, & nos prefatum scripto meo confirmasse, nobili viro. V. de F. Omnes terras suas de A. cum pertinentiis, in baronia de C. infra vicomitatiam de D. propositiis Marci ipsius monachi Scotice, nobis per predictum V. tempore concessimus prefatum, & in usus meos convertisse, tenent, & habent. prefato V. hereditas suis & assignatis ad me hereditas meae & assignatis in feodo & hereditas cum omnibus commoditatibus, libertatibus, & assamentis ac iustis pertinentiis quibuscumque, adeo libere, & quiete, plenarie, & honorifice, bene, & in pace: sicut ego vel prediceffores mei, prefatas terras cum pertinentiis, libertatis cum quibus tenui, aut possedi, teneuerim, aut possederim, aliquo tempore preterito. Et semper quousque, ego predictus V. heredes mei, vel mei assignati viginti marcas prefate monachi, predicto V. hereditas suis, vel suis assignatis, in uno die inter solitotium & occasum iustis, apud Abidenc in Ecclesia parochiali eiusdem, super magnum altare, simul & senel, persolvero, vel persolvere inter sine fraude. Et in his, firmis, vel quibuscumque; alius commoditatis seu emolumentis nudo tempore per predictum V. heredes suos, vel assignatos, percipere vel percipendos, levatos vel levandos, indistinctis summa viginti marcarum, aut eius solutione, nullatenus computandis. Quia dedi, concessi, & assignavi prefato V. hereditas suis, & assignatis, omnes prefatas firmas, fructus, & alias commoditates quascumque, & emolumenta de dictis terris cum pertinentiis, provenient, toto tempore, quo predictus viginti Marce (si premititur) non fuerint persolite: ex mea libera donatione, & pura voluntate, pro suis consiliis, auxiliis, & gratitudinibus, multipliciter mihi factis & impensis. In quibus quidem terris cum pertinentiis, prefato V. tradidi saisnam, & possessionem corporalem suis, hereditas suis, & assignatis, iuxta tenorem prefati scripti remanentis. Ego vero predictus V. heredes mei & assignati, totas terras predictas de A. cum pertinentiis, prefato V. hereditas suis & assignatis, viginti oxia, tenorem & effectum, prefatis scriptis: In omnibus & per omnia, contra omnes mortales & avari-tatem, acquiescimus, & defendemus. In cuius rei testimonium huic prefati scripto meo, sigillum meum apposui, & propter maiorem rei evidentiam, sigillum Andreae Giffard, nati ademerant de Abirdene, presentibus apertis provocaverunt, apud Abirdene 23. Augusti Anno Domini 1419. Testibus Laurentio de Abernethie, Domino de Roselway, Domino Wilhelm de Lundris vicario de Abirdendour, cum multis aliis ad premissa specialiter vocatis. But now the Chartour is given be the fellir of the landes, and the reversion be the byar therof, severally, sealed and subscribed be them, and the byar keeps the chartour, and the annaler keeps the reversion. Quhilik forme appears to have the beginning in the dayes of King James the third, quha in his acts of parliament. p. 5. 20. November, cap. 27. callis the buying and selling of landes, be chattour and selling, and taking againe of reversions, ane newe invention, and for the mais securitie, ordainis all reversions to be registrate, vid. Sterlings. vid. Padium.

Ante forme sicut chartour contineand ante Reversum.

Scata.

Parvare raciones, Parvator.

Reliqua raciones.

Esforium de Resentisa.

Morbus Sonticum.

Rechept.

Landes annalled to be holden of the annaler and his aires.

Landes annalled to be halden of the superiour.

De verborum significacione.

and gif one of them dreidis bodily harme of another: the schireff...

The unlawe of court.

Jurisdiction. The Schireff has jurisdiction within his awin territorie.

The Schireff fuld cause the lawes be proclaimed and observed.

The Schireff fuld be present in all courtes.

The Schireff fuld repair to the King.

He fuld not execute or obey unlauchfull commandes.

The Schireff office in the justice aire.

faulcies to doe, he sal pay ten pound to the King. James 3. par. 14. Cap. 99.

Moreover, the schireff or his deputies fuld passe, or send with the Crowner, and vifite the gudes, pertaining to all perones...

Chalmer-lane aire.

Checker.

The Schireff jurisdiction in civil matters.

Moleftations and egeintions.

Removing.

Brieve of inqueit.

Commissions.

The jurisdiction of the Schireffe confists and standis generallice in diverse and sundrie pointes. Bot first of all it is wit, that the schireffe his depure, and serjant, hes na jurisdiction or power outwith the boundes of his awin schireffdome, to sumund or attache one person, or to paynd or take ane detres of onie mans gudes and gear: for they fuld make fynd that they fall faithfully serve the King, within their awin Schireffdome, and sal noch trouble or molest one person within the samin, aganist law and reason. Aff. reg. Da. c. nullus. 13. quo attach. c. nullus. 57. Swa it is manifest, that the Schireffe hes no jurisdiction, within his awin Schireffdome. Within the quihik, he and his deputies fuld cause the lawes & acts of Parliament to be published, red, and proclaimed in his courtes, and to be kept and observed be all our Sovereine Lordes lieges, alsvein in the courtes of all Prelates, Erles, Barrones, and others having power to hold court, as in his awin schireffe court, and fuld give to them the copie of the lawes, that na man pretend justlice ignorance thereof. Stat. 2. Rob. c. Robertus 28. And sliken in all burghs of this realm, the schireff fall cause 12. leil and honest inn of the burgh, swa are and make faith, that they fall cause the Kingis lawes be kept and observed. Stat. Alex. c. Item in omni. 25. &c. to the effect the samin may be the better done be him, the acts of Parliament being registrat, fuld be delivered be the Clerk of the Register to him: quihik he fall cause be proclaimed openlice, in chiefe place of the schireffdome, and fuld give copies of them to prelates, barrones, & burrows within his schireffdome upon the expenses of the asker, & fuld cause all indwellers within his schireffdome both to land and to burgh, to keipe and observe the said lawes and statutes, under the paine of deprivation of his office. Ia. 1. p. 3. c. 67. Ia. 2. pr. 14. c. 90. And likewise to the effect the schireff fuld fee justice lauchfullie done and ministrif: he fuld be present in all courtes of Bishops, Abbots, Earls, Barrones, and freichalders to quhō it is not laufsum to hold their courtes, except the schireff or his deputies be present, or summoned to that effect, li. 4. c. die lune. 14. Stat. Alex. ass. 10. Aff. reg. Da. c. 1. And sliken baronage may hold court of battell, watter, or jron, except the schireff or his deputies be present to fee justice done. Stat. Alex. c. preterea. 28. vid. duellum. vid. manhamum. And moreover the schireff and all other judges within the schireffdome, suld repaire and cum to the King, the first night he cummis within the schireffdome, to answer to all complainers maid aganist him, anent the nocht keeping and observation of the lawes: and sal noch depart, nor passe away without licence asked and obtained, under the paine and unlaw of aucht nye. Aff. Reg. Da. c. latumum. 20. quo attach. Statutum 80. And also fall nocht passe away fra the King, except he have with him the Actes of Parliament, and his instructions given to him in writ. Aff. reg. Da. c. libro Scenoff. Last concerning the execution and observation of the lawes, the schireff, nor na other officer of the law, fall one waies obey, or execute one command direct to them be the King, under the great seale, privie seale, or signet, repugnant or contrarious to law or reason. Bot gif one sic precept be presentid to them, they fall receive the samin reverentlie, write upon the back therof, and remit the samin againe. Rob. 2. 137. 2. And of his reigne, the first zeire.

The schireffe fuld nocht onie make the publication of the laws, and cause the samin to be kept and observed: Bot also suld concur and assit with others to do the samin, sik as the justice generale, chalmerlane, & auditours of our Sovereine Lordes Checker.

The Schireffe at command of the justice general, fuld summonsd certain perones to burgh and to land, to give up daitay, to the justice Clearkes, and fuld be present in proper person at the justice aire with the verification of the saides summonsd. He fuld fuithene and pay the expenses of the justice clearkes, in the time of the taking up of the daitay. Quihik fuld be allowed to him in his comptes, he fuld (conforme to the justice precept direct to him) summonsd all Bishops, Abbotes, Erles, Barrones, Freichalders, and al others quha aucht presence in the justice aire, & are immediate vassals to the K. to conpser in the justice court, to fortifie and assit the justice. Likewise he fuld summonsd all perones indyt of new, and of auld, al pledges oblied for the entrie of one man in the air, al perones quha will persw, or defende, in the said court, to conpser, doe, and fulfill that quhik accordis of the Lawe. He fuld be presente in the courte, with sufficient testimonie of the execution of of the said summonsd. And fuld make provisione for the justice and his Clerkes, quhik suld be allowed to him in his first compt in the Checker. He fuld take up sik summes of money and gif need beis paynd therefore as the justice modifies to be payed be them quha are amerciar, or cummis in will. vid. Iter.

Moreover gif there be onie perones, quhom the Crowner may nocht, nor dare nocht arrest: He fall deliver their names to the schireffe, quha sal be comend burgh and cautioner to enter and present them in the justice aire. Or fall passe, or send sufficient number of men, to fortifie the Crowner, making the arrestment, and bringing the person arrested to the Schireffe to be kept be him. Quhik gif the Schireffe

the chalmerslane is to hold his aire, within one burgh, the schireffe be the vermer of the Chalmerlaines except direct to him, fuld attach and arrest without delay, under full pledges and cautiones, all them quha his names the Provost and Bailies of the burgh fall give to him in writ, To conpser before the chalmerslane, or his deputies, day, place, & time of the air, to answer to sik things as fall be laid to their charge. At the quhik come, and aire, the schireff an his deputies fuld be present, bring, and with them the said precept or verification, or testimonie of the execution thereof. Iter. canon. c. 2.

All schireffs fuld be examined zeirelice in sik checker, how they have kept the acts of Parliament, and how they have punished the transgressours thereof. For in the Checker, the schireff, or one sufficient depure for him, have and sufficient power, fuld conpser and swear thereanent, in aintum cur: Under the paine of ten pound, and unfill of his office at the Kings will. Aff. reg. Da. ex libro Scenoff. In the quhik Checker, the schireff fuld make compt, and full payment, ags with the Rodes, sa far as he hes intronneted, or mich intronet with the Kingis propertie or casualties, sik as echeirs and wardes, under the paine of warding of his persone. James 5. par. 7. Cap. 96. James 6. par. 11. Cap. 74. And fuld bring with him, his court bukis, with the compt of echeirs, and un-lawes, intronmet with the bukis, together with the registers of fornings registrate be him in his bukis, and of all sailinges. James 6. par. 12. Cap. 126. And fuld find cautiones, burges men within Edinburgh, actid in the bukis of Council, that he fall zeirelike make compt in the Checker, and payment of all things intronmet with be him. Ia. 6. p. 11. c. 80. James 6. par. 14. Cap. 250. And gif he be found restand at the fine of his compt, one summe of silver, to the King or his Thesaurar: is sleasum to the Thesaurar, as he pleasis, to paynd the schireff and his deputies, or the partie to quhome saing is given, for the saides summes, conform to the buike of respond. Ia. 6. p. 11. c. 73.

The jurisdiction and office of the schireff, confists alsua in particular civil actions and pleyes, and decision therof in his Courte, and likewise in execution of decreitis given be civil judges, sik as the Lords of Council, and session. The schireff and his deputies is judge competent to their pleyes and actions after following. That is the pleye or muter of barrones betwixt barron and barron. The muter of ane reasonable Terce pertaining to women as lauchfull wives, be reason of the deceafe of their husbandes complainis touching the breaking of appointments, aggre ances, and end of pleyes maid in court, and not kept. lib. 1. c. 4. c. 10. tingit. 31. lib. 2. c. 10. 1. Mutes and pleyes of maters that is of bondes, & servandis tigrive fra their awin maisters: making of auld, be ane to ane other, may be followed before the schireff, with ane action of warrang & unlaw. lib. 1. c. 4. lib. 2. c. consequenter. 13. The brieve of richt, & free tenements, fuld be determined before the schireff, in the second instance, quhair as complain is maid, that the court of barrones hes done wrang thereanent, be reason wranges done in the barron court, war remedid in the schireff court, be the auld law of this Realme, lib. 1. c. placita. 6. lib. 3. c. solen. 17. c. ad vicecomites. 17. Bot be the law and practick now used & observed, the Lordes of Council and session are onelic judges competent both in the first instance, and second, to all actions and matters touching feid and heritage. Sik like all pleyes touching Meiches and Marches of lands, betwixt neighbour and neighbour, fuld be decided and declared be ane assise before the schireff, lib. 2. c. 2. i. Conform to the quhik all actions of molestation, in troubleance of the possession of propertie, and commonic fuld be decided be the schireff of the schire, or other ordinar just, quhair the landeslydes, be the determination of an assise, of the best and worthiest of the cuntrie, least suspect, and that best knowis the verie. Ia. 6. p. 11. c. 42. The schireff is judge competent to the removing of tenents fra lands, conforme to the waring maid aganist them to that effect. Mar. p. 6. c. 39. The schireff is judge to the brieve of inqueit, quhair be ane desir to be served, and retoured narrett and lauchfull air to his predecifour, lib. 3. c. Generalia. 25. quo. attach. c. De brevibus. 31. Ia. 1. p. 9. c. 127. Quhik brieve fuld be served in plaine court, be the maist worthie of the schireffdome, summonsd and called upon the premonition of 15. dayes. Stat. Rob. 3. c. 1. Vid. breve de morte antecessoris. And na commission for serving of the said brieve, or others fuld be granted to one person, in prejudice of the schireff, Stewart, or baillic, until he be first wared to hear and fee the samin given, or else to alleadge ane reasonable cause, quhy the samin fuld nocht be granted. James 5. par. 6. Cap. 82. And incale one sik brieve fall happen to be served and retoured before one judge, commissioner, the precept of saing fuld be direct furth of the Chancellerie, to the Schireffe, as is before said, verbo. breve de morte antecessoris. For generallice all precepts of saing furth of the Chancellerie upon retours

Sustaining in receipt of the chamberlaine.

fuld be direct to the Schirreffe, and other judges ordinar, with the claufe, *Capiendo securitatem.* Jam. 6. p. 12. c. 124. And all faifings paſſing upon lik precepts fuld be given them, their deputies and Clerkes. Mar. p. 6. c. 34. Quainorthey fuld write the day and zeir of the giving oflik faifings, and bring the famin, togidder with all other faifings, given be private Notaris zeirly, to the checker. Ja. 4. p. 6. c. 89. Mar. p. 6. c. 47. L. 6. p. 11. c. 63.

Ejectiones and spuilzie.

Sik-like aſtiones of ejection and ſpuilzie, pertaine to the Schirreffe, and his juſtification. And therefore, gif any man is wrangollice ejected furth of his land, or violently ſpuilzied of his guds and gear: The Schirreffe fuld take cognition there-aneat. And the ejection or ſpuilzie beand proven, fall canſe him quha is ejected or ſpuilzied, to be referred to his awin landes, gudes and gear, with the proſes therof, and damage and ſkath ſuffered be the partie. *Aff. Reg. Da. c. ſtat. 31.* Sppeciallie gif the perſones quha are ejected and ſpuilzied be religious men, clerks, widows, aged perſons, or ſik uthers, quha be the law, ar excuſed fra ſingular battell. *Aff. Reg. Da. c. ſtat. 38. Stat. Alex. c. 5. ſtat. Ro. Br. 3. c. 6.*

Ejectious.

And in ejectiones, quhen any man is ejected furth of his landes, fee, or heretage, The Schirreffe at command of the Lordes of Scioſion, fall furth-with gar reſtore the ground, without prejudice of any partie, and recognoſe the landes in the Kings handes, until they be lowed be the King. And in the mean tyme, inquisition is taken be the Schirreffe, quha was lawchfull poſſeſſour of the landes: And the famin beand retoured to the King, the landes ar letten to boghte to the ſaid perſon. I. 2. p. 14. c. 62. And generallice, the Schirreffe fuld arreſt, and put in the Kings ward, all maisterfull and wrangous occupiers or uthers mennis landes, and fall cauſe the ground to be maid voyde of them and their gudes Ja. 2. p. 14. c. 78.

Spuilzie.

Concerning ſpuilzie, the Schirreffe: fuld compell ſpuilziers, and their receivers (the ſpuilzie being proven) to reſtore their gudes ſpuilzied, and charge them to anſwer therefore, aslaw will. And in-caſe they diſobey, he fuld denunce them rebelles, and put them to the Kings horne. Quhairin, gif he be negligent or partiall, he fuld be puniſhed as the principall ſpuilzier. Jam. 2. parlia. 5. cap. 10. The like reſtitution fuld be maid be the Lordes of regalities, quhilk gif they doe not, the Schirreffe fuld cauſe the famin be done within the regalitie. Jam. 2. p. 5. c. 11. Laſt of all, aſtiones of recent ſpuilzie, may be perſewed before the Lordes, or the Schirreffe, within xv. daies nixt after the committing of the ſpuilzie. Jam. 4. p. 6. c. 65.

Execution of decreets.

Execution not onely of decreetes of ejection and ſpuilzie, as ſaid is, but alſo of all uthere decreetes pertaine to the Schirreffe, be reaſon of his office and juſtification. For anc decreet beand given againk any man, letters are direct to the Schirreffe of the Schire, ſteward, or Bailles to burgh, or to land, charging them to put the ſaid decreet to execution: quhilk fuld be done beik ane of them, within their awin juſtification, and fuld receive for their office and fee xij. d. for ilk li. recovered or contained in the decreet, to be taken of him, againk quohom the decreet is given. And gif the Schirreffe or uthere officiar failzies to doe the ſame, he fall fine his office for iij. zeirs, gif he be heretable: and perpetually, gif he hes it in lie-rent, or for ane certaine tyme; & fal pay the principal ſume recovered, to the partie, with the coſts and expenſes ſuſtainid be him. I. 4. p. 3. c. 30. Ia. 4. p. 6. c. 67. Likewaiſes all ſentences and decreetes given be the Lordes of the ſeſſion fuld be execute be the Schirreffe of the Schire, or his deputies, quhair the party dwellis, againk quohom the decreetes is given. Or els be Heraldes, purſevantes, or Maisters: And for execution thereof, nane fall take maister nor is preſcribed be the act of Parliament foreſaid; except be liberalitie of the partie, under the paine of deprivation of their office. Ja. 5. p. 5. c. 58.

Payning.

For the better and maid reddie execution of decreetes: It is leaſum to the Schirreffe, to poynd the gudes and gear pertaining to the debtour, be the brieve of diſtres: quhilk brieve pertaine to the Schirreffe's juſtification. *lib. 1. c. Pleasium 7.* Quha fuld cauſe execute the forme of poynding, & taking of diſtres. *Quantum attach. c. de brevibus.* 31. Bot the Schirreffe or urher judge may not poynd any man, or take ane diſtres, bot within his awin juſtification allanery. And gif he dois in the contrair, it is plaine riſe or ſpuilzie. *ſtat. Rob. 3. c. Item ſtat. 13.* And it is not leaſum to the Schirreffe, or any uthere judge, within his awin juſtification, to poynd oxen, horſe, or uthere guds pertaining to the pleuch, or that labouris the ground, the tyme of the labouring thereof, gif they be uthere ſtreinzeable gudes, quhilk may be poynded. And gif any man will take ane poynd within the Schirreffeſſom, he fall cum to the Schirreffe or his deputies, and deſire him to concur and aſſiſt with him thereinill. And thereafter the Schirreffe, or his deputies, fall paſſe with him to the houſe of the debtour, fra quohom the poynd fuld be taken. And gif the debtour confeſſis the debt, and prievus payment thereof to be maid be him, or be uthers in his name: Na poynd fuld be taken. And gif any is taken, the famin fuld be delivered againe, utherewaiſes, gif he grants the debt, and proovis it not payed: The Schirreffe fuld take the poynd, and the poynd fall not be taken fra him, except it be maniſt, that the debt is auchtand to the creditor; becauſe an diſtres or poynd fuld be taken bot for debt conteſted or proven. *li. 4. c. Si quis natus.* 30. And gif the debtour hes na moveable gudes, or hes not ſumme within the Schire, as is equivalent to the debt recovered againk him. And gif it happens that he have ſome moveable gudes within ane uthere Schirreffeſſome, The Schirreffe of the uthere Schire, within the quhilk the ſaid moveable guds lye, fall cauſe the ſame to be poynded & compriſed, & the creditor to be payed. And ſailzieng of moveable guds, the Schirreffe fall cauſe the lands & immoveable guds pertaining to the debtour, to be compriſed conforme to the act of Parliament, and cauſe the famin to be ſeald and annallid, to the availle of the debt and the creditour. Ja. 2. p. 5. c. 36.

Diverse and ſindrie criminal aſtiones pertaine and belonge to the Schirreffe, and his juſtification, quhair of ſome ar capitally uthers ar peculiar, as after follows: And firſt generallice the Schirreffe may follow and perſew all treſpaſſours, in the Kings name, and cauſe: Maies and ſerjants arreſt them; albeit na partie perſewer compy or aſſiſk. Ia. 1. p. 13. c. 139. Like as the Theſaurar, and advocat, may perſew ſlaughtar, and uthere crimes, albeit the parties keipe ſilence, or utherewaiſes privadly: *2. a. 1. gree. Ia. 6. p. 11. c. 76.* And ſwa quhen any complaint is maid, be ony perſon to the juſtice General, or to the Schirreffe, or to any uthere officiar of law within burgh, or without the ſame; The Schirreffe, or uthere judge, fall ſummond both the parties: And gif the deede be done be Chaidmelle, the partie fall perſew, as effewis of the law. Bot gif it be done be fore-thought-ſellonie, the committer thereof, falbe arreſted of the breaking of the Kings peace: He fall ſatisfie the partie, and be imprifoned in the Kings priſon. Becauſe his life and gudes ar in the Kings will. I. 1. p. 3. c. 51. And gif ony treſpaſſar be ſignificy for any crime, the Schirreffe fuld perſew and follow him: And ilk Gentle-man, not following the ſchowte, or out-horne, fal pay law. And ilk zeaman xx. s. to the King. I. 1. p. 6. c. 9. 8.

Criminal causes pertaining to the Schirreffe.

The Schirreffe, or Provet within burgh, fuld cauſe burie him quha is murdered. *Leg. Ma. 1. c. 1.* The Schirreffe fuld puniſh Witches, Sorcerers, Necromancers, and them quha ſeckis helpe, reſponſe, or conſultation of them, unto the death, alſowwill the abuter, as the ſeeker of the reſponſe, or conſultation. Mar. p. 8. c. 78.

Murder, Witches, Sorcerers.

The Schirreffe, and uthere ordinar judges, fuld ſearch, take, and apprehend, all them quha not being lawchfull admitted, dois miniſter the Sacramentes, ſayis Meſſe, or hearis the famin, to be brocht to the King to be puniſhed conforme to the Law. Ia. 6. p. 1. c. 5.

Meſſe.

The Schirreffe fuld take ſtrait inquisition, of them quha Artis falſe, or forbidden cuinze, and fuld cauſe them to be brocht to the King, to be puniſhed to the death. Ia. 3. p. 3. c. 18.

Falſe cuinze.

The Schirreffe beand certified of ſlaughtar, committed within his Schirreſſome, and royaltie thereof, he fall incontinent raiſe and follow the ſlayer, with found of horne, and convocation of the Kings lieges. And gif he beis apprehended with reid hand, juſtice fall be done within that Sunne. And gif he be taken and apprehended without reid hand, Hee falbe pur in priſon, and law falbe done upon him, within 40. daies. And gif he eſcapis, or flies furth of the Schirreſſedome, the Schirreffe fall certifie the nixt Schirreffe thereof, quha fall perſew and follow the ſlayer in manner foreſaid. And conſequencie, ilk Schirreffe fuld certifie uthere, until the treſpaſſour be put furth of the Realme, or els brocht to juſtice: The like certification fuld be maid be the Schirreffe, to the Lord of regalitie, quha fuld perſew the malefactours, as the Schirreffe fuld do. Jam. 1. p. 6. c. 89. Jam. 3. par. 5. c. 3. Jam. 4. par. 1. c. 28. Quhen the committer of ſlaughtar, cummis to the Girth: The Schirreffe fuld advertiſe the Maister of the Girthe, and cauſe the ſlayer be put to the knowledge of ane Aſſiſe, quhider the ſlaughtar committed be him, was done upon ſuddaite, or be fore-thought-ſellonie. And gif it be found ſuddaite, he falbe reitour to the libertie of the Girthe, and Santuarie. And gif it be found fore-thought-fellonie, he falbe puniſhed to the death. Ia. 3. p. 1. c. 35. Ia. 5. p. 4. c. 22.

Slaughtar.

The Schirreffe fuld not ony puniſh committers of ſlaughtar, as ſaid is; bot alſo fuld after his power, itay, and top the committing thereof. And therefore, quhen any man hes doubt of his life, either be ony deede, menacing, or violent preſumption; and verifies the famin be his aith, or uthere probation, and for that cauſe, askis law-fortevrite to be given to him be the Schirreffe, that he falbe harmeles and ſkairles of him, of quohom he dreads the bodielike harme. The Schirreffe fuld grant his petition; & gif he reſuſis the ſame, he fal pay 40. pound to the King, & alyſth the partie. I. 1. p. 9. c. 129. Ia. 2. p. 6. c. 13. Ia. 2. p. 14. c. 83. And gif the law-borrowes happens to be broken, the paine thereof, fuld be payed to the Schirreffe, for the quhilk he fuld be comptable in the Checker. Ia. 3. p. 1. c. 5.

Law-borrowes.

It is leaſum to the Schirreffe and his deputies, to perſew ony perſone for theiſt, Albeit na partie concur and inlorme him there-aneat. *Quantum attach. c. ubi aliquis.* 25. As likewaiſes, he is judge competent to thieft and ſlaughtar, quhen any perſone compairis and inſiſtis with him, in the perſute. Bot gif the faids crimes be followed be way of ditay; the juſtice generallice is judge thereof. *lib. 1. c. 2.* And quhen ony this is condemned before the Schirreffe, and execute for thieft: Al the moveable guds, quhilk pertaine to him, fuld juſtice pertaine to the Schirreffe. *lib. 2. c. Forſiſſam 55. de Ladic. c. Preterea.* 148. Bot gif ony man findis in any town, his awin ſilver ſtollen fra him; It is not leaſum to him to introuche there-with: Bot he fuld put and leave the famin, in the keeping and cuſtodie of honeſt men of the towne, and fall declare the famin to the Schirreffe, quha fall compell the Provet or ruler of the town, and three men with him, to mak faith, that he knowis na-thing of that thieft; And thereafter the complainer, provand the ſilver to be his awin, fuld receive the famin to be uſed be him, as his awin proper gear. *lib. 4. c. Si quis 21. ſtat. Alex. c. Affiſa. 20.* All thieves fuld be puniſhed to the death. And it is not leaſum to the Schirreffe, to ſell ony thieft, or to fine with him for thieft done, or to be done, under the paine of liſe and guds. Ia. 1. p. 13. c. 135.

Thieft.

All Forners, taken and apprehended, fuld be delivered to the Schirreffe, that juſtice might be done upon them, as thieft and rieviers. Ia. 2. p. 1. cap. 45. Ia. 3. p. 10. ca. 77. The Schirreffe fuld arreſt and challenge, all forners, quha lyeis and ſojournis upon the Kings lieges, and compell them to aſſiſth the King, and the partie complainand. And gif na partie complainis, hee fall inquire at the head court, anen ſik treſpaſſours. And as he ony findis, fuld puniſh them. I. 1. p. 1. c. 7. And moreover, the Schirreffe and all uthere officiares, alſowwill to burgh, aſto land, fall puniſh forners, over-lyris, maisterfull Beggars, ſuilles, bairdes, vagaboundis, put them in warde, and baniſh them the Citie. Jam. 2. parlia. 6. Cap. 26. And

Forners.

De verborum significatione.

And all oppresseours, strang vagaboundes, beggars wandring about the realme, upon pretence that they are Schipbrocken, or banished for slaughter, or uthor odious crimes; And dissimular thieves, and abusers, called Egyptians. Ia. 6. p. 12. c. 124.

Idle men

Sick-like the Schierrefe fuld arreift all idle-men, and put them in sure firmance, untill it be knowin, quahair they live, and take caution of them: that the inhabitants of the cuntry, sal be harmelesse and skaithelesse of them: And that they fall get maisters, or pass to craftes within fourtie daies; quahairn gif they failde; the Schierrefe fuld inprison them, untill they be punished at the Kingis will. Ia. 1. p. 3. c. 66. Mair-over, the Schierrefe fuld compell idle-men, to passe and labour for wages within Schippes, maid and prepared for filthing, of great and small fish, under the paine of banishment furth of the Schierrefedome; quahairn gif the Schierrefe faildes. he fall pay twentie pound to the King, in the Cheeker zierlie. Ia. 4. p. 4. c. 49.

Beggars

All they quha ar sufferd to beg a landwart, fuld have ane certaine taksin given to them be the Schierrefe. Ia. 1. p. 1. c. 25. Under the paine of burning on the cheeke, and banishment off the cuntry the beggars: and of ane unlaw of fistic thillings to the King, to be payed be the Schierrefe, in case he failde in keeping of the premises. Ia. 1. p. 2. c. 42. And mair-over, the Schierrefe, Provett, and Baillies within Burrows of royaltie and regalricie, fall pay ane mark for ilk beggar that beis found beggand except he be crukeid, feck, or weake. Ia. 4. p. 6. c. 70.

Parochin

And mair-over, the Schierrefe fuld burve na beggar to beg within ony Parochin, bot onlie them quha ar borne within the famin. For ilk beggar fuld be futeined within his awin Parochin, and fuld have the make thereof. lam. 5. parlia. 4. cap. 21. And for punishment of strange idle beggars; all Schierrefes and uthor judges fuld make prifones, flockes, and icons within Burghes, throw faire townes, and at all Paroch Kirkes. Ia. 6. p. 12. c. 147. And fuld punish beggars, conforme to the act maid be King James the Sext. Ia. 6. p. 6. c. 74.

Tuillies and breakers of the Kings peace

To the jurisdiction of the Schierrefe, pertains to cognosse and decide anent Avrie, /puzles, strakes, wounds, and breaking of the Kings peace. Lib. 1. c. 2. And the Schierrefe fuld take inquisition anent the breaking of the Kings protection, and compell the breakers thereof to pay ten pounds to the King, and ane affwith the partie. Ia. 1. p. 11. c. 134

Craves and fishing

The Schierrefe fuld destroy veschelles, creilles, and uther ingines, quilk stoppis Smoltes to pass to the sea. L. 2. p. 14. c. 87. L. 3. p. 5. c. 37. He fuld cause the measure and quantite of the craves and zairesto be kept in waters, quhair the sea flowis and ebbs: To the effect the frist of the fish, may ascend and defend, and fuld likewise give up dittay to the justice, in his aire, upon flayers of Salmond in forbidden time. *Ist. Alex. cap. hec eff. Assisa. 27. Leg. Burg. c. hec eff. Assisa 13 Stat. Rob. 2. Br. cap. Item ordinatum.* 12. The Schierrefe fuld destroy, cast downe, and hold down all craves within his bounds, under the paine of xx. pund to be payed to the King. Ia. 4. p. 2. c. 15. Mar. p. 8. c. 89. For the quilk cause, speciall commission is granted to him. Ia. 6. p. 6. c. 87. Ia. 6. p. 7. c. 131. He fuld execute the ades maid anent hering and quhairt fish, and uptake the escheit of the contraynters thereof, and make compt in the Cheeker. Ia. 6. p. 6. c. 86.

Hunting of the Wolfe

The Schierrefes fuld hunt and slay the Woolfe, and her Quhclpes, three times in the zeir; and all the indwellers of the Schire, fuld life with him, under the paine of ane Weeder. Ia. 2. p. 14. c. 88.

Archers

The Schierrefe fuld cause bowe-markes to be maid for Archerie, in ilk paroch, under the paine of fourtie shillings, to be uptaken be him to the Kingis use. Ia. 4. p. 3. c. 32.

Schutting with fire-work

The Schierrefe fuld punish all them quha thutts at Deare, Rae, or uther wilde beastes, or wilde fowles, with Culveringes, Pilloettes, or Gunnes. Ma. p. 4. c. Nocht onlie the Schierrefe, bot all judges Ordinar fuld accuse at particular dietes, all them quha thutts with Culvering, Croce-bow, at Dae, Rae, Hart, Hinde, Canning, Dowe, Herring, or fowle of rief. Ia. 6. p. 1. c. 16. p. 6. c. 123.

Earfallers

The Schierrefe, and all uthor officiares, baith to burgh and to land, at ilk Court, fall inquire quhat perones byis victuall, and haldis it in ane dearth; And declare their names to the King, that they may be punished as ockerers, and the victuall escheit. lam. 2. p. 6. c. 23.

Cattell

Mair-over, the Schierrefe fuld escheit all gudes quilkis at fortalled, coast, or arled be fortallers, and in-bring the wua parte thereof to the Kingis use; And the thrid part to himself. Ia. 5. p. c. 40.

Police

And sik-like the Schierrefe fuld punish, be confiscation of all their moveable gudes, all them quha transpourt Nolt, Scheipr, or uther Cattell lurch of the realme. Ia. 6. p. 7. c. 124. Ia. 6. p. 12. c. 149.

Foresters

The Schierrefe fuld punish destroyers of planting of woodes, Forrestres, orchardes, broome, breakers of Dow-cattes, cunninggaires, parkes, stankes, zairdes, flayers of Haires, makers of Mure-burne in forbidden time, and uther destroyers of hanning and policie. Ia. 6. p. 6. c. 84. And likewise, fuld in-bring to the Kingis use, the paines of them quha plantis nocht woodes, makis noth hedges and hainings. Ia. 5. p. 4. c. 9.

Fute-ball

The nlaw of fourtie shilling, fuld be taken up be the Schierrefe, fra players at the fute-ball, in case the Lord of the land, pretermitt to do the famin. Ia. 1. p. 1. c. 17.

Caution found by the ward-tar and uthers

When ony landes fallis, be refon of warde in the Kingis handes, or of ony uthor superiour; Or quhen to Burgh or rolands, lands ar given in com-judicte, or life-rent: The Schierrefe or the Baillies, fall cause the wardatir finde caution not to destroy the bigginers, or uthor policie: And that he fall leve the famin, als gud as hee land them; And that he fall fulteine the aire, not havand sufficient blench, or fewe ferme landes. Ia. 4. p. 3. c. 24. And gif the Schierrefe, or uthor judge be negligent, in requiring the caution, being required thereto, be the heretour, or his friends: He fall restand and pay to the heretour of the landes, at his perfit age, all damage and skaith futeined throu his negligence. Ia. 5. p. 4. c. 14.

Claithing

The Schierrefe fuld tak: inquisition of them quha wearis Claitth of

gold, silver, velvet, or silkes, contrair the ades of parliament, and fend them to the King, to be punished. Ia. 3. p. 6. c. 45. Ia. 6. p. 7. c. 113.

All they quha ufis exesse or superfluite in banquettes, contrair the tenour of the act of Parliament, fuld be punished be the Schierrefe, and uther judges, within the Royaltie and regalricie. Ia. 6. p. 7. c. 118. And siklike, the Schierrefe fuld fend to the Thesaurar, the names of all perones quha breakis and contravenes the act of Parliament, maid anent the ordering of ilk mannis house, and quantite of meat and dishes, preferred to ilk man of all estates, that they may be accused and punished therfore. Mar. par. 5. c. 26. The Provett and Baillies within Burgh, fuld cause Hostellares take reasonable price for ane mannis dinner and supper, ut feirland to the prices of victualles. And fuld also fet downe reasonable prices upon ilk mannis work, and fuld deliver the samin to the Schierrefe, that he may cause the famin price be kept to Landwart. Mar. p. 5. c. 22. Mair-over, the Schierrefe fuld punish the Barronne, quha examinis, nor prices nocht the work-man-ship of ilk craft, within his Barronie, with the paine and unlaw of ten pounds. Ia. 1. p. 7. c. 102.

The Schierrefe fuld fend or bring all Notars, quha ar Temporall men, within the boundes of his office, and present them to the Lordes of Conncell, to be examined be them, quiddor or nocht they be worthe or qualified for the office of the Notarie. Mar. p. 5. c. 24. And the Schierrefe with sik perones, as the King pleasis to adjoyne to him, fuld call all Notars before him and examine them. Ia. 5. p. 6. c. 76.

The Schierrefe fuld up-take and inbring all taxationes, and mak compt and payment thereof. Ia. 4. p. 2. c. 9.

The Schierrefe, with the Barronne, or Lord of the lande, fuld see and provide, that ilk man be armed according to his estate and rente: And fall cause weapon-flawings to be maid zierlie, after the Othaves of Pasche. Stat. Ro. 2. Br. c. Ordinum. 27. Or at the least four times in the zeir. Ia. 1. p. 2. c. 44. Ia. 4. p. 3. c. 31. Or upon Thursday in the Whitfunday oulk Ia. 4. p. 6. c. 75. Or twice in the zeir throu all the realme, in the Months of Junij and October, or ony uther day, as fall please the Schierrefe, steward, or Baillie. Ia. 5. p. 6. c. 85.

The Schierrefe fuld execute the act of Parliament, anent the keeping or threshing out of victualles, and cause the famin to be kept and obeyed under the paine of twifell of his office, in-during the Kingis will. Ian. 2. par. 9. cap. 37.

The Schierrefe and Chalmerlane, fall cause all mettes and measures to be kept, used and observed, conforme to the tenour of the ades of Parliament, as they will answere to our Sovereine Lord. Ia. 3. p. c. 22.

The Schierrefe and his deputies fuld escheite and inromet with all horse pertaining to Earles, Lordes, Barronnes, and uthers, halden at hard meate, langer nor the time prescribed in the act of Parliament. Of the quilk escheit, the ane halfe pertains to the King, and the uther halfe to the Schierrefe. Ia. 6. p. 11. c. 56.

The Schierrefe at command and direction of the Thesaurar, fuld take up, and inromet with the escheit guds and gearre pertaining to rebelles. Ia. 6. p. 6. c. 75.

Divers and indric perones are disobedient to the Kingis Lawes, baith civil and criminal, and also refusis to obey and fulfill lawfull decretes given and pronounced against them, be judges Ecclesiastical, civil and criminal: For the quilk cause, fome ar excommunicat and cursed, uthers ar denounced rebelles, and put to the horne. And therefore the Schierrefe (to quhome pertains the execution of the Kingis Lawes and decretes) fuld take and apprehend all cursed and excommunicate perones, at the desire of the Bishope, or his Official, and put them in prison, untill they satisfie God, and the Kirk. Stat. 2. Rob. Br. cap. Rex. lxxi. 3. Speciallie them quha hes remained under the censure of Excommunication, be the space of fourtie daies. *Quoniam attach. c. Rex. lxxi. 76. 161. 3. Item 7.* To the quilk effect, letters of captioe being direct to the Schierrefe, he fuld execute the famin against all cursed perones. And gif they be fugitive, their gudes and landis (gif they ony have) falbe comprised, for satisfaction of the partie. And gif they have none, they fall be denounced rebelles. Ia. 2. p. 5. c. 12.

All Schierrefes, Stewards, Baillies, and uther officiares, baith to Burgh and to lande, fuld search, fecke, and apprehend all rebelles beand at the horne, and bring them to our Sovereine Lords justice, to be justified, conforme to their demerites; Under the paine of twifell of their office, for three zeires, gif it be heretable; And in all time cumming, gif it be Temporall. And mair-over, to be accused for their negligence in the justice aires, or at particular dietes, as if fall please the King. Ia. 5. p. 7. c. 97. Mair-over, the Schierrefe, and all the saidis judges, allowill within regalricie, as royaltie, fuld search, fecke, follow, perfw, apprehend, and commit to ward, and present to justice, all declared traitours and rebelles, contemmandle remainand at the horne un-relaxed; and fuld do justice upon them, gif they have commision to that effect. And gif the saidis rebelles be fugitive, the Schierrefe and uther judges forefidis, fuld make denunciation thereof to the Schierrefes, and judges Ordinar, of the lowe halves about; and require them to use the like diligence, under the paine to the quilk the traitourous and rebelles ar subjected, or hes incurred. lam. 6. p. 12. c. 124. And furder, the Schierrefe fuld incurrande forfic uthor officiares, to take up the escheite of rebelles, and fuld make convocation of the Kingis liegesto that effect. Ia. 6. p. 6. c. 74.

Mair-over, all letters of homing, with the indorfation thereof, fuld be registrat be the Schierrefes Clerke, within fiftene daies, alter the denunciation; And being marked and subscribed be him, fuld be delivered to the partie. And sik-like, all relaxations fuld be registrat in the Schierrefis bukkes, within fiftene daies after the publication thereof. lam. 6. p. 6. cap. 75. lam. 6. p. 8. cap. 142. And ilk Schierrefe fuld cause proclame the names of the rebelles, at the merat croce of the head burgh, upon merat daies, preceeding the three head courtes, and affix ane Catalogue containand

Banquettes

Weapon-flawing

Victuall

Measures and measures

Horse

Excommunicate perones

Rebeldes

Rebeldes

Registration of letters of homing

containing their names upon the mercat croce, and in the Tolbouth: And sende an utter rol thereof to the Thefaurar, containing the names and causes, for the quibk they were denounced. Ia. 6. p. 6. c. 74.

Of inhibitions and interdicti-
ons.

Last of all, to the effect, that they quita are in *Bona fide*, be nocht de-
ceivd in buying of landes or gudes, fra them quita ar interdicit or inhibit,
For eschewing of sik fraud, the Schireff, *Tanquam bonus Praetor*, suld cause
all inhibitions and interditiions, with the executions thereof, to be
registrate in his buikes, be his Clerke, within fourie daies, after the pub-
lication of the famin. Ia. 6. p. 7. c. 118.

Of the paines
and punish-
ment of Schi-
reffs.

WHAT Is the jurisdiction and office of ane Schireff may be easilie
knowin be the lawes and constitutiions abone writen; quhair of sinderie
cominis certaine speciall painesto to be enjoyned to him, for his malice
or negligence. And now, I thought gud to declare, certaine generall pen-
alties, prescribed be the lawes of this realme. And first, the Chanceliar,
Justice, Chalmerslaine, Schireffe, nor name of their depures or substitutes,
suld susteine or maintaine pleyes, quarrells, or actiones; nor fall not take
handes, or uther budde or reward, from the partie, for hinderance or
delay of Justice. And git ony fall happen to be convict thereof, he fall be
punished ar the Kingis will, and fall tinc and forfeat his office, induring
his life-time. Stat. 2. Rob. Br. c. Dominus Rex. 22.

Schireffs may
be punished as
the Kings
assess, and de-
prived.

Secondlie, in the time of King David the Second: Because the haill
cum munitic and inhabitants of the Realme, complained heavelic up-
on Schireffs, Maires, Serjantes, and utheris the Kingis ministers of the
Law: It is statute and ordained, that incontinent before the end of the
Parliament: The justice Generall, with the Chalmerslaine, fuld call, and
convene before them, and the inhabitants of ilk Schireffedome, all
and sinderie the Schireffes, and uther Officers, alsweil heretabell, as
Temporall, and depures: And taxe and modifie the damage and skaitch
done be them to the King and his lieges, to ane certaine summe: quihk
taxation being maid, the Schireffe and uther Officiares, suld bee put
to the knowlege of ane gude and sufficient assise; And being found culpa-
ble, and convict, they suld incontinent be put in the Kingis prison, untill
he, with advise of his Councell, declare his will. And maid-over, all the
saidis Schireffs and uther Officiares, either heretabell, or temporall, being
filed and convict, suld forfeat and tinc their office, induring their life-
time. Da. 2. In his Parliament holden at Perth, 18. Febr. 1369. And of his
reigne. 40. zeire.

The Schireff
may be remov-
ed by the in-
fines and pun-
ishment be the
three estates.

Thirdlie, the justice Generall, in his justice aire, fall challenge and ac-
cuse, the Schireffes, and uther the Kingis officiares; and take cognition
how they have used and exercised their offices. And gif ony of them be
founde culpable or faultie: The justice fall remove him fra his office,
and fill the next Parliament; And fall put ane uther in his place, to use the
office in the meane time. And maid-over, the justice fall take sufficiente
foverie of him, under certaine paines, that he fall comper in the next
Parliament to underly the determination and punishment to be enjoyned
to him be the Parliament, for his fault; And he fall no waies be restored
to his office; bot gif the three estates think the famin expedient. Stat. Rob.
Br. 3. Ex libro Sconensf.

Schireffs be-
variable and
Temporall.

Fourthlie, gif the Schireffe, or ony nther officiar of law, be lauchful-
ly proven, or notourlic knowin faultie, or negligent in the execution of
his office pertaining to him in fee and heretage: He fall tinc the famin,
and all the profits thereof, for ane zeir and daye, and salbe punished in
his persone and gudes at the Kingis will, after the qualitie of the trespas.
And gif his office is Temporall, he fall tinc the famin, for all the times he
hes it: And uther-waies salbe punished, as said is. Ia. 2. p. 14. c. 77.

Tinfell of ho-
nour & fame

Fifthlie, gif the Schireffe, or ony judge Ordinar, will not execute his
office, and minister justice, he salbe punished, and put fra his office, for
ane certaine time, after the discretion of the King, and the Councell, and
punished at the Kingis will, and pay the expentes to the partie complain-
and. And gif he be found partiall or culpable, in the administration of
justice; And is Schireffe in fee and heretage, he fall tinc his office for three
zeires. And gif he be Temporall, havand his office for ane certaine time,
he fall be put fra the famin perpetuallie: Pay the expentes to the
partie offended, and punished in his person, at the Kingis will. Iam. 3
p. 5. c. 26.

Extract of
process.

Sextlie, all Schireffes, and uther judges, alsweil Spirituall as Tempo-
rall, within regalitie and royaltie, fall do tref and equal justice to all the
Kingis lieges, without ony partiall counsell, or taking of buddes, under
the paine of tinfell of their honour, fame, and dignitie. Iam. 5. par. 7.
cap. 104.

Gif ony partie complainis upon the Schireffe, that he hes done to
him wrang, in giving or pronouncing ony sentence or decreet against
him; And desuis the famin to be extract and delivered to him, upon
his expences: The Schireffe suld give and deliver the processe, led and
dedued before him, to the partie, upon his expences: And suld take
fourre pennies for ilk act allanerlic. Ia. 4. p. 6. c. 67. At the least, he suld
extract proces, decreetes, give saisings and retoures, at reasonable pri-
ces. Ia. 6. p. 12. c. 124.

PARA INESIS AD IUDICES.



Mnis qui judicare debet,
Stateram in manu teneat:
Nam equalia & sine per-
sonarum exceptione esse de-
bent judicia. Nihil iniqui-
us quam munera capere in
judiciis: Quia munera ex-
cecant corda prudentium, & subvertunt verba
justorum. Qua enim Balance judicabitur, eadem
judicabimini. Quapropter, tu iudex, timeas
Deum iudicem; ne forte eo iudicante, damne-
ris. Stat. Wilbel. Cap. 27. Proinde sis De-
um honorans & timens: Sapiens & in scien-
tia potens: Veritatem sequens & amans: A-
varitias odens & detestans. de Maritag. c.
2. Cave justitiam subvertas odio, per quod in-
venta aliqua malitiosa cautela, contra partem
tibi exosam, reddis iudicium indirectum: Vel
cupiditate, dum corruptus muneribus, malitiose
judicabis: Vel timore, dum metu potentio-
ris, vere judicare non audes: Vel amore, dum
causa amicitiae defendis amicum, & suppressis
inimicum. de Maritag. c. 4. Facias igitur ju-
stitiam equaliter, tam pauperibus, quam divi-
tibus. Stot. 2. Rob. Br. Cap. 2. Quia omnes
iudices & magnates, qui plus favent his, quam
illis in iudicio, aut malefactores ullo modo ma-
nu-tenent, sunt falsi, & perjurati contra Deum,
Regem & populum regni. leg. Mal. Mak. c. ult.
in fine.

SCOTIA.

De verborum significatiōe.

SCOTIA, Some-time signifies that part of Scotland, quhilk is on the North part of the water of Forth. *Alf. reg. David. c. statuti. 21.* And is opposed to *Lodoneum*, quhilk now we call *Loudiane*. For King David the First in the third zeir of his reigne, *Anno Domini 1126.* Be his Charter maid, *Omnibus Scottis & Anglis, tam in Scotia quam in Lodoneo constitutis*, gave and disposed to S. *Cuthbert* and his Monkes in Durham (*Dunelmensis Ecclesie*) the Landes of *Coldingham, Lumnefelden, Remington, Eton, Fiffewick, Auld-Cambus, Strivintoun, Prendre-gessil*, and others yband in *Lodoneo*, quhilk now lyes in the Mers, and Schirrcfdom of *Berwick*. And in the actes of Parliament, justices general ar ordained to be, ane, or twa, on the South side of the water of *Forth*: And ane or twa, on the North side thereof. *la. 2. p. 14. ca. 97.* Quhilk agrees with the act maid be King James the Second par. 3. c. 5. Quhair It is statute, that the justice on the South side of the Scottish feir, let their justice aires, and halde them twise in the zeir. And also on the North side of the Scottish fea, as auld use and custome is. And in the laws of *Malcome Mac-kenneth. ca. 4. Mare Scotia*, is taken for the water of *Forth*.

SECTOR, Ane foytor in court, quahis qualities and office. *vid. verb. Sok.*
SEK Of wool, and fuiring of gudes be the sek, ferplaih, and tunne. *vid. Serplaih.*

SERIANTERIE, *Sergenterie. Lib. 2. e. Dicitur autem. 72.* In the quhilk place, pro *Seriantis*, *mendose legitur, Suggestoribus. Seriantes a seriano, as ministerium a ministro, or seroniam a seruo*; Signifies a manner of halding of landes, speciallie in the lawes of England, quhair *Grande seriantie*, is quhen an man haldis his landes of the King: For the quhilk he suld paie with him in his boilit, or to beare his banner with him in his warres, Or to lead his boilit or armie. And hereto belangs warde, maniage, and relieve, quhilk is ane maist speciall Knichtes service, *peffertanzie*, is quhen an man haldis his landes of the King; yielding to him ane knie or buckler, ane scheife of arrowes, ane bow, or uther ilk service conforme to his infestment: Quhair-unto na waies belangs warde, marriage, or relieve, quhilk we may call *blethn-ferme, or alba firma*. Read the statute, maid be King *Edward the First*, King of England. *18. zeir* of his reigne, anent wardes and relieves.

SERIAN, *Sergeant*, ane French worde. For like as messengers, cummis fra the French worde *Messiers* Swa Sergeant likewise cummis fra *Sergent, Qua est vox composita, de Servere, quod est includere, eo gens, quod pro gente, plebe, vel populo usurpatur.* *Iteque Seriantis dicitur qui iussu magistratus, quolibet de populo urbis criminis, in carcerem conijcit, seu includit:* That is, he quha at command of the Magistrate, inculs, or lockis in prison: guilite perones delated, or suspect of any crime. *Seriantus curie* or *summons curie*, the Seriante of the courte, officiar, executor of letters or *fundons*, quha be the interpretores of the civil law, is called, *Nuntius. vid. Recordum.*

SERPLATH. *Jam. 1. p. 2. c. 38. Jam. 2. p. 14. c. 68.* Contenis four-score stanes. For the Lordes of Council, in *Anno 1527.* decreed four ferplaihcs of packed wool, to contine sixteen foor stanes of wool. Be the traffique of merchandes now used, The merchandes wisto pay frauche for their gudes to Flanders, be the Sek: To France, Spayne, and England, be the Tunne: And to Danskne, and the Easter Seas, be the ferplaih.

Three maners of fuiring of gudes

Serplaih

As I undersant, ane Serplaih of gudes, is onelic counted betuixt merchand and skippers, for fuiring of gudes to the Easter Seas, and frathine hame to this Realme. Swa that for every Serplaih of gudes, fured, or promised to be fured Eastward; the skipper is obliht to fuir hame to this Realme, twa laft of gudes: And this Serplaih of gudes is of maggeater quantitie, nor the sek of gudes to Flanders.

The Sek

And ilk Sek, be the act of Parliament, *2a. 6. p. 7. cap. 108.* Suld contine twentie foote stane of wool: And be the dailie calculation of merchands, fourtie Trois stane. Ilk Trois stane, contenis fextene pound Trois. And ilk pound weicht thereof, contenes fextene ounce Trois.

Sek of wool

The sek of wool, is commonlie fet be the Skippers, to ane Tune: Ilk Tun contenis, Sex hundred pound Trois weicht. Ilk hundred weicht contenis five score pounce weicht; quhilk is sex stane, and ane quarter Trois.

Tunne

The quhilk, quhen it is bocht be merchandes, is bocht be the Trone stone, quhilk contenis communlie, xix. pound and ane halfe Trois: Alwaies concerning the sek of wool; I finde na solid or constant weicht thereof: For some sekkes will be maist, and some will be leste nor fowtie Trois stane, Bot communlie the sek of wool, contenis fourtie Trois stane, as saidis.

Trois stane

Ane Laft of guds fured hame, contenis communlie twelve Barrelles. And the auld forme of fuiring of gudes, fra Danskne to this Realme, was for every ferplaih, as it is zit, twa Laft. Bot for this Laft, the Skipperis hirname, fourtene barrelles, Ilk Barrel being of weicht, ane score schip pounce. And of fliche gudes, sik as lint and hempt, there is fured for the ferplaih, twa laft.

Fuiring of gudes be the Laft Barrel

Ilk Laft is twa packs: And ilk pak is als great als half an sek of wool Skinnes, and contenis in weicht thertie sek Sprusse stanes.

Pak

Ilk Sprusse stane, contenis thertie acht pound Trois weicht. Swa the laft exaltie weyed, will contene of our Trois weicht, sex score sek stanes. And for ane laft of wax, that is fured hame be frangers, fourteen schip pounce. And be Scottish skippers, twelve barrelles for the laft, of Tar, pick, and siklike wares, twelve great barrelles for the laft, and fourtene small barrelles. Their great barrelles, ar called *Hamburgh trees*, and ar in greatelike, nocht unlike to our *Salmond trees*, and sulde contine fourtine Gallounes: and the small barrelles, ar some what greater, nor our herring trees.

Sprusse stane

Likewaies of Rye mell, some times twentie foote barrelles ar fured for the Laft, speciallie be frangers: and be our awin Skippers, auctene

Offerre Pick Great and litte barrelles

Rye mell

barrelles for the Laft thereof. And ane Laft of Rye, is some-time auchtene Bolles, and some times nine teene bolles in measure.

Item, ten sekkes of wool, makis ane Laft of wool. Likewaies, ten hides makis ane daiker, and twentie daiker, makis ane Daiker. Laft: Twelve dozane of gloves, or Ledder poyntes, makis ane grofic: And ane great grofic, concines twelve single grofic.

Ten stane of brasse, makis ane Barrel. Sex Barrelles of English drinking Barre, makis ane Tun. Twelve Barrelles of Salmondie, are bocht be the merchandes, for the Laft: Bot in fuiring of them over the Sea, the skippers counis only nine barrelles for the Laft.

And likewise the Sek, albeit it is counted in Flandris to twelve Barrelles; zit twelve of their barrelles, contenis fextene common Ear. Flandris Barrelles.

The Fiddler of lead, contenis neere by fexten and aucht stane. Ane schip pound, contenis fextene flaxe and ane halfe, of Scottis Trois wecht. Fiddler of lead Schippe pound

Sexten score of skinnes, is reckoned to the hundred. Aslikewaies, sex-score elnes of woollen claih is counted for ane hundredth. *la. 6. p. 7. c. 108.* Quhilk is contorme to the auld use, observed in the daies of King David the Secunde; as manifest be the custome compt, maid be the Customour of the Burgh of Strivintoun, the zeir of God, ane thousand, three hundredth, sextie aucht zeites.

Weichtes and measures in Orkney.

The malt, mell, & beare, are delivered in *Orkney*, be wecht in this maner. *Imprius* 24. marks makis ane feting. Item 6. fetings makis ane mell. Item 24. meales makis ane Laft. Item of mell and mall called *coif* ane laft makis ane Scottish chaldre: Item ane Laft and ane halfe of beare contenis 36. meales: 36. meales makis ane chaldre. Item the buteris delivered in barrelles, quhair the quantitie is great, bot quhair the quantitie is small, it is delivered in markes, and lesh pounds. That is to saw, xxxiii. marks, makis ane feting, as said is, and 6. fetings makis ane lesh pound. Item 15. lesh pounds makis ane barrel. Item 12. barrelles makis ane Laft. Item the flesh is delivered be apprising. *viz.* 10. meales makis ane sufficient Cow, and ane sufficient Oxe. Also ane gild Oxe is apprised to 15. meales, and ane wedder is four meales. Item 40. fowse twa meales. Item ane Capon, is half ane Goufe, *viz.* ane meale.

SERVICIVM Militare, Knichtes service, and speciallie concernis warde and relieve. *Vide Seriantaria. Vide Hanbert. Vide ward.*

SERVIENS Curie, *Seriantaria curie. Leg. Male. Mak. cap. 3.* Anecierand, or officiar of Courte, the executour of fundmonnes, quha fundmonnis and attachis any persone to compare in ane court, to answer to ane uther, conforme to law and reason. *Magna in fido Jupp. cur. par. 1. e. 20.* Quha is called *servans*, because he suld swear to serve leallelie and trowie the King, in execution of his office. *Quon. attach. e. Nullus 57.*

SETTER-DAYS foy. *stat. Alex. cap. 122.* *hee Assisa. 27. Leg. Burg. cap. hoc est Assisa. 113. Jam. 1. Parlia. 1. 26. Maji. cap. 11. Jam 4. Parlia 2. cap. 15.* quhilk statute maid, as is allaged be King *Alexander*, is ascribed to King *David*, be King James the Fourth, in the place foresaid: The Setterdays foy, is ane space of time, within the quhik it is nocht leasum to take *Salmondie fish*; that is, fra the time of Ewen-fang after noon on Saturday, until the rising of the Sunne on Monday. *stat. 2. Rob. cap. Item ordinatum. 12. stat. 1. Rob. Br. cap. 8. Leg. Forep. cap. Omnes aquas. 8. Item. Camer. e. calumnia buntur. 16.*

SIMNELLOS, *Leg. Burg. e. 122.* From the Latine Worde, *Similia*, quhilk signifies the better and inlissett parte of the Quibate, or flouwe, quhite bread, or maiste bread: In the quhilk significatiō in the Dutche toungue, it is communlie called *Semmel*.

SOK, *Lib. 1. e. 3.* Ane auld word used in *Chartours* and infestmentes, quhik in findrie auld buikes contineand the municipall lawes of this Realme, is called *setis de hominibus suis, in curia, secundum consuetudinem Regni.* Swa after my opinion, he quha is inest with Sok (quhilk now we call *Soyt*, from the French worde *Suaire. b. e. sequela*) hes power and libertie to hold courtes within his awin Baronie or landes: In the quhilk courtes, *hominis sui*, or his vassalles suld give foyt, and fend for them, ane quha is called *Soytor*, or *sellator*, *a sequendo*. Because he suld follow the courte, in the quhik he suld compare. This office was verie profitable, for furthering of justice. And first, hec quha is obliht to give *Soyt* in the Courte of his Over-lorde, suld do the famin, conforme to the tenour of his infestment, and na utherwaies. *Leg. Forep. e. nullus 68. ca. Sibreditus. 69.* And gif he aucht three Soytes be his infestment: he sall compare bot at three head Courtis in the zeire, without Summons, or warning. *Mod. ten. cur. e. 1. c. 31.* Na judge aucht of law, or of reason, to accept any man in court as *Soytor*. Bot gif he can mak e sicke and lauchfull reporte, of proceffe, doomes, judgemente, and in lauchfull forme, give and pronounce doome of Mutes, and plays in court, followed and defended before him in court. *Mod. ten. cur. cap. 38. Quon. attach. e. Nullus setitor. 20.* And ilk *Soytor* before he is admitted be the Baillie, or judge, suld be examined in three courses gif he can make recordes of the courts, and give sufficientie ane warde, or ane doome of warde or doomes; asked in the court or not. And then quhen he is be his fellowes admitted, he may not after ward for wacknelike of knowledge be rejected. *Quoniam. attach. nullus. 20.*

Ane *Soytor*, is obliht to make faith, that hec fill leallelie, and trowie make recorde of Courte (that is of the claime, libell and proces) given to him be God: And fall after his understanding, leallelie and trowie lieve, induring the time of his office. *Stat. Gild. e. 50.* The court beand fenfed,

Seiator

iiij. Soytes.

Soytore suld be qualified

The airth of an Signare

De verborum significatione.

señed, the Seignid thereof fall call the foytes, and defalt the absentes, that ar noucllauchfullie einloined: And garane Soyntour of the couthe, deeme them in ane-in-law, with the content of his fellows and Colliens. *Iam. l. c. 1.* Be the auld law of this Realme, and actes of Parliament. *Mad. l. 4. p. 6. c. 95.* Doomes and decreets given and pronounced be Soyntours, in ane inferior court, was falsified and reduced in ane superior court; as the proccesse of briefs wrangouffie deduced in barron court, was falsified in ane Schireffe court, and doomes given in the Schireffe court; was falsified in the justice court. *Lib. 2. c. Dos duobus. 19.* And last of all, doomes pronounced in the justice court, was falsified in Parliament, before the Lordes, called *Auditores querelarum*, in this maner continued in the register. 7. October. 1476. *Datum sui iudicium infra scriptum, per os Alexandri Demphler iudicarii Parlamenti, in praesentia Serenissimi Principis Jacobi tertii. S. D. N. Regis, cum corona in capite suo & sceptro in manu sedens, in Cathedra Iusticiae Parlamenti, sub hac forma:* The Lordes chosen be the three Estates of this present Parliament, upon discussing of the doomes, delivered and declaris, that the doome given in the justice aire of Edinburghe, the xiiij. of Julij last by-pass, be the mouth of *Andrew Blackford* Soyntour, for the Lands of N. for *Iohn N.* and *Ioner N.* his spouse, and againe called be *David Dalfover* of *Caraldoun*, fore-speaker for *Archebald N.* was evill given, and will againe fail: For diverse reasons schawen and understand to the saidis Lordes: And therefore ilk soyntour of the saide doome, and their lordes, ilk man be him-selfe, is in ane amerciamment of the court of Parliament, sik as effectis to be taken in the justice aire; and in ane unclaw of the said justice aire for them; And in ane unclaw of Parliament amongst them all, sik as effectis of Lawe; and this givye for doome. Swait is manifest, that in all courtes inferior to the Parliament, the foytours pronounced the doome. And gif the doome given be them in ane Barronne court, was falsified in the Schireffe court: All the foytours payed botane unclaw. Bot gif the doome given be them in the Schireffe court, was falsified in the justice court, ilk foytour payed ane unclaw of ten poundes, of the quhilk diversitie, the reason is conteyned in *Quoniam attach. c. quilibet. 7.*

SOKMANRIA, Or Socage, Is ane kind of holding of Landes, quhen ony man is infert free, without ony service, warde, relie, or marriage, and payis to his Maister ilk dewtie, as called, *petit seriantie*: Or quhen ane haldis his Landes in name of Burgage, or in *Libera Eleemosyna*, de *Meritag*, cap. 1. *Socomanus*, is called ane vassall, or Freeholder, quha haldis his Landes in maner fore-faide; or in *bleuch-ferme*, *five nomine albe firmas*: Et *oppoñitur militi, qui tenet per servitium militare*: That is, be service of warde and relieve. *Lib. 2. Cap. Si quis plures. 30. Cap. Et heredes. 41.* And in *Magna Carta* of holding. *Anno. 51. Henr. 3. cap. 27.* Mention is maid of findrie formes of holding. *Viz.* Free-ferme, burgage, socage, and Knicht-ferme. Read the statute maid be *Edward the First*, King of England, the xvij. zeire of his reigne. Utheris allagistis that *Socagium*, cum misra *Socco*, *five Castro*, affirming that *Socage*, is proprie, quhen the tennent is bound and obliged, to cum with his pleuch to till and labourane part of the Lordis Landes. Concerning tenures, and divers holding of Landes, reade the treatise writen be *Litteton*.

STALLANGIATORIS, *A stallis, Creamers, or Forraime* merchandes, quha within Burgh, in the time of Faire or mercat, payis certaine dewtie for their stall or stande, in the quhilk place they sell their merchandice: For it is ordained, that ilk stranger fall either agree with the Provost of the Burgh, in the best forme as maye; or els ilk mercat daye, fall paye to him ane half-pennie. *Leg. Burg. cap. Quilibet. 39.* And in the auld forme of cutomies, It is called the stallange of the mercate. And *Leg. Burg. Mercenarius. 40.* It is called *Stallum*, or *Botha* in Foro.

STINGSIDINT, *Leg. Burg. c. Sciendum* eff. 9. Ane dint or strake with ane gill or Baton: In Latine, *Fulgatio*.

STERLINGUS, *Est genus ponderis*, ane kind of weicht containing threite tua cornes, or graines of Lubeate, *Vt in Assisa Reg. Da. de ponderibus & mensuris*. And in the Caunon law, mention is maid of five lillinges sterling, and of ane marke sterling. *c. 3. de Arbitris. c. Constituit. 12. de procuratoribus*. And the sterling pennie is swa called because it weyis fa many graines, as I have saidrie times proven be experience. And be the Law of England, the pennie, quhilk is called the sterling, round, and without clipping, weyis threite tua graines of Lubeate without taitles, quhairto twentie makis ane ounce; and twelve ounces makis ane pund; and aucht pund, makis ane gallowne of wine; and aucht gallownes, makis ane butschell of London. quhilk is the aucht part of ane quarter. *Anno 17. Edward. 2. c. 10.* The quhilk cunzie, was meikle used within this realme; as is manifest be auld Charters and evidentes. For the sixteenth daye of August, the zeire of God, 1395. *Walterus Senescalli, Dominus de Ralfon, Vicecomes de Perth, impugnavit, Necnon nomine pignoris dedit, & concessit Nobili & potenti Du. Domino Roberto, Comiti de Esje & Menteib.* totam et integram Baroniam suam de N. pro ducibus maris sterlingorum monete Scotie, ipsi per eum in Comitum mutatis, & prae manibus plenarie per solvit. Tenent, & habent ipsi Comiti, & heredes suis, de Domino Rege & c. Quousq; dicitur *Walterus Senescalli, alii heredes sui, prefato Domino Comiti, vel suis heredibus, ducenas marcas sterlingorum monete Scotie quod die, inter filios ortum & occasum, in Ecclesia Parochiali, de N. persolverit, vel persolverint. Et praeterea dicitur Walterus omnes firmas, vel redditus ducenas, & profusus, de dicta Baroniam, medio tempore provenientis dedit & concessit, pro se heredibus suis, prefato Domino Comiti, & heredibus suis, pro suo consilio bono, ipsi imperio, & impendendo. Faciendo inde annuatim, praedictis Comes & heredes sui, Domino Regi servitium debitum & consueta.*

The quhilk Charter contenis the reverfion, and also ane donation of the profits of the lands, quhilk, were wad-set, conforme to the practi-

que used and observed unto the time of King James the Third, of gode memorie. *Vid. Reges.*

SUBVASSORES, *Subvassallos*, base holders, or inferior holders, specialie, they quha haldis their Landes of Knights. *leg. Malc. Mak. c. 4. Quoniam attachiamenta cap. Si aliquis 49. Af. Reg. David: c. Statutis. 8.* Quhair it is ordained, that ilk person, quha is accused criminalle, fall be judged be his Peere, or Superiour in estate and dignitie.

TAYNT, vide Attaynt.
TENEMENTUM, Is commonlie taken for the proprietie of onie landes, Or immovable gudes within Burgh, or without the famin. *Lib. 2. cap. Dos duobus 19, capit. Fieri autem. 67. Liberum tenementum.* And the superior sulde not have the Warde of the tenement pertaining to his vassall being Minor: Nor can crave na service, nor relieve fra him, being Minor or Major, except he first receive his homage. *Lib. 2. cap. Præditi. 60.* In the quhilk signification, it is commonlie used in the Lawes of England.

TERRÆ Dominicales, Ane worde commonlie used in Charters & infestiments, quhilkis ar called ane Maines, or demaine lands labourred and occupied be the Lord, and propriator of the famin: from the French worde, *Domaine, Domanium, or Demanium*: Quhilk worde proprie signifies the Kingis Landes pertaining to him in proprietie. *Quia domanium definitur illud quod nominatim consecratur est, unum et incorporatum Regie Coronæ, ut scribit Chopinus de dominio Francia. Tit. 2. per 1. Si quando 3. C. de bon. vacant. Lib. 10. Et Mathus de affistis in Constitut. Sicilia. Lib. 1. Tit. de locacione demanij 82.* quhilk may be called, *Bona incorporata, et in corpus fisci redacta.*

THANUS, is ane name of dignitie, and appears to be equal with the Sonne of an Earle. For the Croo of the anc, and the uher is alike. *Lib. 4. c. Si quis calumniat. 28. Statut. 64. And Thanus was ane Freeholder, balding his landes of the King. Quoniam attach. c. Recordatio 63. Affreg. Da. c. Recordatio. 17. stat. Alex. c. Recordatio. 26.* And gif ane man not taken with the fange, is accused of theif, and na sufficient probation is deduced again him; he suld purge him be the aith of twentie free men, or of three Thanes. *Lib. 4. c. Si quis calumniat. 28. Thanagium Regij,* signifies ane certain part of the Kingis landes or proprietie, quhairto the rule and government perteinis to him: quha therefore is called *Thanus*. For *Domania Regis, et Thanagia Regij* idem significat. *Affreg. Da. c. statutum Dominus 38.* It is ane Dutch word, for *teimer* signifies ane ferving, and *teimen* to serve: And *Thane* is likewise ane ferving, and under *Thane* ane inferior ferving or subject. *Vid. Leg. Britonum verbo Thamus.*

THEME *lib. 1. c. 3.* is powert to have fervandes and slaves, quhik are called *nativi, bondi, villani*, and all Barrennes infert with theme, hec the fame power: For unto them all their bond-men, their bairnes, gudes and grave proprietie perteinis, swa that they may dispone thre-upon at their pleasure. *lib. 2. c. Consequenter 13. cum seqq.* And in sum auld authentick bulkes it is written, *Theme est potestas habendi nativos, ita quod generatioem Villanorum vestrorum, cum coram catalis, ubi nuncque inveniantur, ad vos pertinet.* Theme cum misra than, id est, servus, and therefore sum times signifies the bond-men and slaves, conforme to ane auld statute, and lawe. *De curia de Theme. Quod si quis tenet curiam de Theme, et illa querela in illa curia movetur, ad quem theme vocatur; non debet illa curia elongari, sed ibidem determinari, et omnes Themii ibi compareant.* Quhilk is understand of the question of libertie, quhen it is in doubt, quhider onie person is ane bond-man, or free-man: Quhilk kinde of process suld not be delayed, bot summarlie decided. Quhairto their is twa kindeis: firither ane free man is alleged to be ane ferving and slave, or ane quha is in servitude, desiris to be maid free, and put to libertie. *dist. Cap. 13. Cap. 14.*

THIFT-BOTE, vide Bote.
TIMBRELLUM, Tumbrellum, ane kinde of torment, as stocks; or joggles, quhair-with craft-men, sik as browtlers at punished. *Leg. Burg. cap. Si aliquis 21.* Quhair it is called, *Castigatorium.*
TOLL *lib. 1. cap. 3.* Cutoffme, from the Greeke worde of the famin signification *Telos*, He quha is infert with Toll, is cutoffme free, and payis na cutoffme: Quhilk is manifest be findrie auld Buikes, quhairin it is written. *Toll. he. Quod vos & homines vestri, de toto homagio vestro fuit quieti de omnibus mercantibus, et solveto de omnibus levibus empis & venditiis.*

Mair-over, all Earles, Barvones, Knights, vassalles, life-enters, Freeholders, and all quha hes landes *Nomine eleemosyne*, suld be quite and free, fra paynente of Toll and cutoffme within Burgh; in buying meate and Claidis, and uther necessair thinges to their awn proper use. Bot gif ony of them be common merchandes, they suld paye tholl and cutoffme: Albeit they have alsgreat libertie, as Barvones. *De Judic. cap. 3. Leg. Forest. cap. Comites. 13.* And in the auld Briton Lawes of King *Edwarde*, It is written, *Tholl, quod nos dicimus Tholomum, est quoddam infodatum, liberat libertatem emendi & vendendi in terra sua.*

TORRALIUM, Thorallium, da torrendo, is called ane Kill, quhair cornes ar dried. *Leg. Burg. c. Si quis. 53.* De combustionis domus aus torralis, of the burning of the houfe or Kill. Gif ane ferving burne rakleffe thy houfe, Kill; or neicht-boures houffes adjacent: He suld not be punished, bot tinis his service: Bot gif ony man his ane Kill, and it burne, he fall paye bot the hire. Bot gif he borrowis it, and it burne, he fall paye the value of it, to the partie skathed. *vide* *Iam. 1. Partia 4. Cap. 71. Cum seqq.*

TORT,

The Soyntour unclawis the absenti.

Falsing of doomes.

Socomanus

Socage.

Domaniun.

Curia de Them, id est, seu servus.

Aut chartis ementibus an reverfion, and herling mny.

TORT, Et non reason, un-reason, wrang, and unlaw. Stat. 2. Rob. Pr. c. Item quod nulla. 17. Tort in the French tongue, is wrang or iniurie: Unlaw commisso in, Privativa particula apud nos & Germanos, eodem modo quo in, apud Latinos, and law, or lauch, id est lex: Quassine lege, vel contra legem, vel quod non iure fit. Ins Normand. Lib. 1. 2. cap. 1. Actiones of wrang and unlaw, appears to be civill actions, and ar opposed to Actiones criminal, touching life and lim. Stat. Alex. cap. Si quis 9. Cum seqq. Leg. Mal. Mak. c. 4.

TOSCHEDERACHE, an office or jurisdiction, not unlike to a Bailliere, specialle in the Isles and Hielandes. For 9. Mart. 1554. Neill Mack-neill, disiponed and annaled to James Mack-Ouelli, the Lands of Gya, and uteris with the Toschodarach of Kintyre. Some allegais to be ane office pertaining to execution of summondns. Lib. 1. cum autem 8. Quon. attach. c. Si aliquis 49. Silkas ane quaha summondns, attachis, or areitits ane uthir, to compeir before any judge. Stat. Davo: c. 6. Uthers understands the fame to be ane Crowncr. Lib. 4. c. Rapuis 9. Last, summe understands it to be ane searchowr, and taker of thieves, and limmers: For King Ewevus id stature, that in findrie Schireffdoms, there suld be findrie searchowrs of thieves, reivers, & of them that lyes in wait in the hie-dreets, and common passages. Hebor Noctius, Lib. 2. Lib. 10. Aberyans (inquiri) Pccus, auti Dominum iudgatorum (Tochederach quibus appellat) In Sacerdoti reddio: quod si iudicium apud te venimus, futi reus ego: In the Civill Law they are called, Latronculatores. Leg. Xolenus. 61: ff. de Iudic.

TIMBRIA Pellium, leg: Burgi: cap: Capitulum. 158. Ane Thimber of skinnes: That is, swa mony as is included within twa broddes of Timmer, quhilk commonlie contains fourtie skinnes: In the quhilk maner, merchands usik to bring hame Martirk, Sable, and uthir coathie skinnes and furrings.

TIMBRELLUS, Dicitur parvus Cens, ane little Quhaill. Le. Forest. c. Si quis cetum. 17. de Iudic. c. 27.

TINNELLS, De Iudic. c. 27: Leg: Forest. c. Si quis Cetum. 17. The sea-marke, uthir-waies in English Tyde-mouth. That is, the farrest parte, quhair the sea tyde flows. Litus quo scilicet fluxus hybernus maris maximus excurrit, hoc est, quantumvis mare aliquo tempore plus extenditur in hyeme vel aestate, tantum est litus ejus. s. Flumina. Et ibi Gl: Insit. de rer. divis.

TRAITIS, Jam: 3: par: 141: c. 99. Signifies ane roll, or Catalogue, containand the particular ditray, taken up upon maletactories, quhilk with the portuous is delivered be the justice Clerke, to the Crowner, to the effect the perones, quhais names are contained in the portuous, may be attachd, conforme to the ditray, contained in the traistis. For like as the portuous comprehends the names of the perones indited; swa the traistis contains the kindes of ditray, given up upon them, quhilk is swa called, because it is committed to the traist, faith, and credite of the Clerkes and Crowner; quha gif they be trueite, and faithfull, suld nocht reveale, delecte, change, or alter the famin. Jam. 2. p. 6. c. 28.

TRIBULA, Leb. Burg. cap. Si homo 16. Ane Flaile quhair-with corn is threshen, Atrendo, quod frumentum terat. Like as Tribulus is called ane thriffell, and Tribulum ane Pestell, quhair-with spices, or any uthir thing isbrayed in ane mortar: Barbard magis quam Latine, secundum aristum versusum dicitur in scholis decautatum: Tribulus threbill, la flauill, tum quoque pestell.

TUERNAY, Quid sit, valde ambigo, & hoc aliorum avidis expecto iudicium. In the Burrow lawes. Cap. Quilibet. 34. Si usor alienus fuit calumniata de aliquo, in placitis Burgonum utitur Tuernay: That is, asin the auld English buk, the husband may noe richt for his wife, in courtes of Burgh. Et de iudic. cap. cum quando. 28. Si quis fuerit implicatus coram iustitiano domini regis, vel alio ballivo, si dominus ejus, vel ejus ballivus venerit & allegaverit pro ipso in debita hora, potest recuperare actionem damni sui. Et si per negligentiam suam responderit & dixerit tuernay de omnibus sibi oppositis placet respondebit, & sic amittit curiam domini sui. In quibusdam libris legitur Twentynay. Itaque conficio esse antiqum verbum Forense, quo vens utens, intelligitur approbasse iudicem, adeo ut eum postea declinare non possit.

VADIM, Vadimonium, from ane aild word voddum, used in the Britton Lawes: In Latine, Pignus, in French, Gage, quhilk we call ane wedde. Immobile vadim, significs immobile gables guds, sik as landes annaied and wadset under reversion: The profites quhairof, computantur in sortem, That is, ar compted and reckoned within the stok. Swa that the famin being payed in lik quantitie as extendis, and is equivalent to the quantite of the stocke, and principall summe: Thereby the principall summe, is esteemd, as compted and payed, quhilk is called MORTUUM vadim. Bot now the contrair is maist commonlie used in the practique of wadsettes and alienation of landes under reversion. And be the aulde law of this Realme, is called ocker and usurie, and zit be the famin, was permitted and tolerated. Lib. 3. c. 6. Quibidder the common forme of wad-fetting of landes now used under reversion, is leaseform or unleaseform. vid: Iasi in L. cunctos populos. C. de summa Triuitate. Et Ches: In consuetud. Burgund: Rub: s. 1. 2. In auld times, I finde that quhen landes wat wad-set, nomine pignoris, or ad immobile vadim; The profites and rentes there were given and disiponed be the annaier, to the buyer, for some certaine reasonable causes; sik as, pro consilio, vel auxilio impensio, vel impendendo quo effect, sicut as the buyer buikis the landes, ex dispo- sitione legis, swa he nicht have richt to the profites thereof. Ex pacto & conventionate hominis. vid. Reversion. vid. Starlings. vid. Mort. gage.

VADIARE duellum lib: 4: c: 22: A vadii datione: to enact battell,

as in the English lawes, be giving of pledges, bath be the performer and defendar, before the iustice and his depures. The performer is said, vadiare duellum: Quhen after leave asked and obtained from the King; hee offeris to proovien plaine field, all to be trew, quhilk he affirms, & to that effect, offeris ane wad or pledge: And the defendar is understand to vadiare duellum, quhen he deovis all quhilk is spoken be the performer, and affirms the famin to be false and untrew; and therofo offeris himselfe to fight with him; and ane wadde or pledge to that effect, de iudic. c. 61. c. 86. Molinens. fil. cur. Ter. par. 1. c. 16. Et auctor vadiatus de Corona, Appellans (inquit) defendit laicorum, solumque, & totum factum per patriam, vel per corpus suum, secundum electionem suam, pro corpore consideraverit, aut vadaaverit. Si autem elegerit se defendere per corpus suum: vadiaverit eos duellum. Et appellans dicit vadium defendendi, & appellans dicit vadium distringendi. Bot Philippus Fulcher, King of France. discharged all singular combates, and all finding of pledges there-ant. Molinens. D. par. 1. c. 10. de duello, in this realm, the appealer and defendar castis their gloves till uthir; quhilk represents the finding of the pledge.

VAGABUND, is called propterie, ane quaha hes no certaine dwelling place. Guido Papae quest. 202. Ter Gl. 1. & Barl. §. 1. Prator. ff. de danno infesto. Quhilk is verie specialle declared in the act of Parliament. la. p. 6. p. 20. Octob. c. 74.

VARDA, ane French word Garde, custodie or keeping: For we use the letter W. quhair the French men asid the letter G. As wardaine, for Gardaine, Warderob, for Garderobe: Warrenne for Garrenne. And the warde custodie, and keeping of the aire, haldand his landes be service of warde and relieve, perteinis to his immediate superior, quhilk is conforme to the Lawes of Normandic. Lib. 5. e. 10. Quhair-antens thir rules after following, suld be observed, and wortie to be noted. The warde and custodie of landes, halden be service of warde and relieve, pertein to ane aire, being Minor, and of lesse age; auctr, and suld perteine to the Over-lord and superior of the saids landes, quha within the time of of the warde, may present Ecclesiastical perones to Kirkes waikand: suld susteine hostilitie the aire; and suld nocht onelie pay the debtes, auctr, and be the defunct: Bot also ask & crave all debts auctand to the defunct, or to the aire; and perform and defende all actions competent to him: Bot he may nocht destroy nor annaie any part of the landes. Lib. 2. cap. Penam 42. c. Restituri. 44. vid. Relativum. vid. Hambert.

Touching the custodie and keeping of the person of the air of ward lands; or of any uthir landes, or quhairsumever maill or remaill, gotten or borne in lauchfull marriage; the famin perteinis to the mother, after the decease of the father, until the bairne be of the age of seven zeires complet, conforme to the common practique of this realm, and the civill law. L. 1. & Tot. Tit. ff. ubi Pupill. educar. debeat.

For be the Law of this realm, grounded upon the Climatrick zeires of Septenariis & Ternariis: That is, of seven and three zeires; there is three kindes of age. The first is of seven zeires, during the quhilk time the bairnes ar in custodie of thir parentes. The second is, of fourtreen zeires, within the quhilk it is not leaseform to marie. The third is, of twentie ane zeires; after the quhilk time, ane aire may enter to his landes, annaie and disipone the famin, as he please. And before the quhilk time na person may be indited to the iustice aier, or accused of life and lim. Leg. Forest. cap. Nota quod. 15.

The keeping of the aire, being Minor, haldand Landes of the King, pertein to him alianerle, abeit the said aire have uthir superiours of uthir warde landes, elder and prior in the King: Quia rex nullum puelle habere patrem, multo minus superiorem in suo regno. Bor gif ane aire haldis Landes, nomine Burgargii of the King; And uthir landes nomine warde & relievi; of ane uthir superior, prior, or posterior to the King; the custodie and keeping of the said aire, perteinis not to the King; bot to the said superior: Quia ratioa Burgargii Dominus Rex non preteritur alijs Dominis capitibus in custodia. Lib. 2. c. Notandum. 45.

After the overrunning of the seven zeires, and the aire beand of that age, haldand landes of warde of ane superior, and having na landes be reason of warde of the King: The superior suld be preferred, anent the keeping of the person of the aire, to the mother, gud-father, tutour, zca, to the King himselfe, and all uthir perones. The sixthenth of Julij, Ane thousand five hundredth, threitie twa zeirs. Venut. Julij. ane thousand five hundredth, threitie twa zeirs. The Abbot of Asirbrothok, contrair Marston Forbes. Twentie aite of Julij, Ane thousand, five hundredth twentie nine zeirs. James Sanielandes of Calver, contrair, Edward Simelar.

The custodie and keeping of the person of ane aire, havand landes halden of diverse superiours, be warde and relieve, perteinis to the eldest superior: to quhome the first homage was made: Or of quhome he hes the eldest and first infestment, or forme of balding. For al-be it like ane of the superiours hes the warde of the Landes halden of himselfe: Zit concerning the keeping of the person of the aire, the principall and eldest superior, is preferred to all uthers. Lib. 2. c. Restituer. 44.

The keeping of the aire lavand landes blenche, or in few-fermes, and also ward lands, perteinis to the superior, be reason of the ward, and not to the tutour, havand intromission with his blenche, or towlands. 28. Ianuar. Patrik Hephurvs contrair Elizabeth Ker.

Gif the superior, havand the richt and title to the warde and marriage of ane aire; disipons the warde to ane donatar, and the marriage to ane uthir: The donatar, to the marriage alianerle, suld be preferred in keeping of the perone of the said Minor, to the uthir donatar of the ward, and all uthers: Quia jus maritagij est personale & sequi ius personam. The keeping of the air, suld never be committed to him, quha may claime or claimis any richt of his landes and heretage: Or may immediately succede

The keeping of the estate, sold not being given to him appearing after. The end of this ward.

cede after him thereto. Lib. 2. c. hered. 37. Hac enim ratione illi posses... Be the Lawes of this realm, the aire mail, and all his lands holden ward, ar within ward and keeping of his superior, until he be of the age of xxi. zeits. And the aire mail, until he be of the age of xxi. zeits. M.p. 3. c. 5. lib. 2. c. 79. de iudic. c. 64. c. 121. Because the landes pertaining to the aire mail, ar subject to the King, or other superior be service; quihik the Minor, be reason of his les age and youth-head, cannot do. And therofore the King or superior, wataund the service, hes recouers to the land: that he may be served be the profits thereof, takin up to his awin use, or be ony person to quhome he pleasid to dispone the famin, until his vassall be of persfite age, and able to servc. And the aire mail is in the ward and keeping of his superior, until s'che be foureteen zeires of age, as said is, for suppose one woman of twelve zeits of age, be the civil Law may marie ane husband; zit be the Lawe of this realm, the may nocht marie, until she be foureteen zeires complet. At the quihik time, she may lawfully marie, with consent of her superior. Lib. 2. cap. Mulier 48. cap. in Custodia. 90. And therofore s'che being subject to her husband; It is not reason s'che suld be also subject to the ward of her superior; and consequentlie under two wardes, and twa findrie severall powers. Mair-over, s'che being married, with consent of her Over-lord; her husband may doe sik service, as suld be doe to him be the possessor of the landes: quihik is conforme to that quihik is written be Doct. Thomas Smith, of the common well of England. Lib. 3. c. 5. c. 8.

WARD Curia, quoniam attach. c. ubi aliqua to. c. in omni. 18. c. nullus 20. The interloquitor or decree of the court: Curia dictur vantage, considerare, pronunciarie, in this forme. The Court counsell'd, and advic'd, And J. N. Soyout of it, be their informations sayeth, that this Court counsell'd and I. ward, that N. is in ane default for his absence this day. The like form is usid in the daily practique, quhen the judge or clerk, be the mouth of the officiar or dempsiter decernis and adjudges ony person to be in ane ward, for absence or ony other cause, and lib. 2. c. quihik is called veredictum ossisse, in the famin place, in libro Carbreith, is called the waired, veredie, or delivrance of the assise.

Veredictum.

VARENNA, ane French word, ane Carrene, that is ane place quihik is dyked and inclosed for beastes, cunnings or others, quo. attach. Cap. 29. Mod. Ten. cur. Cap. 21. In latine Paradvsius. And the keeper of ane cunnin gar or cunnings, is called ane Carerier, infodatus in liberam varennam, is nocht melke differen from infestum, in liberam foreflam. The quihik kinde of infestment of auld is given to the Laird of Rossing his prediceffours, of the baronie of Peckland.

Paradvsius.

WARE, wair of the sea, ane word usid in findrie infestments, in latine algamaris. As in the latine proverb, abieca vitior algae. He quha is infest therewith, may stop and make impediment to all other persones, als-wel within the froud marke, as without the famin, to gather wair, for mucking and guding of their lands. Or to gather wilkes, Cockles, Lempets, Musells, fanccles, small fish, or baie, upon the sand or craiges, forehand his landes. 24. Majj. 15. 49. The town of Carrail, comar Griffell Meldrum. Utherwaies gif ony person be nocht infest with sik priviledge, he may na wais forbid, trouble or molest the King, or ony of his lieges to doe the premises: Or to winn faines, quarrell, or to exerce ony other industrie to their awin profit and commoditie, within the froud marke of the sea, qua usus maris est communis omnium. 29. Julij. 1500. The King contrar the lair of Seefeld. Ware cumnis fra ane auld French word vorech used in the lawes of Normandy. lib. c. vlt. Quihik signifies ony gudes or gear, casten out be the sea to the land, quihik properlie we call the wrak of the sea.

Varech.

VASSALLUS quasi bassallus, inferior seicis. From the French Bas. as plus Bas, in latine inferior. And the Dutch word Gefel, in latine socius. For the vassall is inferior to his maister, because he suld serve and reverence him. And zit he is in ane manner companion to him, because ilk ane of them is mutuallie obligid til others. vid. assidatior. Cuius lib. 1. de feud. writes that leudes, fideles, homines nostri, feudatarii, ministeriales, beneficiarii, beneficii, vassalli, aliud significat ane thing: And vassallus, in Latine is client. Because ilk relation is betwix dominus & vassallus, as is betwix patronus and clients. Molinens in fil. cur. p. 1. p. 66. 48. Albeit Cuiusius affirms the famin to be monie wais differant. And ane bas infestment is quhen the vassall annales his landes, halden of himselfe and his aires, quihik is ane inferior, private or subalterne infestment. In the lawes of the fewes vassallus is called fidelis, quia fidelitatem jurat, he suld swear to be faithfull and trow to his maister. Amanges vassalles, the first place of dignitie is given to them quha are Duces, Marchiones, Comes, and are called Capitanei Regni. The second is granted to barons and others of like rank and estate. And are called vassaliores maiores. The third of them, quha ar called gentillmen, or Nobles, haldand of barons, quha likewise may have under them vassalles, also gentillmen: For ane gentillman may halde of ane uther. And sik vassalles haldand in chief of barones, ar called vassaliores minores. And they quha haldis their landes of them, are called vassalli, vassalissimi seu minimi vassaliores lib. 1. de feud. Tit. de natura feudi. §. 1. Boi in the lawes of this Realme, they quha haldis of barones are called milites, and they quha haldis of them are called subvassaliores, vid. A. merciamentum, vid. Baro, & Jacob. Cuiusium. lib. 2. de feud. Tit. de nominibus vassallorum.

Vassaliores minores vassalissimi milites subvassaliores

WAIFE beaft, peysus vel animal aberrans, quihik wanders and wavers without ane knawen maister, quihik being found be onie man, within his awin boundes, he suld cause the famin to be proclaimed, diverse and findrie times upon mercat dayes, at the parochie Kirk, and within the Schireffedome: Utherwaies gif the deteinis the King, he may be accused for this therfore. And it is lesaun to the awner of the beaft, to repeat and challenge the famin within zeir and daie, quon. attach. c. efcheta. 30. vid. Tofcheaderach. In the lawes of France, it is called espave, quo signifi-

caus omne illud quod aberrat, Chefis in consuet. Burgud. Rubric, 1. §. 1. verb. Espaves. In latine res pro derelicto habita. l. j. §. 1. de iur. Efpaves. WECHTES, measures and diverse kindes therof. Vid. Serplachin. Readelikewaies asifan regis David, De ponderibus & mensuris. lib. 1. p. 4. c. 68. 69. 70. la. 1. p. 3. c. 57. §. 8. la. 6. p. 11. c. vlt. YENYSOUN, ane word used in infestmentes, a venando seu venatione, and likewise commonlie usid in the lawes of England, and signifies licence and power to hunt, take, and slay, of the Kingis venison within his Parkes, and Forrests. Quihik utherwaies is nocht lesaun, boi is sharplie punished with ane grievous fyne, or be banishment or prison. leg. forest. c. 91. quihik is conforme to the lawes of England. Anno. 9. Hen. 2. c. 10. Boi be the disposition of the Forrest lawes, it is lesaun to ane Erie, Bishop, or Barone, cummand or returne, throw the Kinges Forrest, at his command, to take ane, or twa beastes, be the sight of the forresters, gif he be present: and utherwaies he fall blow ane horne, that he appear nocht to take the famin thicfeoulle. leg. forest. 90.

Efpaves.

VERD, vert, from the latine viride: ane word usid in Charters and infestmentes, and also in the English lawes quhair it is called Greenehue, and signifies power to cut greene trees or wood. And being committed be them quha hes nocht power to doe the faine, is punished be the forresters, or vielders, quha are called Viridarii, in the Lawes of Normandy and England. Be the auld law of this Realme all forrestes commonly pertained to the King; and the right of Forrestarie, was given and disposed in their wordes, in liberam foreflam. as is exponid in the word Forefla. And ane of the priviledges or liberties, that is possess fecandi, licence to hew or cutte greene wood, was granted be the King be infestment, and disposition containd verd. Quihik libertie the King may grante within his hail forrest, or onie part therof, to onie person for fewel, or fyre, bigging, or for ony other particular use. quihik person may nocht abue the said forrest or wood, after his awin appetite and will, bot at the sight and discretion of the forrester, and other officiares; or according to the forme and manner let down, and limitate in his infestment and gif, as writis, Iohn Tappin. lib. 4. Tit. 3.

Grenehue.

Viridarii

Seccondlie, this word verd, may be taken for power and licence of pasture within the Kinges forrest, granted to him quha is infest therewith quihik in the English lawes is called, the common of herbage, and of other things in the Kinges forrest, pertaining to them quha are accustomed to have the famin. Cur. de Forest. c. 1. Mag. Cur. anno. 9. Hen. 3. c. 8. and justitium, herbage, agsilamentum & herbajium. In latine, jus pastendi pecoris, is quhair ane tenant hes right given to him of the feeding, grassing, or pasturing of his cattle within ane park or ony other ground inclosed. VEREDICTUM, ane Saxon or Dutch word, from ver, id est vir vel homo, & Gelt, pecunia fore compensatio, as vergelt furis is 30. kye, and ane quoyach. lib. 4. c. de moquoque. 17. Or 33. kye. Stat. Alex. c. de moquoque 34.

VILLENAGIUM, a villano, sklaverie or servitude. lib. 2. c. Consequenter. 13. vid. Bondagium. VISNETUM, from the French word visin, nichbour, quasi visinetum or vicinetum, from vicinus, ane quha dwellis nere unto ane uther, or in the soure halves about, from the quihik cummis the French word, usid in the English lawes vicinage, and in the lawes of this Realme, assise de vicineto, is ane assise of nichbours, or of the foure halves about, vid. assise. WHITSONDAYES fest. la. 2. p. 14. c. O. 1. Whisfondayes making. la. 2. In the famin par. c. 90. Utherwaies calld Whisfondayes styles. Quihik are certain constitutions and statutes quihikis freholders, baith spiritual and temporal, and speciallie conventes of Abbeyes, and religious places, maid betwix them & their tenentes before Whisfonday, for service to be done to them, and better labouring of their landes, and payment of their dewtie.

UNLAW, vid. Amerciammentum. vid. Tort. UNGTUM Porcorum, swines feame or feare. leg. burg. c. signis scienter 71. Ab mignendo, because it is profitable for unctioes and fencing. VOTH signifies out-lawrie, votalium. And in our auld Scottish language ane vothman, is ane out-law, or ane fugitive fra the lawes. Mair-over vouth, signifies, perfused, calling, or accusation, from vouchen, id est vocare, used in the auld French and English lawes.

WRANG & unlaw. vid. Tort. To denie wrang and unlaw, is quihill the defender denies that quihik is objected to him, or quhairfor he is accused, and zit confesses that he hes done utherwaies then he is aicht to doe, and swa hes nor done his dewty for the quihik he is reddic to make amendes and satisfie the partie offended. leg. burg. Cap. 101. WREK, of the sea, ane word specified in the lawes and findrie infestmentes, quihik signifies power, libertie, and prerogative competent to the King, or to ony person, to quhome the famin is granted be him be infestment, or ony other disposition, to intronet and uptake ilk gudes and gear, as ar schipbroken, or fallis to him be echeite of the sea. Quihik libertie is als competent and profitable to him quha is infest with wreke, as it micht be to the King himselfe gevar therof, quia vassaliferines ad dominum regem empta competens vassallo, ex donacione regis pari jure estimantur. leg. forest. c. inter antiqua. 56. And in the lawes of England quair a. 3. Bawa. 1. c. 4. concerning wrak of the schip, that ilk ship or baw, nor na thing within her, fallbe adjudged wreke, bot the gudes fallbe saved, and kepted be the s'ch of the Schireffe, coroner, or the Kinges ballie, and delivered into the hands of ilk, as are of the towne, quhair the gudes were fund, swa that gif onie crave the gudes within ane zeir and ane day, after prouffe, that they war his awin, they fallbe restored to him without delaye. And utherwaies they fall remaine to the King. And the schireffes, coroners, and ballies of the towne, intronetours therewith, fallbe answerable therfore to the Kinges officiares, and quhair wreke belongs to an-

ulter

uther then to the King, he shall have it in manner above expremed. And quha soever dois otherwise, and is attaynt, or convict thereof, he shall be imprisoned, and pay ane fine arbitral to the King, and the damage to the partie. Sikklike be the lawes of England, the King shuld have the wrek or rcheit of the sea, throwout the Realme, Whailes, and great sturgeons taken in the sea, or els quhair within the Realme. Except in certaine places priviledged be the King, anno. 17. Edward. 2. c. 11.

UTLAGIUM, *vel outlawium*, outlawrie, rebellion, disobedience to the lawes, banishment, or foresalour. Ia. 2.p. 6. c. 30. For gif the King restores *ex gratia*, an man that is outlawed, or forecalded, he thereby recovers nocht his landes, bot be the gud will of his overlord, *quia forisfactum, et outlawionem*. D. Rex damnatis *folet remittere: nec tamen aliena iura quærit nec potest infringere. lib. 2. c. forisfactum. 55. de iudicib. c. si per legem* 149.

Y

YBURPANANSECA, it appears to be like that, quhill is called the law of Birdingick, for in sum auld authentick buiks it is writen. lib. 4. c. 14. *ybur panansea. h. e De furto vituli vel arietis, vel quantum cibi quis portare patet super dorsum curia non est tenenda.* Sum affirmis in the Galcoine language, *Yana*, to signifie *stirari*, to steill, and *pasadour*, to be ane thief. & it appears well, *Secas*, signifies an feck. In latine *factus*, quhill word is commonlie used in all tunges and languages amangs all people and nations.

Z

ZARDE. Ia. 1. p. 7. c. 99. Is an kind of measure commonlie used in England nocht meikle different from our elne, ane zaird of land *virgata terre*, in the Britton lawes, is ane measure of land quhill in diverse places is diverse, sumtimes of 20 aikers, sumtimes of 24. & sumtimes of 30 aikers.

ZELDE, ane gift or donation, *vid. Herrezele*.
ZEMSEL, of ane Castell, the custodie, and keeping of ane Castell. *leg. bur. c. 3.* For zeme, in our auld language, isto observe and keepe, & quhen in time of singular bartell, they quha standes by, and behalds, ar commanded to keepe, & zeme the time of the derenzie, their weapons fra the handes of the appealar and delendour: In *lib. feud.* it is called *feodum Guardie*, for *Guardia*, in latine *custodia*, & *Guardiani custodes* to quhome Castellles and territories of landes ar committed in keeping, quhome we call wardanis, as writes, the interpreters of the lawes, and speciallie, *Zalus de feudis. par. 12. Nu. 7.* And in this Realme landes annuall-rents, or dewties, given for the keeping of Castellles, are called *castellwardis*.

FINIS.

ANE ADMONITION TO THE reader twiching the buikes contenaund the lawes of this Realme, and abbreviations used in the treatise preceding.

I Have alledged in this litle treatise, the first word with the number of the Chapour of ilk buike of the auld lawes of this Realme, written before King James the First, of gud memorie, Because there is greite diversitie anent the number of the chapours, Swa that thereby, there can be na sure or certaine allegation. Bot gif the number failzie, the 1. & capital word, will be ane sure guide & convoy to the richt place alledged.

Leg. Mal. Mack. leges. Malcolmi Mackenneth. The lawes made be King Malcolme the second of that name, verie gud and profitable, bot few in number.

Lib. 1. Lib. 2. Lib. 3. Lib. 4. The first, second, third and fourth buikes of *Regiam maiestatem*, maid be King David the first. Swa called and intituled, from the first word of the beginning thereof, to the imitation of the four buikes of the Institutions, of the civil lawes; quhill begins *Imperatorium maiestatem*.

Quo, attach. quoniam attachiamenta, swa called, fra the first word thereof,

Conteines the Barron lawes, and from the Barron court, writen in the time of the said King David the first.

Mod. ten. cur. bar. modus tenendi curias baronum, an buik written in Scottish language, quhill is not of great antiquite as may be knowne be the styll, & language thereof, and is not contained in the auld buikes maist worthie of faith and credite, alwaies it is an interpretation of the buike *quoniam attachiamenta*, maid be sum man quha has eiked & augmented findy things profitable, for understanding of the forme of proces used, in auld times.

Leg. Burg. leges Burgorum; The lawes of Burrowes, maid in the time of the said King David the first, be relation and information of certaine learned men, quhome he send to other countries to learne and reporte to him the lawes, and ordinances thereof, quhill was done be them within the space of twa zeires or thereby, as is plaine and manifest be the auld authentick buikes. And it is probable that he has used the like forme and proceeding in making and furth setting of the remanent his lawes.

Stat. Wilb. statuta Wilhelmi Regis; Statutes, and lawes, maid be King William.

Stat. Alex. statuta Alexandri, Statutes and lawes maid be King Alexander the second of that name, sonne to King William.

Stat. 1. Rob. Br. statuta prima Roberti Brusse.

Stat. 2. Rob. Br. statuta secunda Roberti Brusse. Quhill statutes and laws maid be him are co-incident, and for the maist part conteinis the like, or samin lawes.

Ass. Reg. Da. Assisa regis David: Lawes maid be King David the Brusse, called King David the Second: And in some buikes ar called, *statuta David Regis*.

Stat. Rob. 3. statuta Roberti Tertiji; Statutes maid be King Robert the Third, Father to King James the First, quhill as zic remainis in the Register of this Realme.

Leg. Forest. Leges Forestarum: The Lawes of Forrestes, quhair of the author is not knownen to mee.

Iter Camer. iter cameraris: the Chalmertain air: Quhill (as some alleagis) was written and put in forme, in the time of King James the Third: Albeit the samin Courtes, were frequent, and meikle used mony zeires before him.

De maritag. De maritagio. Ane litle treatise, written be some private man, and is na-weies authentick. It is so called, because the beginning thereof is, *De maritio*.

Stat. Gild. Statuta Gilda, Certaine ordinances and constitutions, touching Burgesles, gild-brether, maid and constitute be Robert Durhame, Maire of Berwick, *Simon Marschel* and others wif men, inhabitants of the said Burgh.

Leg. port. leger portuum, an treatise collected & written be sum particular person, quhill is nocht authentick, and conteinis ane brieve summe and abridgement of the auld lawes, and is swa called, because it conteinis the ordinances anent the customes of shippes passand furth of this Realm, or arrivand to the samin, laidned with merchandice, and the forme of customes, bath out-ward and in-ward.

De iudic. De iudicibus; Ane lang and large Rapodie, collected furth of all buikes contenaund the civil lawe of this Realme. It is nocht authentick, bot zit verie profitable for exposition of findrie places of the Principall and authentick buikes. It is swa called be reason the beginning thereof is, *De iudice eligendo*.

The Actes of Parliament of King James the first, and his successours are alleadged be the name of the King or Queene, author thereof. As Ia. for James, Mar. for Marie. p. for Parliament, and maiver be the number of the Parliament and chapour.

Decretes given be the Lorde; of the Session and Council, are alleadged be the daye, moneth, and zeire of God, in the quhill they are pronounced, and sumtime be the names of the perswex and defender.

Quhair one thing is writen in the exposition of ane worde, quhill may serve for the declaration of ane uther, for eschewing of unprofitable repetition, I remitte zow from the word to ane uther, be *vid. For unde*, and swa fee and read the exposition of the ane and the uther: for thereby ze salbe maist larglie instructed.

FINIS.

AI



